

Decision Number: 048/2024/HCDLC/538

IN THE MATTER

of sections 142, 143, 146 and 147 of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by B-O-P Brewery Limited for a Class 1 On-Site Special Licence for a one-day open air music festival named 'Juicy Fest 2025' to be held at 93 Hutt Park, Moera, Lower Hutt, known as Hutt Park.

BEFORE THE LOWER HUTT DISTRICT LICENSING COMMITTEE

Chair: Cr Simon Edwards
Members: Cr Brady Dyer
Noeline Matthews

HEARING

held at Hutt City Council Chambers, 30 Laings Road, Lower Hutt on 18 December 2024.

APPEARANCES

Applicant:

Glenn Mickle	Applicant and Co-Director of B-O-P Brewery Limited
Jessie Pabla Singh	USO Keeper Security
Ciska van Duuren	Co-Director Global Event Management Group Pty Limited (via audio visual link)
Edward Lyttle	Security Manager Bay Venues Ltd (via audio visual link)
Tim Smith	Counsel, Thorndon Chambers
Ted Greensmith-West	Counsel, Brookfields Lawyers

Reporting Agencies:

NZ Police:

Senior Sergeant Shane Bengé	
Senior Sergeant Tim McIntosh	(via audio visual link)
Sergeant Benjamin Jones	
Sergeant Will Buchanan	(via audio visual link)
Sergeant Dale Sutherland	
Constable Rebecca Laws	
Constable Clint Woledge	(via audio visual link)

Hutt City Council:

Tracy Gibson	Alcohol Team Lead, Hutt City Council
Dean Bentley	Head of Environmental Services, Hutt City Council

Medical Officer of Health:

Vateti Sopoaga

Team Lead – Tobacco, Alcohol and other Drugs

IN ATTENDANCE

Brad Cato

Chief Legal Officer, Hutt City Council

Jack Kilty

Democracy Advisor, Hutt City Council

Heather Clegg

Minute Taker, Hutt City Council

DECISION OF THE DISTRICT LICENSING COMMITTEE

Decision

- [1] The Lower Hutt District Licensing Committee (the Committee) acting pursuant to the Sale and Supply of Alcohol Act 2012 (the Act) **GRANTS** a Special Licence to B-O-P Brewery Limited for a Class 1 On-Site Special Licence for a one-day open air music festival named 'Juicy Fest 2025' to be held at 93 Hutt Park, Moera, Lower Hutt, known as Hutt Park on 10 January 2025, subject to the conditions attached to this decision.

Introduction

- [2] B-O-P Brewery Limited (the Applicant, BOP) submitted an application to the Lower Hutt District Licensing Committee on 18 October 2024 for an on-site Special Licence. The applicant is a private company which is permitted to hold a licence under section 28(1) of the Act.
- [3] The application is for a music festival known as 'Juicy Fest 2025' to be held on Saturday 10 January 2025 at Hutt Park.
- [4] The Committee members did not undertake a site visit, as they were familiar with the location and layout of the site.
- [5] Objections from the New Zealand Police (NZ Police) (13 November 2024), the Medical Officer of Health (13 November 2024) and the Alcohol Team Lead, Hutt City Council (Licensing Inspector) were lodged to the application.
- [6] Juicy Fest events have taken place since 2023 in New Zealand main centres – Auckland, Tauranga, Wellington and Christchurch. The 2024 Wellington event was held at the same Hutt Park venue as the proposed 2025 event.
- [7] Up to 9,000 patrons are expected to attend the R18 event, with the application stating the targeted age group being 30-65 year olds, and the Security Crowd Management Plan (SCMP) noting the demographic expected was 18-30 year olds.
- [8] No cross-examination was permitted at this hearing pursuant to The Sale and Supply of Alcohol (Community Participation) Amendment Act 2023.

Preliminary Matters

- [9] The Committee noted that the applicant had submitted late evidence in the late afternoon of the day prior to the hearing. Tim Smith, Counsel for the Applicant, explained that upon review of the application, he had believed Ms Ciska van Duuren played a key role within the coordinated team approach to applying for the Licence, and that her evidence provided an essential link in the applicant's response to issues that had arisen at the 2024 Wellington event.
- [10] He further explained that Ms van Duuren had not been involved in the actual application process as she was currently on maternity leave, however had been involved in the preliminary actions prior to the application being lodged.
- [11] Mr Smith apologised for the lateness in the receipt of the additional evidence, however it was unavoidable, as Ms van Duuren resided in Australia and had given birth to her child three and a half weeks ago.
- [12] The chair allowed for the reporting agencies to comment on whether this late evidence should be accepted. The NZ Police stated they had had no time to review this new evidence. The Medical Officer of Health representative concurred with the NZ Police's view, adding that it represented further additional material provided by the applicant, and would take time to review it and link it to the existing documentation already received. The Reporting Officer advised she had not read the information and agreed with the comments of the other reporting agencies.
- [13] After private deliberations, the Committee decided that as the information was from a non-expert, and that no cross examination was permitted in the Hearing, and that Ms van Duuren was able to read her statement aloud in full, it would be accepted.
- [14] With respect to other information received from the applicant out of the statutory time frame, the chair ruled that it would be accepted, as it contained details relating to the Manager's Certificates, and had been requested by the Committee. There were no objections raised by the reporting agencies.

The Applicant

The Applicant's Statements of Evidence and Oral Submissions at Hearing

- [15] Mr Smith tabled his legal submissions and took the Committee through them. He stressed that the applicant fully accepted that there were unacceptable and inappropriate aspects of the 2024 Juicy Fest event. He added that the evolving nature of the application was a result of the applicant's continued efforts to overcome issues raised by the reporting agencies, and had been ongoing throughout the year.
- [16] Mr Smith drew the Committee's attention to the debriefing notes and statements from the 2024 Hutt Park Juicy Festival, noting that the organising NZ Police Officer, Inspector Shaun Lingard generally, supported the event, noting some issues and challenges, however on the whole it was Mr Smith's opinion that Inspector Shaun

Lingard's report was positive and that a similar event was expected to be applied for, for 2025.

- [17] Mr Smith noted that Senior Sergeant Tim McIntosh held an opposing view to his counterpart, and was not in favour of the festival returning to Hutt Park.
- [18] Mr Smith drew the Committee's attention to the email tree between the applicant and their representatives, and members of the NZ Police. He stated these were positive exchanges throughout the year until the end, whereupon the NZ Police declined to comment further until after the special licence application hearing. He questioned why the change in attitude had occurred, as there had been no prior warning for it.
- [19] Mr Smith next referred to the recent Auckland District Licensing Committee's Decision¹ which had declined a similar special licence for the proposed Auckland Juicy Fest 2025 on the grounds of the unsuitability of the applicant (Mr Glenn Meikle) and that the location, layout and design of the venue created insurmountable challenges.
- [20] Mr Smith urged the Committee to look at the successful events Mr Meikle had organised over a number of years.
- [21] Mr Smith next outlined a number of changes to the proposed 2025 event, to be implemented as a result of the experiences of the 2024 event, suggestions from the debriefing of that event, and input from the reporting agencies. He summarised these changes as follows:
- Capping attendance at 9000 (down from the 12,500 or more in attendance at the 2024 event);
 - A security ratio of 1:45, including six USO Keeper managers;
 - Changing of the genre of music;
 - Removal of the VVIP area;
 - Recognition by the applicant that the event was classified as a "High Risk";
 - All ticket holders being wanded by metal detection equipment on entry;
 - Increase in the number of dedicated external security teams;
 - Redeployment of gate staff to roving response;
 - Provision of trespass notices for external security teams;
 - Alcoholic beverages to be a maximum 5% ABV;
 - No entry for patrons wearing gang insignia, or pre-loading; and
 - Monitoring of the nearby gang house.
- [22] Mr Smith briefly summarised the rest of his legal submissions, and we will not repeat those summaries here. We took the submissions as read.
- [23] Mr Meikle confirmed his statement of evidence (which was taken as read), and that he understood the event was classified as a high risk event. He detailed his experience (as listed in his statement of evidence), explaining that many of his SCMP had been developed and evolved over many years of organising music festivals. Mr Meikle

¹ [2024]ADLC 8220119111

acknowledged the issues from the 2024 event and expressed his disappointment that they had occurred. He added the application today contained measures to address all the issues to ensure they were not repeated. He also acknowledged the continued addition of new information to the application and advised that that was as a result of listening to agency concerns and the proceedings at the Auckland District Licensing Committee meeting.

- [24] Mr Meikle explained how his preferred lead security firm had not been available for the 2024 event, and that he had secured them for the 2025 event. He expressed his confidence that USO Keeper understood the requirements of them, and that the requirements of the detailed SCMP would be adhered to. He added that if the security personnel were undertaking their role correctly, there should be little need for police involvement.
- [25] In response to questions from members, Mr Meikle confirmed other venues had been scoped, however they were too small (the Sky Stadium was already booked and could not be used) or were too close to residential houses. He again repeated that the levels of intoxication and inappropriate behaviours were unacceptable at the 2024 event. He believed the many changes to the SCMP and AMP and all other measures as described in this decision would ensure that the 2025 event would be vastly different (in a positive way). He welcomed the Temporary Liquor Ban, as the event had a zero tolerance for pre-loading, and explained that security personnel would be thoroughly briefed on identifying the different stages of intoxication. He maintained that setting high standards and expectations from the outset alerted the patrons to the rules of entry and assisted in the management of crowds.
- [26] Mr Meikle advised that the process to reduce the number of drinks per patron took up to approximately twenty minutes to implement (during which time the bars would be temporarily closed), as all staff had to be advised, all signage had to be replaced, and more security staff were initially redeployed to the bar area. He confirmed that at the 2024 event, the bars had been closed at 9pm, with no reduction in the number of drinks per patron. He explained that it would be counter-intuitive to have a one drink per patron limit from the beginning of the event, as this would lead to long queues at the bar area, and disgruntled patrons from the start. He agreed to a condition of consent such that if the reporting agencies requested a reduction to one drink per patron limit during the event, he would implement that.
- [27] Mr Meikle advised that for the larger crowd at the last Lower Hutt event, 196 yellow wristbands had been issued, five patrons were admitted to the detoxification tent and ten evictions had occurred. He added there had also been one refusal and six arrests, and acknowledged that there were potentially many more unreported incidents due to unruly and disorderly crowd behaviours.
- [28] Mr Meikle provided an overview of the operations of the security team, including that 6 experience and trained USO Keeper management staff would be in attendance, along with enough contracted certified security personnel to have a ratio of 1:45. He agreed to provide a list to the Police detailing all security personnel to be employed, and

advised this was normal practice at the Tauranga event. He summarised the requirements of the SCMP and AMP.

- [29] Mr Meikle confirmed that no pass outs would be permitted, unless in a case of an emergency. He noted the medical tent was fully equipped with a range of medical apparatus, and that a medical buggy would be provided for the event in January 2025.
- [30] Mr Meikle answered a range of further questions from the committee members, covering the entry to the venue procedure, communications between all management teams (security, police, medical, overall organisers), the closure of the Junglerama complex for the duration of the event, transportation plans for after the event, and plans to liaise with neighbouring sensitive sites.
- [31] In response to a final question from members, Mr Meikle advised that if a special liquor licence was not granted, he doubted the event would take place, as he had received advice from his Health and Safety Advisor to that effect.
- [32] Mr Lyttle confirmed his evidence via audio visual link and we took it as read. He outlined his positive working relationship with Mr Meikle, highlighting the effective SCMP, AMP and other management plans that were in place for Tauranga events that Mr Meikle had been involved with. He noted that there was a gang presence at the Tauranga 2024 Juicy Fest event, and that there had been no significant issues as a result of their presence.
- [33] Mr Singh confirmed his evidence and we took it as read. He clarified that whilst there were six experienced managers from USO Keeper who would attend the 2025 event, the company handpicked sub-contracted security personnel for an event such as that proposed. He stated his six managers worked proactively with their teams, to ensure every member understood their role, and that all managers would be on the ground, moving through the crowds and constantly assessing situations. He acknowledged one of the security firms used last year would be contracted this year, however that due to his managerial practices, the teams would operate differently to those at the 2024 event, resulting in different outcomes (e.g. more positive crowd control, identification of issues before they escalated).
- [34] In response to questions from members of the committee, Mr Singh confirmed between five and six CCTV cameras would be constantly monitored throughout the event, and apologised that this detail had been left out of the SCMP in error.
- [35] Ms van Duuren confirmed her evidence via audio visual link and read her statement in full. She explained that the main differences between Australian and New Zealand crowds at Juicy Fest events, was that the Australian crowds tended to have higher female attendance figures and were in the 30-45 year age brackets, whereas New Zealand crowds tended to include more males and were in the 28-35 year age brackets. She outlined the challenge for New Zealand festivals was to have to continually work to keep male patrons engaged with the stage, and acknowledged that had not occurred very effectively at the 2024 Lower Hutt event. She did outline some strategies she had

employed to help the young DJ connect with the crowd at that event, however that overall, these hadn't been as effective as hoped. We note a change in DJ and MC personnel for the 2025 event had been initiated by Ms van Duuren.

- [36] Ms van Duuren commented that a high police presence at music festivals often created stress amongst patrons, and that it was important to strike the right balance. She acknowledged the security arrangements at the 2024 event had been inadequate in hindsight, and that the actions of one artist ("YG") had been totally unacceptable. She added that artist had been a late signing, and an error had occurred which resulted in him not signing the Juicy Clause (explained in her statement).
- [37] Ms van Duuren elaborated on the vision to change the overall "vibe" of the Juicy Fests in New Zealand, to create more of a summer party atmosphere which would appeal to a wider demographic. She understood the concerns of the NZ Police and Medical Officer of Health with regard to the calibre of the listed artists, however assured the hearing that none of the artists were aggressive, and that ad-libbing or veering from their set play lists was not acceptable and could result in the Juicy Clause being enacted. She confirmed microphones could be switched off to prevent any artist from inciting the crowd.
- [38] In response to questions from members of the committee regarding intimidation of staff, Ms van Duuren advised setting high expectations from the beginning was crucial. She added that having knowledgeable staff and competent teams would help to ensure fair and reasonable behaviours eventuated, as patrons knew the expected level of behaviour.
- [39] In his final right of reply, Mr Smith reiterated that the applicant would do everything he could to ensure the event acted in full compliance with the requirements of the Act, and strenuous efforts would be made to ensure there was no repeat of the inappropriate activities and behaviour experienced at the 2024 event.
- [40] *Committee's Overall Finding of the Applicant's evidence:*
- Credible.
 - Concerns with repeated additional information and changes to security, alcohol and medical event management plans after the initial application was received.
 - Concern with the lateness of the application relative to the date of the event.
 - Acceptance of the seriousness of failures of the previous event and of the requirement to do better in future.
 - Acceptance of possible conditions of consent.

Reporting Agencies

- [41] The application was referred to the Medical Officer of Health, the Licensing Inspector and NZ Police for comment in accordance with the Alcohol Regulatory Licensing Authority (ARLA) Practice Directions and Statement issued on 26 November 2013. Objections from the Medical Officer of Health, the Licensing Inspector and the NZ Police were received.

District Licensing Inspector

- [42] Members received a detailed written report from the Alcohol Team Lead (the reporting Licensing Inspector), which provided a good background to the application. It was taken as read.
- [43] The Licensing Inspector's report helpfully summarised the application as it stood at 5 December 2024, and concluded that they supported the NZ Police and Medical Officer of Health in opposing the application, due to:
- the fact that the applicant had initially not adequately addressed many of the concerns raised from the 2024 debrief;
 - It had taken until the Auckland District Licensing Committee hearing for the applicant to take matters seriously;
 - There were inconsistencies within both the SCMP and Alcohol Management Plan (AMP);
 - Lack of appreciation by the applicant that the event was classified as High Risk;
 - The object of the Act would not be maintained;
 - The amenity and good order of the locality would be likely to be reduced by more than a minor extent, by the effects of the issue of the licence;
 - The applicant had not demonstrated they had appropriate systems, staff and training to comply with the Act; and
 - Matters raised in the other reporting agencies reports had not been dealt with sufficiently;
 - The sections of the Act as detailed in the other reporting agencies reports.
- [44] The Licensing Inspector's report did list an extensive number of conditions, should the application be granted, but stated that unless the SCMP and AMP were *"implemented on the day, they would be ineffective and would not mitigate the very real risks associated with this event"*.²
- [45] In response to questions from members, the Licensing Inspector confirmed the event was classified as being high risk. She also confirmed that despite the evidence presented at the hearing, she remained opposed to the application, noting that the continued alterations and additions to the application created difficulties for all reporting agencies to adequately assess the application. The Licensing Inspector confirmed she believed McEwen Park to be a more suitable location, as speakers could be angled towards the coastline, there were better public transport options and large musical events had been successfully held there in the past. She did acknowledge that McEwen Park may not be able to accommodate large numbers of patrons. The Head of the Environmental Services Team confirmed that the noise limits would be the same at each of the venues.

² Licensing Inspector's report 048/S/0097/24 by Tracy Gibson, Licensing Inspector, at page 11

[46] *Committee's overall finding of the Licensing Inspector's evidence:*

- The report was useful and credible, and provided a good summary of the situation.

NZ Police

[47] Sergeant Benjamin Jones confirmed his statement of evidence (which was taken as read), stressing that the NZ Police did not believe the event could be run safely, for a number of reasons, all listed in his statement. The grounds for opposition were as follows:

- s142(1)(a) The object of the Act;
- s142(1)(e) Whether the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence;
- s142(1)(f) The days on which and the hours during which the applicant proposes to sell alcohol;
- s142(1)(g) The design and layout of the premises;
- s142(1)(h) Whether the applicant has appropriate systems, staff and training to comply with the law;
- s142(1)(l) Any matters dealt with in any report from the Police, the Medical Officer of Health or an inspector made under section 141.

[48] Sergeant Jones was critical of the constant additional information being submitted by the applicant (being proactive rather than reactive), and believed that there was very little the applicant could implement to ensure the same serious incidents would not occur again, due to the demographic attracted to the event. He noted that within hours of his statement of evidence being submitted, there was a gang related fatal shooting in Lower Hutt.

[49] Sergeant Jones commented it was a high risk event and that the NZ Police recognised the harm that alcohol could cause, believing that if alcohol was permitted at this event, the same issues as had occurred at the 2024 event would be repeated. He stated the NZ Police's skepticism that the security personnel had suitable training to be able to maintain control of the expected crowd, and that the NZ Police had not been provided with the training details of the security personnel. He questioned how security staff could issue trespass notices outside the venue (an action which was later explained to be illegal, and that only NZ Police officers could undertake that).

[50] In response to questions from members of the committee, Sergeant Jones explained that Inspector Lingard was the Area Manager, and had been stationed inside the Venue Operations Centre (VOC), with Senior Sergeant McIntosh on the ground, directing staff. He acknowledged the evidence of Ms van Duuren, however remained unconvinced that the strategies she had described would alleviate any of the concerns of the NZ Police, as the demographic attracted to the type of music on offer, mixed with the presence of alcohol, would lead to unruly and disorderly behaviours. He drew the attention of the committee to the experiences of the previous Lower Hut event.

- [51] Sergeant Jones advised that a member of the Alcohol Harm Prevention Team (AHPT) would be on site should the event proceed, and that a similar NZ Police presence was expected to be deployed. He noted that all NZ Police officers were trained in identifying intoxication and could implement alcohol harm prevention measures. He advised that the AHPT totaled four members for the entire Wellington region. He confirmed Temporary Liquor Ban was a positive step, however that it would not alleviate pre-loading, which would simply move to occur outside of the liquor banned area. He advised that the balance of Hutt Park would remain open to the public.
- [52] Sergeant Dale Sutherland confirmed his statement of evidence (which was taken as read) and advised that up to 50 NZ Police officers had been rostered to attend the 2024 event. He stated that he was part of the first shift, and had been confronted with drunk and disorderly patrons before the gates had opened. He advised this was one of the worst events he had ever attended, and that due to unsafe conditions, his team had remained together, rather than pairing off and moving through the crowd. He questioned the operation of the medical tent at the 2024 event, stating it appeared the outside access was not operational.
- [53] In response to questions from members, Sergeant Sutherland advised he attended multiple incidents during the course of his shift, and that intoxicated patrons were being permitted to enter the event.
- [54] Constable Rebecca Laws confirmed her statement of evidence (which was taken as read) and advised she had felt very unsafe whilst patrolling at the 2024 event, and was intimidated by the actions of one artist in particular (YG) and the resulting crowd behaviour. She also advised she had witnessed two of her colleagues being assaulted by patrons and confirmed that she had worked at other music festivals where the “vibe” and feel of the event had been happy and friendly. She said she had never felt so unsafe at a festival.
- [55] In response to questions from the committee, Constable Laws stated she did not believe the NZ Police had the support of the security personnel at the 2024 event. She also outlined the order of process for a NZ Police Officer, should a person be found to be consuming alcohol in the area covered by the Temporary Liquor Ban:
- Talk with the person/s;
 - Highlight it is an offence to consume alcohol in that area;
 - Ask for their details;
 - Issue them with an infringement notice;
 - Powers of arrest can be employed should the person/s fail to provide their details.
- [56] Constable Laws advised security personnel did not have the power to remove alcohol from members of the public, but did have the ability to advise people of the requirements of the Temporary Liquor Ban.
- [57] Constable Laws clearly stated that she did not believe that having fewer patrons at the 2025 event along with more security personnel, would prevent inappropriate and

unacceptable behaviours of the patrons occurring. She noted that with a high percentage of male patrons, their attention to the stage was not constant, the amount of alcohol being provided was high and the presence of rival gang members all contributed to the unsafe environment, acts of violence and other antisocial behaviours.

- [58] Constable Clint Woledge confirmed his evidence via audio visual link, and also confirmed he was one of the NZ Police Officers who had been assaulted at the 2024 event. He believed there had been a high level of intoxication from patrons before the event had begun, leading to a hostile and difficult to control environment. He advised that the NZ Police had been overwhelmed and could not respond to all incidents.
- [59] In response to questions from members, Constable Woledge advised it had appeared there were not enough security personnel. He also stated that he did not believe that having fewer patrons at the 2025 event along with more security personnel, would prevent inappropriate and unacceptable behaviours of the patrons occurring. He added that whilst potentially more incidents may be able to be dealt with if those measures were implemented, the measures would not prevent incidents from occurring.
- [60] Senior Sergeant Tim McIntosh confirmed his statement of evidence (which was taken as read) via audio visual link, explaining he was the officer in charge of direction and leadership of the staff on the ground at the Hutt Park Juicy Fest in January 2024. He explained he had attended many music festivals in the past, and that the 2024 Juicy Fest was by far the worst he had ever attended in terms of the levels of violence, chaos and intoxication. He advised of the poor levels of communication with the security personnel, with no explanations from security staff for forced evictions.
- [61] In response to question from members, Senior Sergeant McIntosh advised that Inspector Shaun Lingard was stationed inside the Venue Operations Centre (VOC) for their entire shift, and did not experience the on-the-ground events or vibes. Senior Sergeant McIntosh added that the VOC debrief reports may not have included all the disorderly behaviours witnessed and experienced by the officers on the ground, and that his evidence had been given under oath as a true recollection of the events as he experienced them. He further advised that he had halted correspondence with the applicant until after a hearing had been held, as the information being received was constantly changing making assessment from a NZ Police point of view very difficult.
- [62] Senior Sergeant McIntosh advised that whilst fewer patrons and more security personnel may help to reduce the number of incidents, he maintained complete analysis of the implications of these measures and other changes proposed by the applicant would have to be made, before a definitive answer could be given. He described the NZ Police planning for the 2025 event was including more officers arriving at 9am to patrol the Temporary Liquor Ban area.
- [63] Sergeant Will Buchanan confirmed his evidence via audio visual link, advising he had arrived to begin his shift prior to the gates opening, and that already, the situation was

difficult. He recalled the incident of a female patron collapsing at the gate, clearly intoxicated, being removed from the area by security staff, and later being identified in the VIP area, still drinking alcohol and still unable to stand unassisted. He believed the “no-pass out” policy was not being enforced. He further recalled several issues of violence and disorder, and that it was deemed unsafe for NZ Police officers to patrol in pairs, resulting in the original group of six officers being forced to remain together. He further advised of his participation in the formation of a skirmish line to deter a confrontation between rival gang members that had occurred outside the venue.

[64] It was the view of NZ Police that the granting of a Licence would not result in the reduction or the minimisation of alcohol harm and would therefore not be in keeping with the object of the Act. Sergeant Jones, therefore, requested that due to this, the application for a special licence be declined.

[65] *Committee's Overall Finding of the NZ Police Evidence:*

- The submissions were useful, compelling and credible, and at times distressing.
- Provided an accurate account of the nature of the 2024 event.

Medical Officer of Health/Te Whatu Ora

[66] Vateti Sopoaga presented her report which was taken as read, and she expressed concerns with the management of the 2024 event, and the lack of confidence that the submitted SCMP and AMP were sufficient to ensure the object of the Act would be carried out for the 2025 event. The grounds for opposition to the application were as follows:

- s142(1)(a) The object of the Act;
- s142(1)(b)(ii) Whether the applicant is engaged in, or proposes at the event to engage in the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services;
- s142(1)(c) The suitability of the applicant;
- s142(1)(e) Whether the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence;
- s142(1)(f) The days on which and the hours during which the applicant proposes to sell alcohol;
- s142(1)(g) The design and layout of the premises;
- s142(1)(h) Whether the applicant has appropriate systems, staff and training to comply with the law; and
- s142(1)(l) Any matters dealt with in any report from the Police, the Medical Officer of Health or an inspector made under section 141.

[67] Ms Sopoaga acknowledged the additional late evidence, however advised she could not comment on it as it would take time to analyse.

[68] She was critical of the lack of experienced security personnel coming from the lead security firm (six), and that personnel from the same security firm as were used in the 2024 were proposed to be contracted. She believed the capacity of the NZ Police would

again be stretched and that the submitted SCMP and AMP were generic in their nature, and had not been specifically tailored to the event.

[69] Ms Sopoaga did not believe the medical facilities as proposed would be adequate, and questioned what would happen to an intoxicated person outside the gate, who required medical attention. She believed alternative venues would be better suited to the proposed festival.

[70] In response to questions from members of the committee, Ms Sopoaga confirmed the Medical Officer of Health did not object to the 2024 event, and that the odour from the Seaview Wastewater Treatment Plant may present a health hazard for patrons. She advised she would not send a staff member to the event for safety reasons, unless they were accompanied by a NZ Police officer at all times, and that having one drink per patron from the beginning of the event would be preferred.

[71] *Committee's Overall Finding of the Medical Officer of Health*

- Informative

Legislation

Sale and Supply of Alcohol Act 2012

Section 3

[72] The general purpose of the Act is for the benefit of the community as a whole and is to put in place a new system of control over the sale and supply of alcohol.³

Section 4

[73] The object of the Act is to ensure that alcohol is sold and supplied safely and responsibly and that any harm caused by the excessive or inappropriate consumption of alcohol is minimised.⁴

Section 142

[74] Section 142 details the Criteria for Issue of Special Licences. They are as follows:

1. *In deciding whether to issue a special licence, the licensing committee concerned must have regard to the following matters:*
 - a) *The object of this Act;*
 - b) *The nature of the particular event for which the licence is sought and, in particular, -*
 - i) *Whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods;*
 - ii) *Whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services;*
 - c) *The suitability of the applicant;*
 - d) *Any relevant local alcohol policy;*

³ Sale and Supply of Alcohol Act 2012 (the Act), s 3

⁴ As above, s 4(1)

- e) *Whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of a refusal to renew the licence;*
 - f) *The days on which and the hours during which the applicant proposed to sell alcohol;*
 - g) *The design and layout of the premises concerned;*
 - h) *Whether the applicant has appropriate systems, staff and training to comply with the law;*
 - i) *Any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas;*
 - j) *Any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed;*
 - k) *The applicant's proposals relating to –*
 - i) *the sale and supply of non-alcoholic drinks and food; and*
 - ii) *the sale and supply of low-alcohol drinks; and*
 - iii) *the provision of help with or information about alternative forms of transport from the premises;*
 - l) *Any matters dealt with in any report from the Police, the Medical Officer of Health or an inspector made under section 141.*
2. *The licensing committee must not take into account any prejudicial effect that the issue of the special licence may have on the business conducted pursuant to any other licence.*

Section 143

[75] Section 143 Additional requirements for large-scale events

1. *If, in the opinion of the licensing committee concerned, an application for a special licence relates to a large-scale event, the committee may do any or all of the following:*
- (a) *require the applicant to provide the committee with a management plan describing how the applicant proposes to deal with matters such as security, monitoring, interaction with local residents, and public health concerns.*
 - (b) *require the applicant to provide the committee with a certificate by the territorial authority that the proposed use of the premises meets the requirements of the Resource Management Act 1991 and of the building code;*
 - (c) *require the applicant to liaise with the Police and the territorial authority on planning for the event.*
2. *In deciding whether to issue a special licence, the licensing committee concerned may have regard to the following matters (in addition to the matters stated in section 142(1):*
- (a) *whether, and how well, the applicant has complied with any requirements under subsection (1)(a);*
 - (b) *whether, and how well, the applicant has complied with any requirement under subsection (1)(c), and whether the Police and the territorial authority are satisfied with any liaison that has taken place.*

Section 147

[76] Section 147 Particular discretionary conditions and compulsory conditions: special licences:

1. *The licensing committee concerned may issue a special licence subject to conditions of all or any of the following kinds:*
 - (a) *conditions prescribing steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of alcohol to prohibited persons are observed:*
 - (b) *conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied:*
 - (c) *in the case of premises where (in the opinion of the committee) the principal business carried on is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered on or from the premises:*
 - (d) *conditions requiring the provision of food for consumption on the premises concerned:*
 - (e) *conditions requiring low-alcohol beverages to be available for sale and supply:*
 - (f) *conditions requiring non-alcoholic beverages to be available for sale and supply:*
 - (g) *conditions requiring assistance with or information about alternative forms of transport from the premises concerned to be available:*
 - (h) *conditions requiring the exclusion of the public from the premises concerned:*
 - (i) *conditions –*
 - (i) *requiring alcohol to be sold and supplied on the premises concerned only in containers of certain descriptions; or*
 - (ii) *requiring alcohol not to be sold and supplied on the premises concerned in containers of certain descriptions:*
 - (j) *conditions requiring the filing of returns relating to alcohol sold pursuant to the licence:*
 - (k) *any conditions of a kind subject to which any licence may be issued under section 110 or 116;*
 - (l) *any reasonable conditions that, in the committee's opinion, are not inconsistent with this Act.*
- (2) *The licensing committee concerned may do one of the things described in section 119(3) when issuing a special licence for any premises.*
- (3) *The licensing committee concerned must ensure that every special licence it issues is issued subject to conditions –*
 - (a) *stating the days on which and the hours during which alcohol may be sold or delivered; and*
 - (b) *stating (directly or by description) a place or places on the premises at which drinking water is to be freely available to customers while the event (or any of the events) described in it is taking place.*
- (4) *In deciding the conditions under subsection (3)(a) subject to which a licence is to be issued, the licensing committee concerned may have regard to the site of the premises in relation to neighbouring land use.*
- (5) *Subsection (1)(b) is subject to the Human Rights Act 1993.*

Case Law

[77] The following case law has been provided to the Committee to assist in considering its decision.

[78] *Medical Officer of Health and NZ Police vs Rhythm & Alps Limited*⁵

[79] *Nishchay's Enterprises Ltd*⁶

[80] *Christchurch Medical Officer of Health v J & G Vaudrey Limited*⁷

[81] *Lion Liquor Retail Ltd (2018) High Court*⁸

[45] *The statutory provisions must be applied in a way that promotes the twin statutory objects which are that the sale, supply and consumption of alcohol should be undertaken safely and responsibly and that alcohol-related harm should be minimised. The aim of minimisation requires alcohol-related harm to be reduced to the smallest amount, extent or degree.*

[46]...*There is no presumption that an application for a licence will be granted or that a licence will be renewed.*

District Licensing Committee Discussion, Findings, Decision and Reasons

[82] We have read and listened to an extensive amount of evidence placed before us, and accept the criticisms and frustrations that the reporting agencies faced due to the late filing of evidence, the repeated additional/altered information supplied by the applicant, and the necessity of the Licensing Inspector to repeatedly request additional information from the applicant.

[83] We are highly concerned at the very late filing of the original application, which has necessitated a hearing being held very close to the Christmas close down period, defined in the Act as being 20 December – 15 January. This delay, combined with the impending date of the proposed event, has left the Committee with an unreasonably short timeframe to deliberate and issue a decision.

[84] We were deeply concerned by the distressing evidence presented by NZ Police officers who had had to face very sobering incidents, and to those who were injured in the line of duty. The misogynistic behaviour and harassment of women in the audience by one of the artists at the 2024 festival were utterly reprehensible and unacceptable. Such incidents are unacceptable, and officers and members of the public should not be placed in similar situations again.

[85] We are aware of the reporting agencies' concerns that the applicant repeatedly changed the details of the application in order to "state what the Committee wanted to hear", that perhaps the applicant was slow to realise the gravity of the situation and that there

⁵ [2024] NZARLA 221-222

⁶ Nishchay's Enterprises Limited [2013] NZARLA PH 837 at [53]

⁷ Chch Medical Officer of Health v J & G Vaudrey Limited, at [54]-[56]

⁸ [2018] NZHC 1123 CIV-2017-485-506

was a real possibility a special licence may not be granted, based on the previous Juicy Fest held at Hutt Park in 2024.

- [86] ARLA has established that our role as decision makers is an evaluative one, requiring us to make a merits-based determination on the application⁹. We have carefully deliberated each relevant section of the Act, and record our findings in the following paragraphs.

Section 142 criteria

- [87] We will deal with section 142(1)(a) the object of the Act, later in this section.
- [88] With regard to s(142)(1)(b), the nature of the event is an old school RnB with rap music festival. We find that the applicant has acknowledged the demographic that will be attracted to this genre of music in New Zealand and in particular the demographic in Lower Hutt. We find that they have deliberately made a genre shift moving away from the ‘aggressive rap’ delivered by some of the artists at the 2024 Hutt Juicy Fest, in favour of RnB in order to create more of a “summer party” vibe (Ms van Duuren’s words). The organisers have also engaged the services of a DJ and an MC who have proven records in relating to the expected attendee demographic.
- [89] Ms van Duuren provided details of the “Juicy Clause” which all acts were required to sign. Whilst we believe this clause to be somewhat vague, we do believe that with its financial penalties for artists who transgress, it provides another tool in the toolbox of methods to control and manage the content from each act.
- [90] Mr Meikle provided assurances that he and the production crew were in charge of the microphones and event cameras, and could shut down any device being used to convey inappropriate content e.g. inciting misogynistic behaviour. We believe Mr Meikle recognised the mistakes made in this regard at the last Hutt Park Juicy Fest (the rapper YG not being shut down or in other ways stopped from his grossly inappropriate behaviour). We note this ability to control devices was present at all the New Zealand 2024 events, however was not utilised, with dire consequences. It appears to us that the use of this tool relied on one person’s overview and authorisation, and that when they were not there, no censorship of the acts was occurring. We were assured this is now not the case. We caution that if inappropriate behaviour from any of the acts occurs at the 2025 event, it would not be viewed in a positive light for any future licence application.
- [91] To further stress the importance of the organisers having immediate control over the content of each act, we have imposed a condition which requires a Production Manager to always be monitoring the situation on the stage with regards to both the music/speaking content, and the cameras panning both the stage and the crowd.
- [92] The Licensing Committee considered whether the applicant proposed to engage in the sale of goods other than alcohol, low-alcoholic refreshments, non-alcoholic

⁹ Chch Medical Officer of Health v J & G Vaudrey Limited, at [54]-[56]

refreshments and food. The applicant confirmed the sale of branded event merchandise at the venue, which is standard for events of this nature.

- [93] The Licensing Inspector’s report and the applicant’s evidence provided a good summary of which goods and services were proposed at Juicy Fest 2025, Hutt Park. We do not repeat them in full here, but note that we were informed that as well as alcoholic, low alcoholic and non-alcoholic refreshments and food (in the form of at least 14 food trucks offering a variety of food options), there would also be merchandise for sale. We heard from Ms van Duuren that this merchandise could be purchased by any gang members who tried to enter the event wearing clothing with gang insignia. Clothing with gang insignia would be confiscated at the gate for later collection. We believe this sets the tone for the event such that gang insignia would not be tolerated, but gang members were welcome to attend the event in mufti clothing (i.e. on the terms of the organisers). The Committee is satisfied that the sale of these goods does not pose any significant risk to the event’s compliance with the object of the Act.
- [94] We note that the event will include music and entertainment, as well as medical and security services. We are satisfied that the application has provided clear statements regarding which beverages, food goods and services would be offered at the event.
- [95] Turning to s 142(1)(c), the suitability of the applicant. The Committee were impressed with the credentials of Mr Meikle, including his longevity and experience in the organisation of music events.
- [96] In terms of suitability, case law highlights that it covers many things.
*Nishchay Enterprises Ltd*¹⁰
 [53] ...suitability is a broad concept, and the assessment of it includes the character and reputation of the Applicant, the previous operation of the premises, its proposals as to how the premise will operate, its honesty, its previous convictions and other matters. It also includes matters raised in reports... and those reports may raise issues pertaining to the object of the Act... This, whether or not the grant of the licence will result in the reduction or increase in liquor abuse is a relevant issue.
- [97] We listened to Mr Meikle’s genuine concerns and disappointments at the inappropriate activities which had occurred at the 2024 Hutt Park Juicy Fest, however do note that some of the issues had not been corrected for subsequent New Zealand Juicy Fest events this year. We acknowledge his affirmative answers with regards to questions we raised concerning possible conditions of consent, should the special license be granted.

¹⁰ Nishchay’s Enterprises Limited [2013] NZARLA PH 837 at [53]

- [98] Members acknowledge the measures Mr Meikle had put in place since the last Hutt park Juicy Fest:
- Capping the event to 9000 patrons;
 - No VVIP area. (We were informed that part of the price for the 2024 VVIP area offered provision of free alcohol to ticket-holders – a very unwise offer that we believe contributed to intoxication levels);
 - New security provider that Mr Meikle had successfully worked with before;
 - Doubling the number of security personnel, resulting in a ratio of 1:45, which would greatly assist in increasing the number of roving teams;
 - Improved Security Management Plan;
 - Classification of the event as a “High Risk” rather than “Moderate Risk”;
 - Hourly meetings between management and head of security during the entire event;
 - Improved communications during the event;
 - A more thorough awareness of the likely demographic of attendees;
 - Engagement of more appropriate DJ and MC for the event;
 - Engagement of more appropriate artists;
 - A new “Juicy Clause” included in artists’ contracts;
 - All ticket holders to be wanded upon entry and all to be fitted with a wristband;
 - Removal of these wristbands by security personnel when a patron is observed to be intoxicated, with a yellow coloured wristband replacement, meaning the patron could no longer purchase or consume alcohol;
 - Limiting the alcoholic beverages to a maximum of 5% ABV and to two per patron;
 - Agreeing to lower the number of serves per patron to one, if requested by the attending reporting agencies;
 - A commitment to visit the Bottle-O liquor store and the gang house to explain expectations during the event;
 - No gang insignia permitted, with alternative clothing able to be purchased from the merchandise stall;
 - Installation of additional water and shade stations; and
 - Size of Medical Tent increased.
- [99] We acknowledge the concerns from the reporting agencies (and indeed felt them ourselves) regarding the ever-changing information which was being added to the application. We took note that the reporting agencies were collective in their belief that the applicant was only adding information in the light of the unfavourable reports from the reporting agencies, and the decision of the Auckland District Licensing Committee to decline the application for a special licence for the 2025 Auckland Juicy Fest event.
- [100] We received helpful advice from both Mr Smith and the Licensing Inspector with regards to the timeline of the application (which occurred throughout much of this year). We noted that the correspondence exchanged showed a willingness of Mr Meikle to make changes to the event from an early point in the application process (and even prior to the application being lodged). We listened to the compelling evidence of Ms van Duuren, who also confirmed that she had identified multiple areas for

improvement immediately after the 2024 event, and had set in place several measures early in 2024, in preparation for the 2025 event.

- [101] We find that whilst there is merit in the concerns of the reporting agencies, the submitting of additional information showed a clear indication that the applicant was willing to listen and respond to all concerns raised, and to offer up ways and means to mitigate the concerns, especially with regards to clamping down on alcohol harm and public nuisance. We do note that some of the information received the day before the Hearing, and the verbal advice received at the Hearing should have occurred as a result of the findings from the 2024 event, rather than as a perceived response to the Auckland District Licensing Committee's decision, and so late in the process.
- [102] We heard from former Bay of Plenty NZ Police Officer Mr Lyttle, whose evidence served as a credible character witness for Mr Meikle.
- [103] Members were satisfied Mr Meikle had been constantly reviewing the practices of the organisation throughout 2024, and that despite the late submission of much of the new information, the evidence we heard at the Hearing was sufficient for us to rule on balance that Mr Meikle was a suitable applicant to hold a special licence. We do note, however, that an application for an event of this magnitude does require an experienced Administration Manager, and would strongly recommend that any future such applications from this company include much more information from the out-set.
- [104] Turning to s 142(1)(d), we find that the provision of a special licence for this event does not contravene the requirements of the Lower Hutt Local Alcohol Policy (LAP). Members believe the proposal is in accordance with the LAP and note no comments or objections to the contrary were received. We had been informed prior to the hearing of the recent Hutt City Council decision to implement a Temporary Liquor Ban in association with the LAP, around the Hutt Park venue for the duration of the event. At the hearing, all parties agreed this was a good action.
- [105] Turning to s142(1)(e), we heard concerns from the three reporting agencies that they believed the amenity and good order would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence. We are confident the Temporary Liquor Ban will significantly reduce the amount of "pre-loading" which could occur in the area immediately surrounding Hutt Park, and will provide an additional tool for both the organisers and the NZ Police to manage alcohol consumption in the area.
- [106] We heard from Mr Meikle that he had suggested a temporary liquor ban be put in place around the venue, as that had been identified as a tool to help in the management of alcohol consumption for any future events, in the debrief of the 2024 event. We understand that a temporary liquor ban can only be applied for by reporting agencies, and that in this case, the Licensing Inspector had made the application.
- [107] We heard from NZ Police Officers that upon arrival at the 2024 event prior to the gates opening, there were people already consuming alcohol in the Hutt Park area, and that police officers later witnessed some of these people intoxicated and inside the event.

- [108] We also read in evidence presented that a local resident had picked up litter including broken glass bottles, from the surrounding residential streets after the 2024 event.
- [109] The USO Keeper Security representative, Mr Singh advised that with the added number of security personnel on the ground, plans had been devised to initially have more roving patrols outside the venue for the 2025 event. He confirmed these personnel would chat with any persons pre-loading, advising them of the temporary liquor ban and the potential for the police to confiscate any liquor and impose a fine. Mr Meikle advised he was committed to personally meeting with the residents of the gang house located in close proximity to the venue, and also with the owner of the Bottle-O store and the service station.
- [110] Mr Meikle confirmed that the entire Junglerama venue at Hutt Park would be closed for the entire day (management would use this building as an off-site base). By closing this family friendly venue, the potential for any risk to young members of the public and families had been significantly reduced. We were informed that the Hutt City Council Parks Asset Manager had provide their written consent on behalf of the council, for the event to proceed at Hutt Park.¹¹ In addition, we note the event will occur during school holidays, resulting in the potential for organised sports occurring in the Hutt Park surrounding area to be significantly reduced, along with less traffic congestion occurring on the surrounding traffic routes. We were also informed that the applicant would undertake a letter drop to neighbouring businesses and residential properties providing details of the event, including security, traffic management, waste management, sound check times and noise management.¹²
- [111] We have imposed conditions relating to the use of plastic cups or cans only, along with the searching of all bags coming into the venue. The Alcohol Management Plan (AMP) clearly states that no glass of any kind will be admitted to the venue.
- [112] The event is also subject to the requirements of a resource consent (yet to be granted), and the lease agreement for the use of Hutt Park. Both of these are likely to contain conditions relating to the reinstatement of the grounds and surrounding areas to a clean state.
- [113] We have imposed conditions relating to ensuring the amenity and good order of the locality is maintained before, throughout and after the event. Providing these conditions are met, we find that the amenity and good order of the locality will not likely be reduced by more than a minor amount, by the effects of the issue of the special licence.
- [114] Turning to s105(1)(f), members noted that the application requested the hours of operation for the special licence to be 12.30pm to 10.30pm, however offered no objection to the Licensing Inspector's suggestion of 12.30pm to 10pm. We understand

¹¹ Licensing Inspector's report, 048/S/00097/24, pg 4

¹² Ibid, pg 6.

the last act was scheduled to finish at 10.30pm, with the food trucks required to be serving food until that time, and the gates closing at 11pm.

- [115] We find that 10pm would be a more suitable time to stop the sale of alcohol, especially given that the bars would be open from 12.30pm that afternoon. We also find that closing the bars during the last act will enable patrons to finish their drinks and make their way from the venue, with reduced potential for alcohol being consumed on their way home. We therefore find that the day on which and the hours during which the applicant proposed to sell alcohol have been clearly defined, and are included as a condition of consent.
- [116] Turning to s142(1)(g), members noted that the applicant had made improvements to the layout of the venue, including the location of the entrance and of the medical tents.
- [117] We noted that the reporting agencies believed there may be other more appropriate venues at which this event could take place. We were cognisant that the applicant had made an application for this particular venue (Hutt Park), and had based all their evidence and management plans on this. Accordingly, the reporting agencies had spent considerable resources into formulating their reports and concerns based on the Hutt Park venue. We concur with the applicant that Hutt Park is further removed from residential properties than the reporting agencies' preferred alternative venue of (McEwen Park), has easier ingress and egress points, and that experiences from the 2024 event had been used to formulate updated management plans for the 2025 event. We did note that McEwen Park was not in close proximity to a liquor store or a gang affiliated house.
- [118] The application provides details regarding how ticket holders will be given advanced information regarding transport options, parking locations, site layout, food options, zero tolerance for pre-loading ahead of the event and behaviour expectations while at the event.
- [119] We find that the design and layout of the chosen venue are suitable for the purpose of hosting a large scale, high risk event.
- [120] With regard to s142(1)(h), we note the reporting agencies concerns that the applicant did not have the appropriate systems, staff and training in place to comply with the law. Specifically, the Medical Officer of Health did not believe the submitted AMP and SCMP had been tailored to the specific problems and risks of the event and venue, being generic and not designed for a high risk event. They expressed further concern that matters arising from the debrief of the 2024 event had not been taken account of or catered to.
- [121] The NZ Police were concerned with intimidation of bar and security staff, and that the SCMP was continually changing, making assessment difficult and greatly hindering their management plans for the 2025 event. The NZ Police advised of several observed failures from the 2024 event, and doubted whether the applicant had taken those into

account when formulating the 2025 management plans, to ensure such failures were not repeated. They also expressed concern that the security staff did not communicate well with NZ Police and appeared to not be trained in defusing situations, dealing with intoxicated patrons, or generally maintaining good order.

- [122] We listened with concern to all these matters raised. We also listened to and asked multiple questions of the applicant and his associates, regarding how they envisaged the 2025 event would progress. We agree that Mr Meikle has a long and successful career in running events such as Juicy Fest, and other much larger festivals. We heard how he had secured the services of his trusted security firm, USO Keepers and that their SCMP (whilst errantly not including reference to the use of CCTV) was now far more comprehensive and included double the number of trained security personnel at a ratio said to be high even by international standards. We were informed that the security personnel were all certified with a nationally recognised certificate, and that whilst they were not specifically trained in gang confrontations, they did receive training in de-escalating potentially difficult situations.
- [123] Mr Singh advised the subcontractors employed reflected the demographic of the expected patrons, which would greatly aid in building relationships and understanding the “vibe” of the event.
- [124] We noted that the application documents included Duty Manager Certificates that were due to expire before the 2025 event. Mr Meikle (and the Licensing Inspector) confirmed all Duty Manager certificates would be current in time for the event.
- [125] We therefore find that the applicant does now have the appropriate systems, staff and training to comply with the law.
- [126] Turning to s142(1)(i), the applicant has proposed the entire licensed area be designated as Restricted (R18), and fenced with a 1.8m high temporary fence. Apart from the NZ Police and Medical Officer of Health objecting to the entire venue being used (preferring instead another venue be used), there were no objections raised to the proposed designated area of the proposed venue. We do not have any issues relating to this section and find that the areas that the applicant proposed should be designated as restricted areas are clearly defined on the plans accompanying the application, and are appropriate.
- [127] With respect to s142(1)(j), we heard how all patrons (without exception) would be scanned by wand upon entry and a wristband secured on their wrist, along with having their identification checked. We accept that the Temporary Liquor Ban around the venue would go some way to preventing pre-loading in the near vicinity of the venue. We also heard that with a doubling of security personnel, more stringent checking of all bags at the entrance would occur, and that intoxicated patrons would not be permitted entry.
- [128] We were informed that the AMP specified a detoxification tent be set up, along with a medical tent, and that at least 14 food trucks would provide food throughout the

duration of the event (with at least three being required to be operational at any one time). The venue will have water available along with other non-alcoholic beverages, and low alcoholic beverages. A limit of 5% ABV for all alcoholic beverages was set in the AMP.

- [129] The SCMP detailed the training that security personnel had to complete regarding observing for intoxication, and all bar staff held either the required Duty Manager certificates, or were certified to work in a bar serving alcohol. The queue to the bar area had been designed in a “Disney/airport” formation, allowing for roving Duty Managers to assess patrons prior to them arriving to purchase alcohol. The SCMP also detailed the process for dealing with intoxicated patrons, and for helping them obtain safe passage home. Members noted that even though the number of patrons had been reduced for this event, the number of free buses to transport patrons after the event had remained the same as last year, a system which no agencies reported any issues with.
- [130] We find that the applicant has taken numerous steps to ensure the requirements of the Act in relation to the sale and supply of alcohol to prohibited persons are complied with.
- [131] Turning to s142(k), these matters have been dealt with in the discussion for s142(1) (j) above.
- [132] Finally, members turned to s142(1)(l), the matters raised in the Reporting Agencies reports. We have primarily dealt with the concerns raised by the Licensing Inspector, the NZ Police and the Medical Officer of Health above, however add the following commentary and observations.
- [133] We find there is some merit to the allegations that the applicant was responding in a reactive way to issues raised by the reporting agencies, rather than in a proactive manner. The applicant could be seen to be belatedly heeding the warnings, and we record that the decision to grant the application was on a knife’s edge.
- [134] The Medical Officer of Health raised a concern that the duration of the event was too long (being twelve hours). We note the event is proposed to run from 12.30pm to 11pm, with the last act finishing at 10.30pm – a total event duration of ten and a half hours. We were reliably informed that many summer festivals run for at least that long, if not over several days. We find that on balance, and with adherence to the AMP and SCMP, the object of the Act can be maintained.
- [135] The NZ Police Officers’ verbal statements made at the hearing were that there would be nothing that could be done to mitigate the adverse effects of the event. We find that with the change to the music genre, the amended AMP and SCMP, the engagement of more appropriate MC and DJ and the Temporary Liquor Ban, along with all other measures proffered by the applicant and detailed in the above decision, and adherence to all the conditions of consent, the 2025 event would be able to maintain good standards of behaviour and minimise alcohol harm.

[136] With regard to s142(2), we record we did not take into account any prejudicial effect that the issue of the special licence may have on the business conducted pursuant to any other licence.

Section 143 Additional requirements for large-scale events

[137] We had regard to this section of the Act, and find that the applicant has fulfilled the requirements of s143(1)(a), as detailed throughout this decision. The SCMP, AMP and other management plans provide detailed event management details, and paragraph 110 above is also relevant. With regard to s143(1)(b), it is a condition of this consent, that the applicant complies with all requirements and conditions of the resource consent application (yet to be granted). With regard to s143(1)(c) it is a condition of this consent that the applicant meets with NZ Police prior to the event occurring. We also note that the SCMP requires regular and effective communications between NZ Police and security and management during the event.

[138] With regard to s143(2)(a), we find that the applicant has complied with the requirements under subsection (1)(a), albeit in a disjointed fashion leading up to and including the hearing (where additional information was provided). With regards to s143(2)(b), we find that initially correspondence between the applicant and the NZ Police occurred and that it was halted by the NZ Police prior to the hearing, due to their frustrations with the continually changing information being supplied by the applicant. The Licensing Inspector held similar frustrations. A condition of consent is that the communication channel with the NZ Police be re-opened as soon as possible and prior to the event occurring.

Section 147 Particular Discretionary conditions and compulsory conditions: special licences

[139] We have had regard to the nature of additional conditions we could impose on this application for a special licence, and have included a number which fall under this section of the Act.

Section 4 of the Act

[140] After considering the application and the evidence provided against the purpose and object of the Act in ss3 and 4 and the criteria for assessment contained in ss142, 143 and 146 of the Act, we grant the application for the special licence. Members find that the sale, supply and consumption of alcohol will be undertaken safely and responsibly if the licensee complies with all conditions of the special licence. Members further find that the harm caused by excessive or inappropriate consumption of alcohol should be minimised if the licensee complies with all conditions of the special licence.

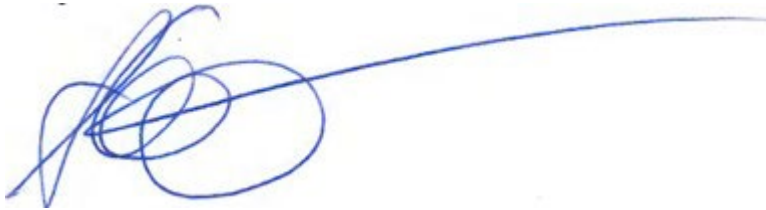
[141] We take this opportunity to state that this granting of the special licence was vigorously debated in deliberations and it should not be assumed that it was a foregone conclusion. There were many instances in our discussions where a very fine balance had to be found, between ruling in favour and ruling against.

Conclusion

[142] Having considered the application and relevant criteria under ss142, 143, 146 and 147 of the Act, and the purpose and object of the Act, on balance, the Committee are satisfied that the considerations fall to **GRANT** a Class 1 On-Site Special Licence to B-O P Brewery Limited for a one-day open air music festival named 'Juicy Fest 2025' to be held at 93 Hutt Park, Moera, Lower Hutt, known as Hutt Park, on 10 January 2025, subject to the attached conditions of consent.

Date at Lower Hutt this 20th day of December 2024

Signed

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Cr Simon Edwards
Chair, Lower Hutt District Licensing Committee

CONDITIONS OF CONSENT FOR A SPECIAL LICENCE TO B-O-P BREWERY LIMITED FOR A ONE-DAY OPEN AIR MUSIC FESTIVAL NAMED 'JUICY FEST 2025' TO BE HELD AT 93 HUTT PARK, MOERA, LOWER HUTT, KNOWN AS HUTT PARK ON 10 JANUARY 2025

1. The event will run from 12.00 noon until 11.00pm (gates open to gates closed).
2. Alcohol may be sold under the licence only on the following days and during the following hours:
Friday 10th January 2025 12.30pm until 10.00pm.
3. This licence must be displayed within the licensed area to be easily read by people in attendance.
4. Alcohol may be sold and supplied to the following types of people:
Ticket holders, only.
5. The licensee must take the following steps to ensure that the provisions of this Act relating to the sale or supply of alcohol to prohibited persons are observed:
 - i). patrons do not become intoxicated and where intoxicated persons do present themselves, they are not served further alcohol and are safely removed from the premises as soon as possible.
 - ii). statutory restrictions on the supply of alcohol to minors are observed at all times and evidence of age documents are requested where necessary;
 - ii)i. signs clearly stating the above requirements be placed at all points of sale.
6. Drinking water and cups must be freely available and actively promoted for the duration of the event.
7. At least three substantial food options must be available for consumption on the premises from 12.00 noon until 11.00pm, including at all times during which alcohol is being sold and supplied.
8. Low-alcohol beverages must be available for sale and supply on the premises from 12 noon until 11.00pm and at all times during which alcohol is being sold and supplied.
9. Non-alcoholic beverages must be available for sale and supply on the premises from 12 noon until 11.00pm and at all times during which alcohol is being sold and supplied.
10. The licensee must take the following steps to provide assistance with or information about alternative forms of transport from the premises:
 - i). egress buses to be provided to all ticket holders as per 7.12 of the Alcohol Management Plan (AMP).
 - ii). standby vehicle available to security to transport patrons' home where required.
 - iii). information on access to taxi facilities and other public transport is to be made available to people attending.
11. A Production Manager (or similarly qualified person) is to actively monitor all cameras and microphones used at the event at all times and must be the person who

is authorised to instigate immediate action to prevent disorderly behaviour (e.g. incitements toward violence or fighting, serious misogyny, police taunting or other inappropriate behaviours) if identified. Immediate actions would include (but are not limited to) shutting down microphones, turning camera attention away from hotspots and not enticing disorderly behaviour.

12. Action followed through if a breach of the Juicy Clause is found to have occurred.
13. The SCMP and AMP must be followed and must include all amendments agreed to at the District Licencing Committee Hearing of 18 December 2024, namely:
 - i) The SCMP must include details of CCTV (between five and six cameras) to be used throughout the event, such CCTV system preparations and plans to be shared with the NZ Police prior to the event with enough time for them to comment.
It is noted that whilst not enforceable, it is highly advisable that the comments from the NZ Police be accepted and taken account of.
 - ii) all CCTV to be actively monitored and managed throughout the event, and, where required, remedial actions immediately implemented through an efficient communications system.
 - iii) The applicant's security expert to provide a list of all contracted security personnel to the NZ Police, to enable checks to be undertaken.
 - iv) All security personnel to display certification.
 - v) The AMP must be signed off by NEM and a Te Whatu Ora representative prior to the commencement of the event.
 - vi) The AMP must include that a medical buggy will be available on site at all times.
 - vii) G Meikle to meet with the manager of the Bottle-O store, the Service Station and members of the gang house regarding expectations on the day of the event.
14. The applicant and Head of Security (or their representative) must meet with NZ Police officers prior to the event, and as soon as possible, to discuss the finalised SCMP and AMP. In particular, a workable communications plan between NZ Police and security personnel must be formulated.
It is noted that whilst not enforceable, it is highly advisable that the comments from the NZ Police be accepted and taken account of.
15. Security to be 1:45, COA holders and security personnel on duty at all points as per the SCMP and dot plan for the duration of the event.
16. No BYO.
17. No glass permitted in the public space of the venue and any beverages arriving at the bar in a glass vessel are to be decanted into a plastic vessel for the patrons to purchase.
18. Entry permitted by ticket holders only.
19. Maximum number of tickets available is 9,000, made up of 4,000 GA and 5,000 VIP.
20. Signage to be placed at exits stating no alcohol allowed outside of venue.
21. All conditions in resource consent RM240341 must be complied with, including the noise management plan.

22. All conditions of the lease agreement to use Hutt Park must be complied with, including returned the locality to the original clean state especially with regards to litter.
23. **The entire licensed area is designated as restricted (R18).**
24. A maximum of two alcoholic beverages per person per transaction (both drinks must be opened on purchase), and number may be reduced as per 7.9 of the AMP if deemed necessary or at the request of the attending reporting agencies.
25. Wristbands to be applied to the ticket holder's wrist on entry (colour dependant on ticket type), and replaced as needed using the traffic light system and process followed depending on colour (7.8 of the AMP).
26. No pass-outs unless exceptional circumstances apply.
27. Patrons seen pre-loading will not be permitted entry.
28. Evicted persons will not be permitted to re-enter the venue.