

8220120658

IN THE MATTER of the Sale and Supply of Alcohol Act 2012 (the Act)

AND

IN THE MATTER of an application by **St Jerome's Laneway NZ Limited** pursuant to section 138 of the Act, for an on-site special licence in respect of premises situated at 751 Great North Road, Grey Lynn, Auckland 1022 and known as Western Springs Stadium

DECISION OF THE AUCKLAND DISTRICT LICENSING COMMITTEE

Chairperson: Marguerite Delbet

Members: Lisa Whyte
John Robinson

HEARING at Auckland on Monday 9 December 2024 at 9.30am

APPEARANCES

Applicant: St Jerome's Laneway NZ Limited (Laneway), represented by:

- Rowan Ashton Legal Counsel
- Alex Bradley Group Manager, Multi Events Ltd
- Jessie Parker General Manager Australia and New Zealand, Laneway
- Campbell Smith Event Producer
- Neville Carseldine Head of Event Security, Tataki Auckland Unlimited
- Andy Gollings Executive Director, Red Badge
- Emily O'Brien Safety & Risk Consultant, Australia (via AVL)

Scott Evans	Alcohol Licensing Inspector
Nathan Tanevesi	Alcohol Licensing witness
Alan Delamere	Alcohol Licensing witness
Michael O'Flannigan	Alcohol Licensing, to assist
Senior Sergeant Mark Franich	Police, Auckland Alcohol Harm Prevention Unit
Sergeant Bruce Grantham	Police witness
Sebastian Miklos	Medical Officer of Health
Nick Sykes	Medical Officer of Health witness

Introduction

- [1] **St Jerome's Laneway NZ Limited** (Laneway, the Applicant) has applied for an on-site special licence in respect of premises situated at 751 Great North Road, Grey Lynn, Auckland 1022 and known as Western Springs Stadium.
- [2] The application is for a large-scale music event, "Laneway Festival", on Thursday 6 February 2025 from 12.30pm to 10.30pm.
- [3] The Applicant wishes the event to be R16, with the bar areas designated as restricted, and the remainder of the site undesignated.
- [4] The application was not publicly notified.
- [5] The Inspector opposes the application on the following grounds:
- S. 142(1)(a) – object of the Act
 - S. 142(1)(h) – systems, staff & training.
 - S. 142(1)(i) – designated areas
 - S. 142(1)(j) – measures against the sale and supply of alcohol to prohibited persons
- [6] The Police opposes the application on the following grounds:
- S. 142(1)(a) – object of the Act
 - S. 142(1)(h) – systems, staff & training.
 - S. 142(1)(i) – designated areas
- [7] The Medical Officer of Health opposes the application on the following grounds:
- S. 142(1)(a) – object of the Act
 - S. 142(1)(b) – nature of the event
 - S. 142(1)(c) – suitability of the Applicant
 - S. 142(1)(f) – days and hours
 - S. 142(1)(g) – design and layout
 - S. 142(1)(h) – systems, staff and training
 - S. 142(1)(i) – designated areas
 - S. 142(1)(j) – measures against the sale and supply of alcohol to prohibited persons.

Relevant legal provisions

- [8] To decide on the application, we must have regard to the sections of the Act outlined below.
- [9] Section 4 – Object of the Act – states:
- (1) *The object of this Act is that–*
 - (a) *The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
 - (b) *The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*
 - (2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes–*

- (a) *Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
- (b) *Any harm to society generally or the community, directly or indirectly caused, or directly and indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

[10] Section 142 – Criteria for issue of special licences – states:

- (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; and*
 - (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:*
 - (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 the issue of the licence:*
 - (f) *the days on which and the hours during which the applicant proposes 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.*

[11] Section 143 – Additional requirements for large-scale events – states:

- (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 Natural and Built Environment Act 2023 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 requirement 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.*

Submissions and evidence

[12] All parties were affirmed or sworn in and gave evidence, except for Mr Ashton and Mr O’Flannigan who made submissions. All evidence was pre-circulated and taken as read.

Case for the Applicant

Mr Rowan Ashton, counsel for the Applicant

[13] Mr Ashton submitted that the proposal for the attendance of 16- and 17-year-olds at the 2025 Laneway Festival is the principal issue at stake in this application.

[14] At the 2024 festival 16- and 17-year-olds were admitted. However, the site was divided into restricted and unlicensed areas separated by a moated security fence. That system restricted the movement of patrons across the site.

[15] The 2025 Laneway Festival is proposed to be R16 in an undesignated site, with a multi-layered risk management approach to prevent social supply to minors and minimise alcohol-related harm, as required by the object of the Act. The approach is based on the Applicant’s experience in organising these festivals across New Zealand and Australia since 2010. It includes:

- (a) Social media communications

- (b) Gate procedures for under-18 patrons
 - (c) Dual wristbanding for under-18s
 - (d) A 1:100 Security COA Guard ratio and 13 roaming teams assessing intoxication.
- [16] Mr Ashton submitted that the 2024 festival should be evaluated on objective and reliable evidence using the available statistics.
- [17] Mr Ashton described the amendments made to the Site Plan, Alcohol Management Plan (AMP) and Security Management Plan (SMP) to address the concerns of the Inspector, the Police and the Medical Officer of Health (the Agencies). The amendments include a new site layout with more water outlets and four times more shading than in 2024.
- [18] He submitted that, while the Agencies overstated the incidence of preloading in 2024, this year's plans place a large focus on preloading, with five joint Police-security teams stationed outside the venue and pre-event communications. 13 security roving teams will be tasked with assessing intoxication.
- [19] He addressed the Agencies' criticism of Red Badge Security's performance at other events and assured the Committee that the standard of security in 2025 will be significantly improved compared to 2024.
- [20] He further submitted that the Agencies appear to be philosophically opposed to allowing 16+ attendees at this festival, rather than engaging with the Applicant's strategies to care for this cohort and provide a safe environment for their attendance.

Ms Jessie Parker and Emily O'Brien and Messrs Campbell Smith, Alex Bradley, Neville Carseldine and Andy Gollings, for the Applicant

- [21] The Applicant's representatives presented their own evidence, then answered the Committee's questions according to their area of expertise. Their evidence is summarised by theme.

Nature of the event

- [22] Laneway is a day-long festival that has been produced in Auckland since 2010 in various locations. Laneway 2025 will take place in Western Springs for the second year in a row. Designed to celebrate music, it features several international and local artists with a mix of genres, ranging from indie and pop to electronic. The lead artist for 2025 is Charli XCX. The music tends to be relaxed in the afternoon then ramps up in the evening to create a party atmosphere.
- [23] The venue capacity is 35,000 persons. To date, 25,000 tickets have been sold, including approximately 2,000 (8%) for under-18 patrons. Laneway is targeting 30,000 ticket sales and will consider selling up to 35,000 tickets to meet demand and venue capacity.
- [24] The planned event hours are as follows:

- (a) 12:30pm doors open
- (b) 1:00pm bars open
- (c) 9:30pm bars close
- (d) 10:30pm special licence finishes.

[25] While the gates will open at 12:30pm, most patrons will arrive later in the afternoon around 5pm, when the better-known artists are scheduled to perform. Data from past festivals shows that 76% of patrons are female and 60% are aged between 18 and 24 years.

2024 Laneway in Auckland

[26] Mr Campbell Smith, the event producer, said that he has over 30 years of experience in the music industry and has produced more than 150 outdoor festivals and concerts across New Zealand.

[27] He addressed claims from the Inspector's post-event report that the festival resulted in significant alcohol-related harm, which he contested based on the following data: out of 19,746 attendees, St John reported 354 incidents (only 11 due to intoxication, three of which were drug-related), there were zero arrests, and 38 evictions for intoxication, indicating low levels of harm.

[28] Mr Smith produced an email from Mrs Goodall confirming that last year St John had planned for 350 patients requiring care, and that the final number of 354 was consistent with their expectations and comparable to other large festivals.

[29] Positive outcomes from 2024 included smooth entry and exit processes, professional bar management, and effective measures to prevent underage alcohol access. Security and crowd control were deemed successful, with minimal incidents and no evidence of social supply to underage patrons.

[30] Areas for improvement included addressing preloading outside the venue, enhancing shade and water availability for hot weather, and improving stage layout to avoid crowd pressure. These lessons informed planning of the 2025 event.

[31] He noted there were challenges with alcohol leaving restricted areas, which, while not leading to underage consumption, indicated a need for stricter zone controls. This is why Laneway 2025 is proposed to be an R16 undesignated event. A non-designated site with better resource allocation will provide a safer experience.

[32] Mr Smith acknowledged that security teams must adhere more closely to approved plans.

[33] He said that relationships between the event stakeholders and Agencies need to be constructive and respectful. He also commented on the Agencies' reports, either mitigating or rebutting their observations and comparisons with other festivals or events.

- [34] He said that at the 2024 festival, the Agencies insisted that serves per person be reduced from two to one based on patron behaviour that they had observed, but that he had not witnessed. He was frustrated by the decision and fearful that bars would be closed completely. While it took approximately an hour to implement the reduced serve decision, he advised that this should take only 30 minutes with improved communications and systems.
- [35] Mr Smith cited successful past events he produced, such as the Auckland City Limits (ACL) festivals in 2016 and 2018, as evidence that an undesignated site can work effectively. Both ACL festivals were all-ages events held at Western Springs, with longer hours and higher alcohol serve limits than Laneway Festival. Despite these factors, there was no evidence of social supply or underage access to alcohol at either of the ACL events. Mr Smith said that this success is a model for the Laneway Festival in 2025, and that he is confident that a similar approach will minimise the risk of social supply.
- [36] Mr Smith also cited the Outer Fields concert series, which used undesignated sites and was successful in preventing social supply to underage patrons. The Outer Fields events, including concerts by Post Malone and My Chemical Romance in 2023, operated with higher serve limits at the bars, yet there was no evidence of alcohol being supplied to under-18s. These experiences further reinforce Mr Smith's belief that an undesignated site with proper controls is the most effective way to manage alcohol consumption and prevent underage access to alcohol at large-scale events.
- [37] At the 2024 Laneway festival, consumption of alcohol was low and only one person under-18 was intoxicated. In comparison, the average number of serves per person at Post Malone's concert was 2.01 over 4.5 hours. The eight Outer Fields shows averaged more than 2.80 serves per person over 6.5 hours. That is 0.43 serves per person, per hour. The 2.54 serves per person at Laneway 2024 occurred over a 10-hours bar open period, equating to 0.25 serves per person per hour.

2024 Laneway in Australia

- [38] Last year's New Zealand Laneway festival was open to 16 and 17-year-olds for the first time. In Australia, Laneway Festivals have been open to 16 and 17-year-olds for over 10 years.
- [39] Ms O'Brien, Safety and Risk Consultant, Director, Elucidate, Melbourne stated that she was engaged in 2024 to provide risk and safety services for the Australian Laneway tour. Her role included post-event analysis of all incidents, including youth management and safety.
- [40] She advised that across the four festivals in Sydney, Melbourne, Brisbane and Perth, 115,000 youth attended, with five formal reports of intoxicated juveniles, none of whom had consumed alcohol on site.
- [41] She stated that the effectiveness of their youth management system was supported through several measures, including rigorous ID checks and screening procedures at entry, as well as an enhanced security presence that exceeded the required ratio.

[42] Having reviewed the AMP for the 2025 Auckland Festival, Ms. O'Brien said she is confident that, if the plan is adopted and implemented using the same methodologies as in Australia, the controls will mitigate the risk of social supply to underage patrons, effectively prevent youth alcohol procurement, and ensure patron safety.

Alcohol Management Plan and Crowd Care Plan

[43] Mr Alex Bradley, Group Manager Multi Events Limited confirmed that Laneway has contracted his employer to manage alcohol licensing and bar operations for the 2025 festival. He described the improvements made to the AMP for the 2025 festival, including:

- (a) Additional qualified duty managers and alcohol wardens
- (b) Enhanced stall training requirements
- (c) Improved under-18 identification systems
- (d) Reduced bar frontage
- (e) 177% increase in shade coverage
- (f) Extended water stations with better infrastructure
- (g) Strengthened security and crowd care protocols
- (h) Reduced bar operating hours by one hour compared to 2024.

[44] There will be four main bars, four alcohol-sponsored bars, and two bars in the VIP and PIP areas. Patrons will be admitted into the bar areas based on their wrist band. Under-18 patrons will wear two wrist bands, one of which will be bright orange for ease of identification.

[45] There will be no excessive advertising of alcohol or brands, limiting exposure.

[46] Free water will be available from 39 water outlets across the site. This is a higher number than last year and aligns with the Inspector's recommendation. Soft drinks will be available at all bars, and there will be a dry bar selling non-alcoholic drinks. Soft drinks and water will also be sold from food trucks which will be accessible to minors.

[47] The Crowd Care Plan (CCP) will be delivered by the Crowd Care Company and Medical Response Industries (MRI), an event medical service provider. Mrs Goodall, who was the Senior Medical Advisor at the 2024 Festival employed by St John, is now contracted to MRI. Mr Bradley submitted that the CCP is a robust plan designed to manage both external and internal patrons' intoxication to address the Agencies' concerns.

[48] Ms Jessie Parker, General Manager for Laneway Festival Australia and New Zealand, outlined the measures to manage alcohol-related risks, including:

- (i) A robust alcohol management strategy with clear policies for underage patrons.

- (a) An extensive social media and communications plan to educate attendees about rules and safety.
- (b) Multiple channels for communicating alcohol policies, including pre-event electronic direct mail (EDM), on-site signage and digital screens.
- (c) Strong partnerships with the Drug Foundation NZ and the NZ Transport Agency, with drug testing available on-site for patrons.

[49] Patrons will receive social media messages advising they will be denied entry if they arrive at the festival intoxicated. If patrons are observed drinking outside the venue in the liquor-ban area, they will be placed in Crowd Care, assessed for intoxication and either evicted or admitted. If they are admitted, a time-stamp system on their hand will prevent them from purchasing alcohol until they are deemed safe to drink again.

Security Management

[50] Mr Andy Gollings, Executive Director of Red Badge Group, confirmed that Red Badge will provide comprehensive security services for the festival. There will be 359 security staff, including 327 COA Security Personnel and 32 Hosting Staff. This represents a ratio of one security staff per 100 patrons. A contingency ratio of 20% is planned to manage the number of staff who confirm their attendance but do not show up for work (up to 9% do so). The supervisor-to-staff ratio will be 1:20.

[51] Mr Gollings acknowledged that there were challenges at the 2024 Laneway event, particularly around the identification of COAs, the interpretation of the duties that require a crowd controller, alcohol control at checkpoints between zones, and security leadership during the Hauraki Hill bar closure.

[52] He stated that the entirely undesignated venue will enable better overall management of alcohol – rather than have security staff heavily committed to managing checkpoints between designated and undesignated zones.

[53] Bag searches will be conducted to identify prohibited items and those that could cause harm, including weapons, glass, alcohol, gang patches, and lasers. Mr Gollings also noted that the Security Team operates a radio network, coordinated through an Operations Centre. When incidents are reported, the Operations Centre can escalate them to specialist security teams, the Police, or MRI as needed.

[54] When questioned about the poor quality of security services at the 2024 Juicy Fest Festival, Mr Gollings explained that the event faced a challenging crowd demographic. Additionally, the promoter had divided security responsibilities between two different providers. This led to some staff being less visible, and to confusion about where staff needed to be and who was responsible for intervening. He noted that Laneway is not a comparable event.

[55] Regarding the “Listen In” 2024 event at Mt Smart Stadium, he said it took place on a Friday evening, using a site layout that stretched across the stadium. With a high risk of preloading, security focused heavily on pre-entry and entry screening. Gate congestion caused delays, requiring many staff to stay at entry points. Evicting

patrons was time-consuming due to the long layout, temporarily pulling staff from their posts, which may have given the impression of a low security presence, though this was not the case.

- [56] Mr Gollings explained that Red Badge changed their business model a year ago. They have since appointed a General Manager and three specialist event managers, bringing the Auckland Operations Team to a total of six specialist event managers. Additionally, they have developed a training programme with a clear pathway to management.
- [57] Red Badge have also introduced a set of key performance indicators (KPIs) and conduct performance audits to address any shortcomings through targeted training. Staff are trained in the SCAB intoxication process and receive refresher training to maintain their Certificate of Approval (COA) registration. They are also trained on the Auckland Local Alcohol Policy and will undergo ServeWise or similar industry-standard training for this event.
- [58] Mr Neville Carseldine, Head of Security at Tataki Auckland Unlimited (TAU), oversees security arrangements at Western Springs Stadium. Red Badge is TAU's contracted security provider for several venues across Auckland.
- [59] He advised that TAU and Red Badge have worked together to implement comprehensive KPIs and training programmes over the past six months, resulting in improved security performance at recent major events.
- [60] Having reviewed the 2025 SMP, he believes that Red Badge has the necessary capability to deliver the plan.

Case for the Agencies

Mr Michael O'Flannigan, for the Agencies

- [61] Mr O'Flannigan made submissions on behalf of the Agencies. He said that they opposed the 2024 Laneway Festival application due to concerns about holding a R16 event without designated drinking areas, serve limits, water, shade, and security. Despite this, the DLC granted a licence for attendees aged 16 and over but imposed strict conditions, including fenced-off licensed areas where alcohol could only be purchased and consumed by patrons of legal drinking age.
- [62] At the event, the Agencies observed breaches of these conditions, including patrons taking alcohol outside designated zones, significant preloading, intoxicated patrons, and inadequate water and shade. Consequently, Laneway received two infringements for failing to meet licence conditions: one for failing to prevent alcohol from being removed from restricted areas; and another for failing to provide adequate water as required.
- [63] Despite these failures, for the 2025 event, the Applicant proposes removing segregated drinking areas entirely, allowing alcohol consumption in the presence of unaccompanied minors.

- [64] Mr O’Flannigan submitted that the Applicant has not adequately addressed the failures of 2024. Concerns remain about the venue’s lack of shade, insufficient water, and the risks of minors being exposed to or accessing alcohol, heat, and alcohol-related harm.
- [65] The Applicant’s late changes to the festival’s plans, including a larger footprint and higher attendance, differ significantly from the original proposal, making it challenging for the Agencies to fully assess the event. The changes further undermine confidence in the Applicant’s ability to manage the event responsibly. The Agencies submitted that the application lacks credible measures for crowd management, alcohol control and patron safety, and urged the Committee to decline the licence.
- [66] If the application is approved, the Applicant should at least be subject to the same strict conditions as the previous year.

Inspectorate – Mr Scott Evans, Mr Alan Delamere and Mr Nathan Tanevesi

- [67] Mr Evans is the inspector responsible for this year’s application.
- [68] Mr Delamere was the reporting inspector responsible for Western Springs for approximately five years and has reported on more than a dozen large-scale special licence applications for the site. He is familiar with the special licence applications submitted by the Applicant last year and this year. For the 2025 event, he has attended all meetings between the Agencies, the Applicant and its delegated personnel. He and Mr Tanevesi attended and reported on the event on 6 February 2024 and appeared as witnesses.
- [69] The 2024 Laneway Festival faced significant issues that raised concerns for the inspectors. Despite the measures taken to segregate 16- and 17-year-olds, they observed repeated breaches of licence conditions and operational shortcomings.
- [70] A high level of preloading occurred outside the venue, with patrons consuming alcohol in public spaces and leaving litter scattered around areas like Great North Road, Stadium Road, and nearby reserves. Security presence in these outer areas was inadequate, failing to deter preloading or enforce the surrounding alcohol ban.
- [71] Inside the event, the inspectors witnessed patrons taking alcohol out of the designated drinking areas unimpeded by security, with some minors observed in restricted zones. The failure to control access to alcohol led to concerns about social supply to underage attendees.
- [72] Throughout the day, intoxication levels rose noticeably, yet security was often unresponsive and failed to intervene with intoxicated patrons. Inspectors noted instances where security staff walked past visibly intoxicated individuals without taking action. Additionally, signage regarding serve limits was poorly displayed, and water stations were insufficient and not properly maintained. Long queues formed at the few available stations, and many patrons struggled to locate water, exacerbating the risks of alcohol consumption in hot conditions. Inspectors also reported limited shade, leading to large numbers of patrons seeking relief in inadequate shaded areas.

[73] The inspectors highlighted significant gaps in crowd management, security enforcement, and harm mitigation, raising serious doubts about the Applicant's ability to responsibly manage an event of this nature. These failures are central to the Agencies' opposition to the 2025 application, particularly given the Applicant's proposal to remove designated drinking areas entirely. They would not oppose the event if it was R18.

New Zealand Police

[74] Police opposition was presented by Senior Sergeant Mark Franich, supported by Sergeant Bruce Grantham. Pre-circulated evidence included significant documentation in opposition, covering the Applicant's management of past events, including the 2024 event, and emphasising the inability to meaningfully compare the New Zealand event with the events held in different Australian state jurisdictions.

[75] Police rejected the Applicant's comparison of music festivals to sporting events, noting that in their experience, sporting events do not typically involve large groups of unsupervised teenagers or similar risks of alcohol-related harm. They expressed concerns about the lack of appropriate systems, staffing, and training to prevent alcohol sales and social supply to minors, stating that the event in its current proposed form cannot meet the Object of the Act.

[76] Police also disagreed with the Applicant's assessment of the 2024 event, clarifying that they remained on-site for the post-event debrief on the day. They supported the inspectors' view that the Agencies focus on identifying risks of alcohol-related harm, while the Applicant prioritises patron experience – an important distinction that likely explains differing accounts of the 2024 event.

[77] Police agreed with the other agencies that preloading was a major issue in 2024, leading to extensive litter, impacts on the surrounding community, and higher levels of intoxication than the Applicant acknowledged.

[78] Police noted improvements to the 2025 Alcohol Management Plan (AMP) and the venue design and layout, including better communication protocols, additional shade and water facilities, waste stations, a defined crowd care area at the entry, and on-site drug testing by the Drug Foundation. They agreed with the Applicant that the fencing used in 2024 to separate designated areas was ineffective, creating crowd pressure without successfully preventing alcohol leakage between zones. However, they remain opposed to including 16- and 17-year-olds in an undesignated event. They confirmed that if the event was R18, they would not oppose the application.

[79] Police raised further concerns about the security provider, Red Badge, despite their efforts to improve staff training. They cited ongoing issues with casual staffing and unreliability, which contributed to alcohol leakage from bar areas into General Admission zones in 2024. Police stressed the need for a higher ratio of security staff in people-facing roles to ensure effective enforcement.

[80] Ultimately, Police remain unconvinced that the proposed security measures are sufficient to manage minors safely in an undesignated area, explicitly stating that social supply of alcohol cannot be prevented under the current plan. They

emphasised that the event must be self-sustaining in terms of crowd management and alcohol control and operate on the assumption that Police will not be present.

- [81] Given the Applicant's proposal for looser mitigation measures compared to 2024, Police have insufficient confidence in the plan to prohibit alcohol sales to minors or eliminate social supply, and do not have the required capacity to enforce liquor bans.

Medical Officer of Health

- [82] The Medical Officer of Health (MOH) was represented by Mr Miklos and Mr Sykes. Like the Inspectorate and Police, their primary unresolved concern after hearing the Applicant's evidence remains the R16 undesignated nature of the event.
- [83] Mr Miklos and Mr Sykes described their experiences at the 2024 event, supporting the other agencies' observations about the significant preloading outside the venue throughout the event. They asserted that this preloading resulted in higher levels of intoxication than the Applicant reported. The Agency's insistence on dropping the number of serves early helped manage intoxication levels.
- [84] Mr Sykes maintained that in 2024, Crowd Care was very busy and that he saw more cases there than at the Juicy Fest Festival. Referring to St John's statistics, Mr Miklos said he saw a lot more than 11 people intoxicated.
- [85] MOH acknowledged that the reduction in licensed hours, along with the proposed increase in shade areas and water stations, and availability of on-site drug testing are improvements over the 2024 event. MOH still believe more can be done to prevent heat-related incidents with the provision of more shade options.
- [86] Despite these improvements, MOH oppose the application due to insufficient confidence in the proposed systems to mitigate risks for 16- and 17-year-olds in an undesignated setting. They agree with the Inspectorate that, if the event is approved as R16, separate areas are essential to prevent social supply of alcohol and reduce harm to minors. MOH confirmed that they would not be opposed to the application if the event was restricted to R18.

Closing Submissions

- [87] Mr Ashton recognised that the Applicant and the Agencies had different perceptions of the 2024 Festival as each party focused on different aspects of the event. For the 2025 Festival, the Applicant agrees that better collaboration with the Agencies would be helpful, ensuring that observations and responses are aligned. The AMP has been revised to reflect this. A WhatsApp group will be created for real-time communication between the licensee and Agencies. Additionally, the roaming intoxication teams, which include duty managers, will provide another level of information on intoxication levels.
- [88] Mr Ashton reiterated the small number of events noted in the 2024 St John report provided as evidence, and submitted that Mrs Goodall's email confirms that St John expected and planned for 350 incidents with an event of this size. Weight should be given to Mrs Goodall's information, which contradicts Mr Sykes' evidence and Mr O'Flannigan's concerns.

- [89] The Applicant's enhanced approach to managing preloading has been developed with Police, and Inspector Tanevesi accepted it had been effective at other events.
- [90] The Applicant accepts the condition included in the Auckland Local Alcohol Policy relating to compulsory training of security staff. Mr Gollings is in discussion with the Chief Inspector about appropriate training to meet the condition.
- [91] Mr Ashton drew comparisons with other events and submitted that the measures proposed for the 2025 Laneway Festival are designed to prevent social supply of alcohol and are greater measures than have been adopted at other undesignated festival sites.
- [92] Mr Ashton provided updated versions of the AMP, Security Plan and Site Plan and highlighted the key changes. Notably the roving response guards will be increased to 50, as per Inspector Evans' recommendation. The capacity of the event will be capped at 30,000 patrons.
- [93] Mr Ashton commented on the opposition from all Agencies to the attendance of under-18 patrons, and the Inspector and MOH's advice that they would not oppose the application if the site was split between restricted and undesignated zones.
- [94] Inspector Evans had advised the DLC that his position on a fully undesignated site, was that he would like the Applicant to successfully deliver an event on a split site, improving on the 2024 delivery and compliance, before considering a move to an undesignated site in 2025. The Applicant is open to this approach.
- [95] In conclusion, the Applicant maintains that an undesignated site is the optimal way to deliver the 2025 Laneway Festival while including patrons aged 16 and over. The proposed management measures and experience of the contractors provide reasonable assurances that this approach minimises potential harm and meets the purpose of the Act.
- [96] The DLC asked the Agencies to comment on the changes to the plans¹. Mr Evans confirmed that all changes made were appropriate. Mr Miklos noted that the changes were not significant and that no changes had been made to shade.
- [97] Senior Sergeant Franich complimented the Applicant for willingly making these changes. He noted that the Police were not allowed to use WhatsApp but that a suitable alternative could likely be found.
- [98] The Agencies welcomed the event being capped at 30,000 patrons.
- [99] The Police do not support a split designation, and the Agencies remain in agreement that the event should be R18.

¹ The Committee did not take into account any further submissions made by the Agencies in their responses.

Committee Decision and Reasons

[100] We have considered the evidence before us and the submissions made. We can only act on the information we were provided and the application of the criteria required by the Act.

[101] ARLA has established that our role as decision-makers is an evaluative one, requiring us to make a merits-based determination on the application.²

[102] The High Court and the Authority have established that the process of considering applications involves two-steps: first, evaluating the application and evidence against the criteria set out in the relevant sections of the Act; second, stepping back to consider whether granting the application is consistent with, and will achieve, the object of the Act.

[103] We address the criteria we are required to consider in that two-part process.

Section 142(1)(b) – nature of the event and other goods and services

[104] We see no issues with the Applicant seeking a licence for an event of this nature. Other goods for sale will include event and sponsor merchandise and clothing, which are compatible with a music festival. We see no issues with the application under this section of the Act.

Section 142(1)(c) – suitability of the Applicant

[105] The MOH initially opposed the Applicant's suitability, based on issues observed at last year's event. Towards the end of the hearing, Mr Miklos explained that his opposition under this section of the Act is related to the Applicant's insistence to have an R16 event in an undesignated site.

[106] Under section 143(2), the Committee may have regard as to whether the Police and the Inspectorate are satisfied with any liaison that has taken place. We heard that the engagement between the Applicant and the Agencies was positive overall, with Sergeant Franich noting a marked difference from the previous year.

[107] The Applicant has experience running events of this type. Despite shortcomings at last year's event sanctioned by two infringement notices, the Inspector and the Police do not oppose the application on the grounds of suitability.

[108] The Committee concludes that the Applicant is suitable.

Section 142(1)(d) – local alcohol policy

[109] The Committee has had regard to section 7 of the Auckland Local Alcohol Policy (LAP) which relates to special licences. We have reviewed the discretionary conditions included in the LAP and ensured that they are covered in the conditions proposed by the inspector. The inspector recommends a condition stating that the Alcohol Management Plan must be complied with, and several of the LAP conditions are covered by the obligation of the Applicant to comply with that plan.

² Christchurch Medical Officer of Health v J & G Vaudrey Limited, at [54] – [56].

Section 142(1)(e) – amenity and good order of the locality

- [110] The Agencies do not oppose the application under this criterion. However, their evidence about the 2024 event contained abundant details and photos about preloading, urination in a nearby public reserve and alcohol litter around the venue.
- [111] This evidence raises concerns that last year’s event had a major impact on the amenity and good order of the locality, even if that impact was temporary. Given the number of events happening at Western Springs this is likely to be a regular occurrence for the local community.
- [112] However, the Applicant has proposed several measures to manage preloading, including six joint security and Police teams around the venue to deter alcohol consumption in the alcohol ban area, bins, signage and pre-event communications.
- [113] Based on the Agencies’ lack of opposition and the Applicant’s proposed mitigation measures, we cautiously conclude that the 2025 event will not reduce the amenity and good order of the locality to more than a minor extent.

Section 142(1)(l) – matters raised in the Agencies’ reports

- [114] No matters were raised.

Section 142(1)(f) – days and hours

- [115] The MOH initially opposed the application against this criterion. The Applicant has reduced the hours and the MOH stated at the hearing that they are no longer opposed to the application on these grounds.
- [116] The Committee is satisfied that the proposed hours are appropriate.

Section 142(1)(g) – design and layout of the premises

- [117] Based on the 2024 event, the MOH opposed the application under this criterion given the limited amount of shade in the outfields area of the venue. MOH acknowledged the increased shade provided by the inclusion of the Lakeside area, but expressed concern that the layout may be difficult to monitor.
- [118] MOH noted that the Applicant did not add any shade to the site in its closing submissions.
- [119] The Applicant has quadrupled the surface of available shade compared to last year. Mr Smith explained that it is not usual to add shade in the stage area at concerts (presumably because of visibility).
- [120] In our view, the addition of the lakeside area is an improvement on last year's layout. It provides a “chill zone” away from the music areas with a large amount of natural shade. We are satisfied that the amount of shade should be sufficient to offer protection from the weather, and conclude that the design and layout of the site is appropriate.

Section 142(1)(h) – systems, staff and training

- [121] The Agencies oppose the application under this section of the Act, mainly because they do not trust that Red Badge has the capability to provide adequate security services that will protect minors from social supply. We concur with the Agencies, for the following reasons.
- [122] Firstly, Red Badge produced a security plan similar to the plan for the 2024 event, which they did not deliver on. Their performance in 2024 was unsatisfactory.
- [123] The Agencies reported a high level of preloading, yet there is no mention in the Applicant's evidence of people being denied entry because of intoxication. The only statistic provided is that 38 patrons were evicted, but we do not know if it was for intoxication, fence jumping or other reasons.
- [124] Alcohol passed between the restricted and undesignated areas without security intervening. When the Agencies pointed out that this was happening, Senior Sergeant Franich said that both the licensee and representatives from Red Badge denied it, even though the Agencies had photographs, videos, and personal visual sightings of it occurring.
- [125] When the Hauraki Hill bar was closed, Red Badge security guards walked off and went to buy food, while Police had to form a line outside the restricted bar area to manage angry patrons. They left Police to deal with their failure to provide adequate security.
- [126] The Agencies said they have attended other events where Red Badge's capability was lacking, including the 2024 Juicy Fest and Listen In festivals. Mr Gollings gave reasons why security was sub-optimal at these events; he said that Juicy Fest attracted a difficult crowd, and Listen In's layout was challenging. In our view, it is part of Red Badge's responsibility to provide adequate levels of security in accordance with the type of demographics and the venue layout.
- [127] Secondly, the management of serve numbers at the 2024 festival was inadequate. Serves were reluctantly reduced to one after strong insistence from the Agencies, and it took an hour to implement the change on-site.
- [128] Thirdly, preloading is the major issue to manage. It happens at all events and seems part of the New Zealand culture. It is not the Applicant's fault, however it is its responsibility to manage the alcohol-related harm it creates. It is an unfortunate consequence of organising festivals in New Zealand.
- [129] Ms O'Brien stated that the youth management system in Australia included rigorous ID checks and screening procedures at entry, along with an enhanced security presence exceeding the required ratio. The Applicant has not highlighted how the Australian entry procedures will be implemented in New Zealand, and if they are different from last year. The proposed security ratio is 1:100, as last year, and security proved inadequate.
- [130] We commend Red Badge's initiatives to increase the quality of their services. We also commend the preloading management plan that the Applicant has developed,

with communications, roaming intoxication teams and joint security and Police teams along the venue perimeter. The efforts the Applicant is making to collaborate with the Agencies are positive.

- [131] We now need to see these efforts resulting in faultless security and intoxication management at the Laneway Festival in 2025. Until then, we are not satisfied that the Applicant's proposed security staffing and systems will prevent the exposure of minors to alcohol and social supply at the event.

Section 142(1)(i)– designated areas and (j) – steps to ensure no sale and supply of alcohol to prohibited persons

- [132] All parties agree that the split designation between R18 and undesignated areas did not work well last year. It hindered the flow of people throughout the venue, was not controlled effectively, and alcohol was found in the undesignated areas.
- [133] We do not believe that the Applicant's late offer to consider such a layout so that 16- and 17-year-olds can attend the 2025 festival is the right way to go. We agree that the site should have one designation. The question is whether it can be R16, or must be R18 as the Agencies affirm.
- [134] The Applicant submits that he has successfully delivered other undesignated concerts and events, including those in Australia. St John's statistics show that intoxication levels were low.
- [135] The Agencies submit that the events are different from Laneway, were shorter, the alcohol content of the drinks on offer was lower, and festivals of this sort are always R18. In addition, the alcohol legislations in Australia are different, and in two of the four concerts minors had to be accompanied by a guardian.
- [136] Regarding St John's statistics, we agree that 11 people treated for intoxication is a low number. However, it only means that only 11 intoxicated people sought the assistance of St John. We do not know how many other people were intoxicated but did not go to Crowd Care. We suspect, based on the Agencies' reports, that there were many more intoxicated people in the crowd.
- [137] It is our role to ensure that minors are not exposed to alcohol-related harm. We cannot ignore the strong opposition of the Agencies to the event being R16.
- [138] We are also concerned that 60% of the patrons are aged between 18 and 24 years, an age group prone to preloading. This means that 18,000 young adults must also be protected from alcohol harm.
- [139] We do not know what the preloading culture is in Australia and what alcohol-related laws are in place, therefore do not believe the events there can be used as a direct comparison.
- [140] Given our concerns about security and the occurrence of preloading, in our view the event must remain R18 this year.

[141] If the Applicant manages intoxication well and the Agencies' post-event reports are positive, this should pave the way for an R16 event being unopposed by the Agencies next year.

Section 142(1)(k)– provision of food, non-and low-alcohol drinks, and information about transport options

[142] The Committee is satisfied with the proposed provision of food and beverages.

Section 142(1)(a) – The object of the Act

[143] The object of the Act implies that a person who has the privilege of holding a licence must ensure that the sale and supply of alcohol is undertaken safely and responsibly, and that the harm caused by the excessive or inappropriate consumption of alcohol is minimised.

[144] In considering the object of the Act, we must look to the definition of harm, which is “any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol”.

[145] The Committee has looked at the motivation for the application and the way the event will be run. In our opinion, the application does not meet the object of the Act if the event is open to minors.

[146] We are satisfied, however, that the Applicant's plans, if implemented properly, should minimise alcohol-related harm at an R18 event and that an R18 application can meet the object of the Act.

Conclusion

[147] We are satisfied as to the matters to which we must have regard in sections 142 and 143 of the Act, and we are satisfied that this application meets the purpose and object of the Act, but only if it is run as an R18 event. Accordingly, we **GRANT** the special licence **with the event site being designated as a restricted area**. The licence may issue immediately.

[148] The Applicant and the Agencies are directed to provide the Committee with post-event reports by 31 March 2025. These reports will inform the application for 2026, in the hope that the event will be proven safe for 16- and 17-year-olds.

Conditions

[149] The following conditions will apply to the special licence:

- (a) Drinking water is to be freely available to customers from 39 water stations across the site, including:
 - (i) A self-service water station located in the VIP area.
 - (ii) A self-service water station located in each crowd care area.
 - (iii) A self-service water station located in the safe zone.

- (iv) A self-service water station outside the main entrance.
- (b) Alcohol may be sold, supplied and consumed under the licence only on the following days and during the following hours:

Thursday 6 February 2025 1.00pm to 10.30pm.

- (c) The event must be operated in accordance with the Alcohol Management Plan (AMP) date stamped as received by Auckland Council on 12 December 2024. A copy of the plan must be available on site.
- (d) When alcohol is available for sale and supply, the following must be available:
 - (i) Food in accordance with the AMP.
 - (ii) A reasonable range of non-alcoholic drinks.
 - (iii) At least one type of low alcohol option.
- (e) A certified manager must be on duty at all times. In addition, a certified manager must be present at every point where alcohol is sold or supplied.
- (f) No intoxicated persons are allowed to enter or to remain on the site.
- (g) The following must be prominently displayed adjacent to every point where alcohol is sold or supplied:
 - (i) Signage detailing information regarding alternative forms of transport.
 - (ii) Signage detailing the statutory restrictions on the supply of alcohol to minors and intoxicated persons.
 - (iii) This special licence.
 - (iv) The number of alcohol serves in force.
- (h) The whole of the site is designated as a restricted area.
- (i) The licensed site is more precisely identified as outlined in the plan date stamped as received by Auckland Council on 17 December 2024.
- (j) The licensee must take reasonable steps to ensure that all staff, as defined under clause 1.3 of the Auckland Council Local Alcohol Policy (which includes glassies and security):
 - (i) are aware of, and comply with, the Alcohol Management Plan; and
 - (ii) have successfully completed Te Whatu Ora's online ServeWise training module (or similar training at the discretion of the Chief Inspector).
- (k) No more than two serves of alcohol per person per transaction are allowed. This limit can be further reduced by the licensee at any time.
- (l) All alcohol sale and supply must cease by 9.30pm.

[150] We refer any party who wishes to appeal this decision or part of this decision to sections 154 to 158 of the Act. We draw attention to sections 155 of the Act, which states that any appeal must be made within ten working days after the date on which notice of the decision is given to the party that wishes to appeal.

Dated at Auckland this 19th day of December 2024



MARGUERITE DELBET
Chairperson
Auckland District Licensing Committee

For: Ms Lisa Whyte
Mr John Robinson