

Decision	19/064/2023
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u> <u>IN THE MATTER</u>	of an application by Taharoa Social Sports and Welfare Club (2009) Incorporated for the renewal of a club on licence pursuant to section 127 in respect of the premises at Kiwi Street, RD 8, Taharoa and known as Taharoa Social Sports and Welfare Club

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. Taharoa Social Sports and Welfare Club (2009) Incorporated is authorised to sell and supply alcohol on the premises situated at Kiwi Street, RD 8, Taharoa and known as Taharoa Social Sports and Welfare Club for consumption on the premises to any authorised customer or visitor as described in the licence conditions.
2. The club-licence 19/CL/004/2020 is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
3. The present conditions of the licence are replaced as follows:
 - (a) Alcohol may only be sold and supplied to: ^{L}_{SEP}
 - (i) a member of the club, ^{L}_{SEP}
 - (ii) any member of any other club where this club has an arrangement for reciprocal visiting rights, ^{L}_{SEP}
 - (iii) a person who is invited and accompanied by the members listed in (i) or (ii) above.
 - (b) Alcohol may be sold only on the following days and during the following hours:
Monday to Wednesday, from 5.00pm to 11.00pm
Thursday to Friday, from 5.00pm to 1.00am the following day
Saturday, from 11.00am to 1.00am the following day
Sunday, from 11.00am to 11.00pm.
 - (a) The club must always have a secretary.

- (b) The club must inform the District Licensing Committee of the name of a new secretary within 10 working days of their appointment.
- (c) All proceeds from the sale of alcohol belong to the club.
- (d) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the District Licensing Committee on 28 August 2023 and no alcohol is to be taken out of this area.
- (e) The entire premises is undesignated (persons under 18 can be in the area).
- (f) A holder of a manager's certificate must be on duty and on the premises at all times alcohol is sold. If a duty manager is not present, then there must be no alcohol sales and a notice displayed advising the public of this fact.
- (g) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- (h) The licensee must maintain and display a Host Responsibility Policy and ensure all staff and committee members receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- (i) Alcohol must not be sold or supplied to minors or intoxicated persons. The Licensee must display appropriate signs at every point-of-sale detailing restrictions on the sale and supply of alcohol to such persons.
- (j) Drinking water must be freely available and this must be clear to customers while the premises are open for the sale and supply of alcohol.
- (k) A range of non-alcoholic and low-alcohol drinks must be available at all times when the premises is open for the sale of alcohol.
- (l) Food must be available for consumption on the premises at all times the premises is open for the sale of alcohol in accordance with the menu submitted with the application for this licence, or variations of a similar range and standard. Where catered finger foods, buffet or a la carte meals are not provided, there must be a minimum of food four choices available (excluding nuts and crisps and the like).
- (m) A telephone must be freely available for customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport, including sober driver services and the availability of a courtesy vehicle, must be displayed and promoted.
- (n) No BYO alcohol is permitted on the premises while alcohol is available for sale.
- (o) The Licensee must ensure the following are displayed;
 - i) A sign to be seen from outside the principal entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.

- ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
- iii) A sign in a prominent place identifying the duty manager [or responsible bar person].

REASONS

1. This is an application by Taharoa Social Sports and Welfare Club (2009) Incorporated for renewal of a club licence in respect of the premises situated at Kiwi Street, Taharoa. The club has a membership of 117 members and has been operating without issue at this venue for a number of years.
2. An application for the renewal of a licence must be made no later than 20 working days before the expiry of the licence. This application was filed late and Taharoa Social Sports and Welfare Club (2009) Incorporated has requested that a waiver be granted. Section 208 provides that where any person has neglected or omitted to do any act or thing in the precise manner or within the precise time prescribed by the Act, the licensing committee or chairperson, if satisfied that the neglect or omission was not wilful, may waive the same on such terms as they think equitable. Club secretary Lesley Martin has stated that the late filing was primarily due to full time work and family commitments. Additionally lack of technology and resources e.g., printing and scanning, made the application process difficult.
3. Firstly, the renewal application was filed before the expiry date of the licence therefore a waiver can be considered. Secondly, I am satisfied that a genuine mistake was made and the failure was not intentional. Thirdly, the impact of the failure is reasonably minor and will not have any impact on public participation in the process or the obligations of the reporting agencies. Therefore, a waiver is granted from the requirement to file the application more than 20 working days before the expiry of the licence and the renewal application is accepted as if it were filed on time.
4. The application was advertised, and no objections have been received from members of the public. The Liquor Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not oppose the application. Accordingly, the matter is decided on the papers (s 134).
5. The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4). In deciding whether to renew a club licence the licensing committee must have regard to sections 105 and 131 of the Act. Therefore, this committee must consider the following questions within the framework of the purpose and object of the Act:
 - a) Is the applicant suitable?
 - b) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
 - c) Is the design and layout of the premises suitable?
 - d) Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
 - e) Does the applicant have appropriate systems, staff and training to comply with the law?
 - f) Have the police, inspector and medical officer of health raised any relevant considerations?
 - g) Will the amenity and good order of the locality be increased by more than a minor extent by the effects of a refusal to renew the licence?
 - h) Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?
 - i) Does the application comply with the Waitomo District Local Alcohol Policy?

6. Section 132 provides that the licensing committee may vary or cancel any conditions applying to the licence before its renewal.

Should the licence be renewed?

7. The licensing committee is satisfied that Taharoa Social Sports and Welfare Club (2009) Incorporated is a suitable applicant to hold a club licence. The club has demonstrated compliance with the Sale and Supply of Alcohol Act 2012.
8. Taharoa Social Sports and Welfare Club (2009) Incorporated proposes to continue operating as a club with no changes to its current hours. The licensing committee is satisfied that these are appropriate hours of operation.
9. The Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.
10. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. It is formed from a small bar and kitchen area, spacious pool and seating area, outside patio and designated smoking area. There are no proposed changes. It is well appointed and able to be monitored effectively by the staff of the premises.
11. The licensing committee is satisfied that the club has an appropriate Host Responsibility Policy which demonstrates suitable measures will be undertaken in regard to responsible sale and supply of alcohol and that harm will be reduced. It is a condition of this licence that all staff employed by the club are trained in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012. This condition also now requires committee members to undertake some training. As licensees, this ensures Taharoa Social Sports and Welfare Club (2009) Incorporated committee members are aware of their responsibilities in ensuring the club complies with the responsibilities under the Sale and Supply of Alcohol Act 2012.
12. The licensing committee is satisfied that the club has sufficient Duty Managers who serve on these premises to ensure the responsible sale and supply of alcohol.
13. The licensing committee is satisfied that the renewal of the club licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no reports of any nuisance, vandalism or noise problems associated with this premises in the previous licensing period.

Conclusion

14. Therefore, the application for the renewal of the club licence is granted.

Dated at this 6th day of May 2024

Tegan McIntyre
Commissioner
Waitomo District Licensing Committee

