

Decision Number: 019/007/2015

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

AND

IN THE MATTER of an application by **Te Waitere Boating Club Incorporated** pursuant to s.100 of the Act for a **Club Licence Renewal**

BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Te Awamutu / Cambridge on the 28th day of August 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **Te Waitere Boating Club Incorporated** pursuant to section 100 of the Act for a **Club Licence Renewal**.

Reports have been received from the Police and a Licensing Inspector. The application has been publically notified in accordance with the Act.

There are no objections to this application by reporting agencies or the public in respect to this application, and it is therefore determined on the papers by the Chairperson alone in accordance with section 191(2) of the Act.

THE APPLICATION:

Application for the renewal of club licence number 019/CL/4/92 was received by the Waitomo District Licensing Committee on 10 July 2015 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was made before the expiry date, and in the correct form as detailed by section 127 of the Act, and was accompanied by the correct fee. The application includes a statement in regard to fire safety and evacuation schemes as required by section 127(e).

DECISIONS AND REASONS

The criteria to which this committee must have regard are detailed in section 105 of the Act.

"105 Criteria for issue of licences

(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

- (a) the object of this Act;*
- (b) the suitability of the applicant;*
- (c) any relevant local alcohol policy;*
- (d) the days on which and the hours during which the applicant proposes to sell alcohol;*
- (e) the design and layout of any proposed premises;*
- (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods;*


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- (g) *whether the applicant is engaged in, or proposes on the premises 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:*
- (h) *whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:*
- (i) *whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—*
 - (i) *they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
 - (ii) *it is nevertheless desirable not to issue any further licences:*
- (j) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
- (k) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.*

(2)The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence"

SUITABILITY OF THE APPLICANT

Club Secretary: Karen Scott
President: Mitch Harper

There are no suitability issues associated with the club officials.

LOCAL ALCOHOL POLICY

The provisional Local Alcohol Policy has yet to be adopted by Waitomo District Council. As an application for renewal of a club licence with hours proposed from 10.00am until 1.00am the following day it is likely to comply were the policy in force. The draft policy states:

*"No club-licence shall be issued or renewed that exceed the following:
Monday to Sunday 9:00am to 1:00am the following day (subject to section 46 of the Act)."*

DAYS AND HOURS

The applicant proposes no changes to the hours of Monday to Friday 10.00am to 12.00 midnight and Saturday, Sunday and Public Holidays 10.00am to 1.00am the following day.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at Te Waitere Road, RD 8, Te Kuiti. The premises is formed from a club room with a small bar attached and a fitted out kitchen area as illustrated in the plans provided with the original licence application. There are no proposed changes.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There are no other goods sold or services provided.

REDUCTION OF AMENITY AND GOOD ORDER

The premises are an established club, having operated at the site for a number of years and are located in a remote rural location. There are no sensitive sites within 500 metres of the premises. There are at least six residential dwellings within 50 metres. The premises is also utilised by the club for the traditional annual whaleboat rowing regatta for which a Special Licence is applied for. There have not been any issues regarding noise complaints or vandalism, attributed to the premises or from people using, or congregating around the premises.

SYSTEMS, STAFF AND TRAINING

The applicant has stated all certificated managers and committee members are kept up to date with legislative changes relating to alcohol. Committee members have also attended one of the workshops organised by the local District Health Board as part of the ongoing 'Club Champs' scheme.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 16 July 2015 presents no objections to the application.

No report has been received from the Medical Officer of Health. Section 103 (4) of the Act states: *"The licensing committee may assume that, if no report is received from the Police or Medical Officer of Health within 15 working days after sending the copy of the application to them, the Police or Medical Officer of Health does not oppose the application."*

THE PUBLIC

The application was duly advertised in accordance with the Act. No public objections were received.

CONCLUSION

Being satisfied as to the matters to which the Committee must have regard in s.105 of the Act the application is granted. ***The licence can be renewed and issued immediately for a three year period***, subject to the following conditions:

- a) Alcohol may only be sold, for consumption on the premises, to:
 - i. Any member of the club; or
 - ii. Any person who is a guest of, and is accompanied by, a member of the club; or
 - iii. Any member of any other club with which the holder of the licence has an arrangement for reciprocal visiting rights for members of the clubs.
- b) Alcohol may be sold under the licence only on the following days and during the following hours:
 - i. Monday to Friday 10.00am to 12.00 midnight
 - ii. Saturday, Sunday and Public Holidays 10.00am to 1.00am the following day
- c) Food must be available for consumption on the premises as follows:
 - i. A range of food choices must be readily available at all times that the premises are open.
 - i. Menus must be visible at the bar and food should be actively promoted. A minimum of four types of food should be available.
- d) The licensee must have available for consumption on the premises, at all times when alcohol may be sold under the licence, a reasonable range of non-alcoholic and low-alcohol beverages.
- e) Drinking water must be freely available at the following places while the premises are open for business: At the bar

- f) The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
 - i. Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons;
 - ii. Request evidence of age documents from any person appearing to be under the age of 25.
- g) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
 - i. All staff will be trained in their responsibilities under the Act;
 - ii. A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty.
- h) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- i) The licensee to have a club secretary at all times.
- j) Within 10 working days of the appointment of a new club secretary, the licensee must inform the District Licensing Committee of the name of the new secretary.
- k) All proceeds from the sale of alcohol belong to the licensee.

DATED at Te Awamutu / Cambridge this 28th day of August 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee