

Application

19/080/2024

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND
IN THE MATTER

of an application by
Waitete Rugby Football Club Incorporated
for the renewal of a club on-licence for the
premises at 55-57 Waitete Road, Te Kuiti
known as Waitete Rugby Football Club

HEARING on Tuesday 2 September 2025 at the Railway Building 3, Rora Street, Te Kuiti

WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Ms T McIntyre

Members: Mr R Murphy, Dr P Davies

APPEARANCES

Mr J Maarhius - President, Waitete Rugby Football Club Incorporated

Mr N Newstroski - President, Waitete Rugby Football Club Incorporated

Mrs Laura Peers-Adams - Secretary, Waitete Rugby Football Club Incorporated

Mr Neil Macrae – Club Manager, President, Waitete Rugby Football Club Incorporated

Ms C Eludo – Licensing Inspector (to assist)

Mr A Chand – In support of the Licensing Inspector

Senior Sergeant Hall– Police (to assist)

Mr B Wipa – Medical Officer of Health delegate (to assist)

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The club on-licence 19/CLUB/006/2021 in respect of the premises situated at 55-57 Waitete Road, Te Kuiti known as Waitete Rugby Football Club (the Club) is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The present conditions of the licence are replaced as follows:
 - (a) Alcohol may only be sold and supplied to:
 - i. a member of the club.
 - ii. any member of any other club where this club has an arrangement for reciprocal visiting rights.
 - 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:
Thursday to Sunday, from 12noon to 10.00pm
Friday and Saturday, from 12noon to 12midnight
- (c) The club must always have a secretary.
- (d) The club must inform the District Licensing Committee of the name of a new secretary within 10 working days of their appointment.
- (e) All proceeds from the sale of alcohol belong to the club.
- (f) 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 1 September 2018 and no alcohol is to be taken out of this area.
- (g) The entire premises is undesignated (persons under 18 can be in the area).
- (h) A properly appointed certificated, acting, or temporary manager must be on duty and on the premises at all times when the premises is open for the sale and supply of alcohol. If a duty manager is not onsite, alcohol must not be sold, and a notice must be displayed informing the public of this.
- (i) A manager's register (required by s.232 of the Act) is to be maintained and available on site.
- (j) 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 and in the Alcohol Management Plan (AMP).
- (k) The licensee must keep a register of all alcohol related incidents recording the date, time, incident details, and the licensee's response. This register must be readily available on site at all times.
- (l) Alcohol must not be sold or supplied to minors or to any person who is intoxicated. The Licensee must ensure that appropriate signage is displayed at every point of sale, clearly outlining these restrictions.
- (m) 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. A range of non-alcoholic and low-alcohol drinks must be available when the premises is open for the sale of alcohol.
- (n) 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, or with variations of a similar range and standard.
- (o) A telephone must be readily available for customers to arrange transport, and staff must help if required. Contact details for alternative transport options, including sober driver services and the courtesy vehicle availability, must be clearly displayed, and promoted.

- (p) No Bring Your Own (BYO) alcohol is permitted on the premises while alcohol is available for sale.
- (q) The Licensee must ensure the following are displayed
 - i. A copy of the original licence with all the conditions, displayed prominently in the premises.
 - ii. A sign in a prominent place identifying the duty manager.

REASONS

3. Waitete Rugby Football Club Incorporated has applied to renew the Club On-licence for the premises situated at 55-57 Waitete Road, Te Kuiti, and known as the Waitete Rugby Football Club.
4. The application was heard at a public hearing on 2 September 2025 due to concerns raised by Police and the Licensing Inspector regarding two incidents of drink driving involving club members within the past 2 years. Although none of the reporting agencies opposes the application, Police submit that these events cast doubt on the club's overall suitability.
5. The committee made a site visit immediately prior to the hearing on 2 September 2025.
6. After hearing from all parties, the hearing was adjourned to provide the Club with the opportunity to present the following information demonstrating that it has appropriate systems, staff, and training in place to comply with the law:
 - An up to date Manager's Register.
 - An annual Training Plan
 - A proposal for updated licensed days and hours
 - An updated (and dated) Alcohol Management Plan
 - An updated (and dated) Host Responsibility Policy.
 - A copy of the updated Membership Agreement form that communicates the code of conduct regarding alcohol consumption and the stand down policy.
 - A hire policy/agreement form outlining the key responsibilities of private users regarding alcohol management.
 - A written undertaking specifying the anticipated timeframe for installation of the CCTV cameras and the areas it will cover.
 - Feedback on the proposed wording of a new condition regarding the incident register.
7. The information in paragraph 6 was received 30 September 2025 and has been considered by the Committee.

The Sale and Supply of Alcohol Act 2012

8. 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).

9. In deciding whether to issue a licence the licensing committee must have regard to the criteria in s105 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?
10. However, having regard to these criteria is not a box ticking exercise. As Heath J explained in *Re Venus NZ Ltd*¹, the factors stand to be assessed in terms of their potential impact upon the prospective risk of alcohol-related harm. 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, we must undertake an evaluative exercise, have regard to the criteria above, and then stand back to determine whether granting the application is consistent with object of the Act.

Is Waitete Rugby Football Club Incorporated suitable? Has the club sold, displayed, advertised, or promoted alcohol in a responsible manner?

11. The object of the Act is a central consideration when assessing suitability. This includes whether the licensee will ensure alcohol is sold, supplied, and consumed safely and responsibly on the premises. Case law from the High Court and Licensing Authority confirms that "suitability" is a broad concept. Factors such as character and reputation, experience, previous operation of the premises, prior convictions, and honesty/ integrity are all relevant.² Ultimately, the key question is whether the applicant is likely to fulfil the responsibilities of holding a licence appropriately.
12. A club licence is one of four licence types that can be granted under the Act. Unlike other licence holders, a club is prohibited by section 29(1) from holding an on-licence meaning it cannot sell alcohol to members of the public – only to members, their guests,

¹ *Re Venus* [2015] NZHC 1377.

² *Nischay's Enterprises Limited* [2013] NZARLA PH 387 at [53]-[54] and *Police v Casino Bar (No 3) Ltd* [2013] NZAR 267 (HC)

and authorised visitors. In a decision on an application to suspend of a club licence and a manager's certificate³, the Licensing Authority stated that:

It seems to us that a club has more privileges under the Act than holders of other licences. ...In exchange for these privileges our expectations are that the clubs will apply the Act scrupulously.

13. The implication of this observation is that clubs are held to a particularly high standard. Because they enjoy privileges, such as selling alcohol without the same commercial pressures or public access as other licence types, they are expected to always show strict compliance. This requires the club committee to demonstrate that it is a responsible governing body, with robust systems, trained staff, and effective oversight in place to ensure compliance with the Act.
14. The presence of the president, vice president, secretary, and club manager at the hearing showed strong engagement from its executive committee. Mr Maarhius explained that committee elections were held in March this year which resulted in a few people stepping down. We noted that the secretary and vice president are therefore relatively new to their roles. The club committee was responsive during discussions and expressed a clear commitment to encouraging continuous improvement within the club. They highlighted that committee members are typically active, attending as many events as possible and being visibly present in the clubrooms. While their primary role is governance, they also assist in monitoring the behaviour of patrons as they help collect glasses. Mr Maarhius emphasised his leadership responsibilities, including hosting members, welcoming teams, and opening events, and acknowledged his key role in setting expected standards. He demonstrated an understanding that, in conjunction with the committee, he is responsible for ensuring the club's compliance with the Sale and Supply of Alcohol Act 2012, while the committee delegates much of the day-to-day operational management to Mr Macrae. The club also benefits from the extensive experience Mr Macrae, who has been with the club for over 20 years. He holds a current Manager's Certificate and employs two other staff with Manager's Certificates to assist behind the bar.
15. The principal purpose of the club is for sports and recreation, this club provides facilities and equipment for several sports such as netball, touch, cricket, and basketball. However, the focus is for rugby. There are approximately 280 members, with around 50 under the age of 18 years. Mr Macrae advised that the biggest crowd they would expect in the clubrooms would about 150 people on a Saturday after the key games. He submitted that the heavy drinking culture of the past has gone, and most players will stay for a meal and one drink before heading home.
16. The Police report highlights two incidents of drinking and driving linked to the Club, raising concerns about the management of alcohol at the premises. The incidents occurred in April and July 2023. Two members were processed for driving with excess breath alcohol (EBA's) with both recording high levels well over the legal limit. In one case, the driver disclosed that their last drink was consumed at the Club. These events understandably raised red flags for the Police regarding the club's role in preventing intoxicated patrons

from driving. A concern was also noted by the Licensing Inspector that neither of the EBA incidents had been recorded in the club's incident register.

17. Mr Maarhuis explained that he was not made aware of either of the EBA cases until several weeks after they had occurred. As such matters are private, the club relies on members to share that information with them, and in these instances no disclosure was made. It was only through his local networks that he became aware of the incidents. On receiving this information, he immediately brought it to the attention of the committee. The club committee unanimously agreed that the behaviour was "completely unacceptable," and, in one case, membership was cancelled.
18. In response, the club has taken a proactive and structured approach to strengthening its alcohol management practices. We heard that club bar staff and committee members consistently attend annual Club Champs to reinforce responsible practices and the new committee received training in alcohol management in March. Messaging about safe drinking is given during opening addresses after matches, and a player Code of Conduct has been introduced, which all players are required to sign to become a member. The Code of Conduct outlines the requirements for players to 'avoid the misuse of alcohol, drugs, or any substances that compromise your health or the reputation of the club' and further states that breaches will result in a stand down and investigation and may lead to disciplinary action.
19. More recently, practical initiatives have been introduced to encourage forward planning and reduce the temptation to drive home. A secure parking area allows players to leave their vehicles safely overnight, reducing pressure to drive home. In addition, the club operates two courtesy vans which form a key part of their harm minimisation strategy. The first van, purchased in 2004, and the second, in 2020, are both available for use from around 6.00pm once game-day transport duties have concluded. They are driven by a roster of designated drivers that includes committee members, bar staff, and volunteers, ensuring a reliable service throughout the evening. The vans are primarily used for drop-offs within 5km of the clubrooms, but this limit is applied flexibly, with longer trips made if demand warrants it at closing time. Importantly, the vans are not only used for taking people home; they also collect players and members before social events, promoting safer choices from the outset of the evening. By encouraging early planning, providing secure parking, and maintaining two courtesy vans, the club has demonstrated a serious and ongoing commitment to reducing the risks associated with drinking and driving.
20. Mr Maarhuis acknowledged that the individuals involved in the EBA incidents had likely become intoxicated while on the club premises and accepted that the club was a contributing factor in those cases. This admission alongside the other practical measures being taken reflect a genuine effort by the club to address concerns and foster a culture of responsibility and safety.
21. We have considered the evidence of the club committee members about their understanding of the Act and the changes that they have already implemented and their commitment to continue to improve processes. In summary, we are satisfied that the Club is a suitable entity to continue holding a club on-licence.

Are the days and hours that Waitete Rugby Football Club Incorporated proposes to sell alcohol reasonable?

22. The club initially sought no changes to the days and hours of operation of Monday to Sunday from 12:00 noon to 1:00am the following day. The Committee noted that these hours are extensive, particularly as we heard that the bar is only open during the rugby season, primarily on Thursdays after training for an hour or two, and on Saturdays after games. Mr Maarhuis advised that, with the addition of lighting, the club could also from time-to-time hosted night games, with the latest starting at 8:00pm. He submitted that additional time would be needed afterward for meals, speeches, and socialising. When questioned, he agreed that the latest the club would remain open on such occasions would be midnight. Mr Macrae also reminded the Committee that the club uses the facilities on approximately two Sundays per year for social events, such as the Christmas function.
23. The Committee asked the club to consider the hours and propose days and times that more realistically reflected actual use, while considering the increased risk of alcohol-related harm associated with later closing times. The club subsequently proposed Thursday and Sunday from 12:00pm to 10:00pm, and Friday and Saturday from 12:00pm to 1:00am the following day. In her supplementary report, the Licensing Inspector supports the reduction of hours midweek but remains concerned with closing at 1:00am on weekends, given that drink driving incidents have been recorded after midnight. She suggests that, if a 1:00am closing time were to be retained, a one-way door policy should be imposed as a mitigating measure.
24. After consideration, the Committee has determined that a 12:00am (midnight) closing time on Fridays and Saturdays is more appropriate. The Committee considers it appropriate to adopt a precautionary approach consistent with the Object of the Act, which emphasises the safe and responsible sale and supply of alcohol and the minimisation of harm. Although there is no evidence of serious incidents at the premises itself, the recorded drink-driving incidents after midnight and the limitations of the club's courtesy van service, which does not provide drop-offs outside the township, and the lack of alternative transport options such as taxis or uber services justify a cautious stance. The earlier closing time therefore serves as a safeguard to prevent potential harm before it arises. The Committee considered the Inspector's suggested one-way door policy but determined that it would add unnecessary administrative and compliance burdens for a club run entirely by volunteers. The revised hours strike a balanced approach, supporting both community safety and the club's ongoing viability. This matter can be revisited at the next licence renewal in two years' time.

Is the design and layout of the premises suitable to meet the object of the Act? Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of licence?

25. The club's premises are owned by Waitete Rugby Football Club Incorporated, and the licensed area includes the interior of the clubrooms, comprising the bar, kitchen, office, toilets, the enclosed deck on the left side of the building, and the covered outdoor beer garden. This garden area features a standalone bar, which Mr Macrae advised is rarely used except for special licence events. The concrete path running along the inside of the hedged gardens, connecting the left-side outdoor area with the rear outdoor space, is part of the licensed area but the passageway on the right rear corner that provides access into the

premises by the ladies toilets is not included. Clear signage is in place to advise members that alcohol cannot be taken beyond certain points. There are no proposed changes to the floor plan, and the entire premises remains undesignated.

26. At the site visit, it was noted that there is a blind spot created by the left rear corner of the building, and visibility from the bar onto the deck is restricted. Mr Maarhuis and Mr Macrae advised that committee members regularly walk around the outside collecting glasses, providing ongoing informal monitoring. The committee also confirmed that funding has been applied for to install up to 5 CCTV cameras, which would address the visibility issues and provide additional surveillance and safety for the outdoor areas. While implementation is dependent on successful funding, the club has given an undertaking that cameras will be installed by March 2026. This is considered a timely response given the funding constraints.
27. Mr Maarhuis also noted that an additional changing room is being constructed at the rear of the premises, which will connect to the clubrooms to better accommodate the women's teams. This area is not part of the licensed premises. Overall, the Licensing Committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act.

Does Waitete Rugby Football Club Incorporated have appropriate systems, staff, and training to comply with the law?

28. We heard good evidence that the Club has invested in ongoing training for its staff and committee to ensure compliance with the Sale and Supply of Alcohol Act. The committee has now formalised an annual training plan, which will enable training to be scheduled more systematically and provide greater consistency year to year. This structured approach gives confidence that staff and committee members will continue to develop their knowledge and skills in alcohol management, and that responsibilities under the Act will be clearly understood and applied in practice.
29. The Licensing Committee also acknowledges the consistent effort made by the club to ensure a strong representation at the annual Club Champs training. We consider this commitment to be highly beneficial, as the training reinforces best practice across the sector and provides valuable opportunities for learning and sharing experiences. Taken together, these initiatives reflect a genuine commitment by the club to maintaining appropriate systems, equipping its people with the necessary training, and demonstrating accountability in the responsible management of licensed premises.
30. The absence of proper documentation was identified as a weakness in the club's processes. In particular, issues were noted with the incident book, which is essential to ensure that all incidents, including the EBA cases, are properly captured and addressed, as well as with the Manager's Register, the Host Responsibility Policy (HRP), and the Alcohol Management Plan (AMP). Updated and dated copies of the HRP and AMP have since been provided, highlighting more clearly the risks associated with alcohol and drug use, the club's clear stance on these issues, and the formal consequences for any breaches. Mr Macrae explained that his diary had previously functioned as an informal incident book, allowing issues to be recorded on the day they occurred. However, this was not a systematic process, and at the hearing, the club committed to maintaining a stand-alone incident

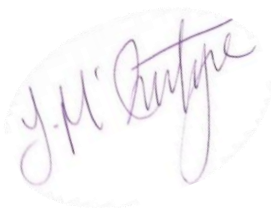
book. To reinforce this commitment, the requirement for an incident book has now been included as a condition on the licence. The Club must keep a register of all alcohol related incidents recording the date, time, incident details, and the licensee's response. For the avoidance of doubt, 'alcohol-related incidents' include all events involving alcohol, such as threats or fights, contact with Police or emergency services, patrons being removed or banned, property being damaged, or any illegal activities. The register must always be readily available on site. Strengthening these records and policies will support the club's compliance efforts and help ensure that training, procedures, and responses to incidents are consistently applied and properly documented.

31. At the site visit, we observed that the club appeared to have a well-organised system for managing guests on the premises. This included clear signage indicating who were the reciprocal guests were, as well as a sign-in book and tear-out slips at the front door. The book appeared to be actively used, with members typically signing in one or two guests each. Overall, this system demonstrates the club's commitment to maintaining oversight of visitors and supporting compliance with licensing requirements.

Conclusion

32. Standing back, and viewing the whole renewal application, the Licensing Committee is satisfied that Waitete Rugby Football Club Incorporated, with strengthened processes and documentation and ongoing committee oversight, is capable of properly fulfilling the responsibilities associated with holding a club licence for the consumption of alcohol on the premises. Accordingly, the club is considered a suitable entity to continue holding a club licence. The conditions of the licence have been amended to reflect the matters discussed at the hearing and considered by the Licensing Committee.
33. In conclusion, the application for the renewal of the club on-licence is granted.

Dated on this 2nd day of November 2025



Tegan McIntyre
Commissioner
Waitomo District Licensing Committee