

Application

19/009/2022

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of an application by
Waitomo Club Incorporated
for renewal of an
off-licence in respect of the premises
at King Street East, Te Kuiti,
known as Waitomo Club
pursuant to section 127 of the Act

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. Waitomo Club Inc is authorised to sell and supply alcohol on the premises situated at King Street East, Te Kuiti and known as Waitomo Club for consumption off the premises to any authorised customer as described in the licence conditions.
2. The off-licence 019/OFF/004/2019 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 continue to apply.

Reasons

1. This is an application by Waitomo Club Inc for renewal of an off-licence in respect of the premises situated at King Street East, Te Kuiti known as Waitomo Club. Off-licence sales are made over the bar. 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).
2. 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).
3. In deciding whether to renew an off-licence the licensing committee must have regard to sections 131 and 105 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 premise 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?

Should the licence be renewed?

- 4. The Waitomo Club has appeared at two hearings before the licensing committee. The first was in September 2018 and the key issue was a lack of a suitable training programme. The training issue was addressed immediately. In May 2022, the application for the renewal of the club licence was heard at a public hearing due to a public objection. The objection related to an assault that occurred inside the club when a special licence was in force for a funeral wake. The victim of the assault felt that the club took no responsibility for the incident and didn't deal with it properly. The licensing committee granted the renewal application on the grounds that the incident was an isolated matter that the club did not cause, and that on the whole the club had good systems in place. The licensing committee did make some observations about the way the incident was managed and suggested that more care could have been given to the victim of the assault. In addition, it was suggested that more CCTV cameras within the club would be beneficial, as many parts of the club were not covered. The Licensing Inspector reports that the club intends to discuss the issue of increasing the number of CCTV cameras at the July committee meeting.
- 5. The Licensing Inspector has considered the previous hearings and has reviewed the club's current operation and is confident that the club remains suitable to hold an off-licence. The Licensing Inspector said she was impressed by the systems the club has in place and the licensing knowledge of staff. She believes that the club will approach any violent occurrences in a different manner, with the benefit of hindsight regarding the special licence assault.
- 6. The licensing committee accepts these recommendations and is satisfied that Waitomo Club remains a suitable applicant to hold an off-licence. The club has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. The premises has a suitable design and layout to meet the requirements of the Act. It is well appointed and able to be monitored effectively by the staff of the premises. Waitomo Club has an appropriate Host Responsibility Policy and staff training programme and has sufficient Duty Managers employed to ensure compliance with the Act. The application complies with the Waitomo District Local Alcohol Policy. The licensing committee is satisfied that the renewal of the off-licence will not reduce the amenity and good order of the locality by more than a minor extent. Alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act. Therefore, the application for the renewal of the off-licence is granted.

Dated this 14th day of July 2022



Sara Grayson
Commissioner