

<b>Decision</b>	19/064/2024
<b><u>IN THE MATTER</u></b>	of the Sale and Supply of Alcohol Act 2012
<b><u>AND</u></b> <b><u>IN THE MATTER</u></b>	of an application by Aria Cosmopolitan Club Inc for the renewal of a club off-licence pursuant to section 127 in respect of the 1 Kiekie Street, Aria and known as Aria Cosmopolitan Club

#### **DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE**

1. Aria Cosmopolitan Club Inc is authorised to sell and supply alcohol on the premises situated at 1 Kiekie Street, Aria and known as Aria Cosmopolitan Club for consumption off the premises to any authorised customer as described in the licence conditions.
2. The off-licence 19/OFF/002/2022 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:
    - (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) The club must always have a secretary.
  - c) Within 10 working days of the appointment of a new secretary, the secretary of the licensing committee is told the name of the new secretary.
  - d) All proceeds from the sale of alcohol belong to the club.
  - e) Alcohol may be sold only on the following days and during the following hours:  
Monday to Sunday, from 10.00am to 10.00pm.
  - f) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
  - g) The entire premises is undesignated.

- h) The area where alcohol for off licence sales is described in the plan date stamped as received by the District Licensing Committee on 16 July 2024.
- i) 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 present, then there must be no alcohol sales and a notice displayed advising the public of this fact.
- j) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- k) A Host Responsibility Policy must be maintained and displayed in a prominent place that can be seen by customers and the Licensee must ensure all staff and committee members receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- l) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be appropriate signs detailing these restrictions at every point of sale.
- m) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- n) The Licensee must ensure the following are displayed;
  - i) A copy of the original licence with all the conditions, displayed prominently in the premises.
  - iii) A sign in a prominent place identifying the duty manager.

### **Reasons**

1. This is an application by Aria Cosmopolitan Club Inc for renewal of an off-licence in respect of the premises situated at 1 Kiekie Street, Aria known as the Aria Cosmopolitan Club. There is a separate point-of-sale for off licence sales, and this is marked on the site plan as the 'store'.
2. The application was advertised, and no objections have been received from members of the public. The Liquor Licensing Inspector and Police have provided reports and do not oppose the application. The Medical Officer of Health has not reported, and it is assumed that there are no matters of concern. Accordingly, the matter is decided on the papers (s 134).
3. 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 an off-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?
4. 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?**

- 5. The licensing committee is satisfied that Aria Cosmopolitan Club Inc is a suitable applicant to hold an off-licence, having demonstrated compliance with the Sale and Supply of Alcohol Act 2012.
- 6. The premises has a suitable design and layout, with off-licence sales conducted from a separate area (the Store), which is monitored by staff.
- 7. The club has an appropriate Host Responsibility Policy and a comprehensive training programme for both staff and committee members, which reflects positively on its suitability. Sufficient certified Duty Managers are employed to ensure ongoing compliance with the Act.
- 8. The Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.
- 9. 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.

**Conclusion**

- 10. Therefore, the application for the renewal of the off-licence is granted.

Dated at this 19<sup>th</sup> day of June 2025



Tegan McIntyre  
Commissioner  
Waitomo District Licensing Committee