

Decision Number:

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **BENNEYDALE SPORTS AND RECREATION CLUB INCORPORATED** pursuant to s.100 of the Act for a **RENEWAL OF CLUB LICENCE**

BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at ~~Te Awamutu~~ Cambridge on the 20th day of February 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **BENNEYDALE SPORTS AND RECREATION CLUB INCORPORATED** pursuant to section 100 of the Act for a **RENEWAL OF CLUB LICENCE**.

Reports have been received from the Police, Medical Officer of Health 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/1/2012 was received by the Waitomo District Licensing Committee on 11 December 2014 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was on time 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).

The application was publicly notified in the Waitomo News on 23 December 2014.

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;*


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- (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:*
- (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: Tracey Lee Tutaki.

There are no known issues questioning the suitability of the applicant.

LOCAL ALCOHOL POLICY

The Waitomo District Local Alcohol Policy is still provisional and cannot be formally considered. As a renewal of an existing club licence with the proposed hours to 1:00am, at the latest, it is likely to comply were the policy in force.

DAYS AND HOURS

The applicant proposes to change the current licensed hours to the following:

Wednesday 5:00pm to 10:00pm

Friday 3:00pm to 1:00am the following day

Saturday 12:00 noon to 1:00am the following day

Sunday 12:00 noon to 10:00pm

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at Mine Road, Benneydale. The premises is formed from a large hall with a kitchen and bar located at one end as illustrated in the plans provided with the original licence applications. There are no proposes changes.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

No other goods are sold and no other services are provided.

REDUCTION OF AMENITY AND GOOD ORDER

In the opinion of the licensing inspector the amenity and good order of the locality is not likely to be increased would the license not be renewed.

There have been no reports of noise complaints, nuisance or vandalism in the area as a result of the activities associated with the premises.

There are no other licensed premises in the area although an application for a new On licence has been filed with the District Licensing Committee for the Wooden Heart Café located on the main state highway through Benneydale. The club is located on the outskirts of Benneydale. The local school is within 500 metres of the club premises.

The club is a member of the 'ClubCHAMPS', a joint scheme involving the NZ Police, Population Health (Waikato District Health Board), King Country Rugby Football Union and Otorohanga, Waitomo and Ruapehu District Councils to reduce alcohol related harm in King Country sports clubs. As a result the club has benefitted by having floodlighting installed in the car parking area outside the club premises, an initiative which discourages anti social behaviour and vandalism.

SYSTEMS, STAFF AND TRAINING

The applicant has indicated in their applications that there are systems, staff and training of staff in place to ensure compliance with the Act. The current certificated manager's both have long experience in the industry and operating at the club.

ISSUES RAISED BY REPORTING AGENCIES

A police report was received dated 12 December 2014 with no objections and a report from the Medical Officer of Health dated 5 January 2015 also presents no objections to the application.

THE PUBLIC

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 compulsory conditions as per s110(1):

- 1) No alcohol is to be sold on the premises on Good Friday, Christmas Day, or before 1.00pm on ANZAC day.
- 2) Alcohol may be sold under the licence only on the following days and during the following hours:
 - a. Wednesday 5:00pm to 10:00pm
 - b. Friday 3:00pm to 1:00am the following day
 - c. Saturday 12:00 noon to 1:00am the following day
 - d. Sunday 12:00 noon to 10:00pm
- 3) Drinking water must be freely available to customers at the following locations at all times while the premises are open for business: at the bar.
- 4) Alcohol may only be sold, for consumption on the premises to:
 - a. Any member of the club; or
 - b. Any person who is a guest of, and is accompanied by a member of the club; or
 - c. 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.

- 5) Food must be available for consumption on the premises as follows: A range of food choices must be readily available at all times that the premises are open. Menus must be visible at the bar and food should be actively promoted. A minimum of four types of food should be available.
- 6) 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.
- 7) The licensee must take the following steps to ensure that the provisions of the Act related to the sale and supply of alcohol to prohibited persons are observed:
 - a. 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;
 - b. Request evidence of age documents from any person appearing to be under the age of 25.
- 8) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
 - a. All staff will be trained in their responsibilities under the Act;
 - b. A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty.
- 9) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- 10) The licensee to have a club secretary at all times.
- 11) 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.
- 12) All proceeds from the sale of alcohol belong to the licensee.

DATED at ~~Te Awamutu~~ / Cambridge this 20th day of February 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee