

Application	19/035/2018
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u> <u>IN THE MATTER</u>	of an application by Piopio Aria Golf Club Incorporated for the renewal of a club licence pursuant to section 127 in respect of the premises at State Highway 3, Piopio and known as Piopio Aria Golf Club

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The club licence 19/CLUB/006/2015 in respect of the premises situated at State Highway 3, Piopio and known as Piopio Aria Golf 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 be sold only on the following days and during the following hours:
Monday to Wednesday, from 10.00am to 10.00pm
Thursday to Saturday, from 10.00am to 12.00 midnight
Sunday, from 10.00am to 11.00pm
 - (b) The club must always have a secretary.
 - (c) The club must inform the District Licensing Committee of the name of a new secretary within 10 working days of their appointment.
 - (d) All proceeds from the sale of alcohol belong to the club.
 - (e) Alcohol may be sold or 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.

- (f) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Waitomo District Licensing Committee on 11 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 holder of a manager's certificate must be on duty and on the premises at all times alcohol is sold. If a duty manager is not present then there must be no alcohol sales and a notice displayed advising the public of this fact.
- (i) A manager's register (as 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.
- (k) Alcohol must not be sold or supplied to minors or intoxicated persons. The licensee must display appropriate signs at every point of sale detailing restrictions on the sale and supply of alcohol to such persons.
- (l) 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.
- (m) A range of non-alcoholic and low-alcohol drinks must be available at all times 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. Catered finger foods, buffet or a la carte meals must be provided for functions and tournaments. At all other times there must be a minimum of food four types of light meals available (excluding nuts and crisps and the like). Menus and the availability of food should be clear to customers.
- (o) A telephone must be freely available for customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed.
- (p) No BYO alcohol is permitted on the premises while alcohol is available for sale.
- (q) The Licensee must ensure the following are displayed;
 - i) A sign to be seen from outside the principal entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.
 - ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
 - iii) A sign in a prominent place identifying the duty manager.

Reasons

1. This is an application by Piopio Aria Golf Club Incorporated for renewal of a club licence in respect of the premises situated at State Highway 3, Piopio. The club has been operating successfully since 1990.
2. The application was advertised, and no objections have been received from members of the public. The Licensing Inspector notes that public notice stated that the name of the secretary was recorded as the applicant rather than the name of the club. The licensing committee does not require the application to be readvertised because the name of the club is clearly stated after the name of the secretary, therefore the legal name of the applicant is clear in the advertisement and complies with Form 7 Sale and Supply of Alcohol Regulations 2013. The licensing committee notes that it is not necessary for the name of the Secretary to be recorded in the advertisement. Therefore, for future renewal applications only the legal name of the club is required.
3. 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).
4. The purpose of the Act is to put in place a new system of control over the sale and supply of alcohol (s 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).
5. In deciding whether to renew a club 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 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?
6. 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?

7. The licensing committee is satisfied that Piopio Aria Golf Club Incorporated is a suitable applicant to hold a club licence. The club has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. The current licensed hours are reasonable and comply with the Waitomo District Local Alcohol Policy.

8. The licensing committee is satisfied that 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. The licensing committee notes that the premises is currently undesignated. The club has requested in the application that the bar be designated as a restricted area and the rest of the premises a supervised area. The licensing committee does not consider that it is necessary to change the designation of the premises. Given that the club has a sporting focus, rather than an alcohol focus, and that some members are under the age of 18 years, it would be unduly restrictive to insist that minors are accompanied by their parents or legal guardians. Therefore, the designation will remain undesignated.
9. The licensing committee is satisfied that the club has sufficient Duty Managers who serve on these premises to ensure the responsible sale and supply of alcohol. The club has an appropriate Host Responsibility Policy and staff/committee training policy which demonstrates suitable measures will be undertaken in regard to responsible sale and supply of alcohol and that harm will be reduced. It is a condition of this licence that all staff employed by the club and committee members are trained in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012. The licensing committee will expect to see a record of all staff and committee member training completed at the next club renewal.
10. The licensing committee is satisfied that the renewal of the club licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no reports of any nuisance, vandalism or noise problems associated with this premises in the previous licensing period.
11. The conditions for this licence have been replaced to ensure that they are consistent with licences issued since the commencement of the Sale and Supply of Alcohol Act 2012. The new conditions include information about the statutory obligations relating to clubs, the display of signage and the maintenance of a manager's register.

Conclusion

12. Therefore, the application for the renewal of the club licence is granted.

Dated this 18th day of September 2018



Sara Grayson
Commissioner