

Decision Number: 19/029/2016

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by **Piopio Cosmopolitan Club Incorporated** pursuant to s.100 of the Act for an Off Licence Renewal

BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Te Awamutu / Cambridge on the 15th day of April 2016

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **Piopio Cosmopolitan Club Incorporated** pursuant to section 100 of the Act for an **Off Licence Renewal**.

Reports have been received from the Police, NZ Fire Service and the 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 off licence number 019/OFF/1/2004 was received by the Waitomo District Licensing Committee on 22 February 2016 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 licence is eligible to be renewed as it meets the criteria detailed in section 125.

The application was publicly notified in the Waitomo News on 16 February 2016 and 23 February 2016.

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;*

- (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: Dale Young
President: Clive Fredericks

There are no concerns with the suitability of the club officials.

LOCAL ALCOHOL POLICY

The Waitomo District Local Alcohol Policy is not yet in force and therefore cannot be considered for this application.

DAYS AND HOURS

The applicant proposes to sell alcohol with the hours of Monday to Sunday 9.00am to 11.00pm. These hours comply with section 43 of the Act for an off licence (default national maximum trading hours).

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at 42 Moa Street, Piopio. The premises are formed from a club room with a bar, snooker room and gaming room. A dining room can be accessed from the club room. A plan was provided with the licence application. There are no proposed changes.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There are no other goods sold or services provided.

REDUCTION OF AMENITY AND GOOD ORDER

The applicant’s premises have been operating under a club licence since before 2010.

The following licensed premises are located within 500m of the applicant's premises:

Trading name	Type of licence	Licensed days/hours
The Fat Pigeon	On	Monday to Sunday / 8.00am to 12.00 midnight
The Night Owl	On	Monday to Sunday / 8.00am to 12.00 midnight
Piopio Superette	Off	Monday to Sunday / 7.00 am to 10.00 pm

The application states 'None' to the question: State the proximity of all sensitive sites within a 500m radius of the premises. In fact there is a church (All Saints Church) and one educational establishment (Te Whanau Kohanga Reo O Piopio).

There is one residential dwelling within 50m of the applicant's premises. This owned by Piopio Cosmopolitan Club Incorporated and is currently occupied by one of their certificated managers. The current club licence has a condition requiring noise levels at the boundary not to exceed the District Plan noise rules.

There are no concerns that the amenity and disorder of the neighbourhood would be likely to be increased, by more than a minor extent, by the issue of the licence.

SYSTEMS, STAFF AND TRAINING

The applicant has provided evidence of the systems, staff and training of those staff that are in place to ensure compliance with the Act. These include a sufficient number of certificated managers, prohibited persons signage is displayed. All bar staff attended an alcohol training workshop in 2015 delivered by the local office of the District Health Board.

The applicant's premise also holds a current club licence.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 29 February 2016 presents no objections to the application.

No report has been received from the Medical Officer of Health. Section 103 (4) of the Act states: *The licensing committee may assume that, if no report is received from the Police or Medical Officer of Health within 15 working days after sending the copy of the application to them, the Police or Medical Officer of Health does not oppose the application.*

Fire Service report dated 26 February 2016 stated that the evacuation scheme application was approved for the premises.

THE PUBLIC

The application was duly advertised in accordance with the Act. 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 conditions:

- a) The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.
- b) No alcohol is to be sold or delivered for consumption off the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.

- c) Alcohol must only be sold to members of the club.
- d) Alcohol may be sold or delivered only on the following days and during the following hours:
Monday to Sunday 9.00am to 11.00pm
- e) Drinking water must be freely available in the following places to customers while alcohol is being supplied free as a sample on the premises: **At all points of supply**
- f) The licences premises are those detailed in plans date stamped as received by the District Licensing Committee on 11 March 2004.
- g) The following steps must be taken to ensure that the provisions of the Act relating to the sales of alcohol to prohibited persons are observed:
 - i. Signage shall be installed advising that minors and intoxicated persons shall not be served.
 - ii. The applicants host responsibility policy shall be displayed on the premises.
- h) There is no advertising of alcohol on the windows of the premises.
- i) There will be no 'single serve' off sales e.g. individual 'stubbies' or 'RTD' products in one or less than one standard drink portions sold for off the premises consumption.
- j) All off licence sales will be packaged in sealed bags or by similar method.
- k) No party pills, psychoactive substances or any similar substances will be sold from the premises.
- l) The lighting installed on the premises must be kept and maintained in good working condition at all times.
- m) The holder of an on-licence or off-licence or a club-licence must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed:
 - i. attached to the inside of the premises concerned; and
 - ii. so as to be easily read by people entering each principal entrance.

DATED at Te Awamutu / Cambridge this 15th day of April 2016



 Diane Sharpe
Chairperson
Waitomo District Licensing Committee