

**Decision Number: 19/035/2016**

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

**AND**

**IN THE MATTER** of an application by **Waitomo 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 13<sup>th</sup> day of May 2016

**INTRODUCTION**

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

Reports have been received from the Police 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/4/2001 was received by the Waitomo District Licensing Committee on 14 March 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 off 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 17 March 2016 and 24 March 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;*

  
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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: Jim Riddell  
President: Dennis Ryan

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

#### **LOCAL ALCOHOL POLICY**

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

#### **DAYS AND HOURS**

The applicant proposes the hours of Monday to Sunday 9.00am to 1.00am the following day. However the default maximum national trading hours, under section 43 of the Act, are the hours between 7.00am and 11.00pm on any one day for the sale of alcohol on premises for which an off-licence is held.

#### **DESIGN AND LAYOUT OF THE PREMISE**

The premises are located on the site at King Street West, Te Kuiti. The premises are formed from a large club room with a dining area, snooker tables, TAB facility, gaming room and a bar as illustrated in the plans 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. The Club has a TAB facility.

## **REDUCTION OF AMENITY AND GOOD ORDER**

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. There are no residential dwellings within a 50 metre radius of the applicant's premises.

In addition to the applicant's premises there are six other premises holding off-licences in Te Kuiti:

<b>Name</b>	<b>Licences Held</b>	<b>Hours</b>
Quota Club	Off(and Cub)	9.00am to 11.00pm
Te Kuiti Liquorland	Off	8.00am to 10.00pm
Te Kuiti New World	Off	7.00am to 11.00pm
Te Kuiti Supervalue	Off	7.00am to 11.00pm
SuperLiquor Te Kuiti	Off	9.00am to 11.00pm
Te Kuiti Liquor Mart	Off	9.00am to 10.00pm

These premises are all within 500m of the applicant's premises except Te Kuiti New World, which is 2.0km distant. There are a number of sites which could be classified as sensitive either due to attracting children, vulnerable persons, or are culturally sensitive or places of worship:

- Skate Park, Carroll Street
- Youth centre (Journey Church), 8 Sheridan Street
- Youth Centre (known as Number 12), 12 King Street East
- Five Schools
- Ten Childcare centres
- Ten Churches
- Two culturally sensitive sites (Ngati Maniapoto Marae Pact Trust and Tikauganui-r-noho Marae)

All the above are within 500 metres of the applicant's premises.

There are no residential dwellings within 50 metres of the applicant's premises.

The premises to which this licence application applies have been operating as a club for 49 years.

## **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, floodlighting of the car park, a number of CCTV cameras (6 external and 9 internal), a host responsibility policy, and encouraging staff to attend locally held District Health Board arranged training workshops.

## **ISSUES RAISED BY REPORTING AGENCIES**

Police report dated 21 March 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.*

The Licensing Inspector report presents no objections to the application.

## **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 24 June 1991.
- 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 13<sup>th</sup> day of May 2016



Diane Sharpe  
**Chairperson**  
**Waitomo District Licensing Committee**



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