

Decision Number: 19/079/2016

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

AND

IN THE MATTER of an application by **Te Kuiti Bowling Club Incorporated** pursuant to s.100 of the Act for a **Club Licence Renewal**

BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Te Awamutu / Cambridge on the 25th day of November 2016

INTRODUCTION

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

Reports have been received from the Police, Medical Officer of Health, 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 club licence number 019/CL/3/97 was received by the Waitomo District Licensing Committee on 20 October 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 application was publicly notified in the Waitomo News on 27 October 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:*

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- (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

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

LOCAL ALCOHOL POLICY

The application is for days and hours Monday to Sunday 8.30am to 9.00pm. The application therefore does not comply with the policy in respect of the opening time.

DAYS AND HOURS

The applicant proposes no changes to the hours of Monday to Sunday 8.30am to 9.00 pm however the default local alcohol policy hours now apply. Hours of operation that are therefore eligible to be considered are 9.00am to 9.00pm.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at 1 Tammadge Street, Te Kuiti. The premises is formed from a club room with a bar and separate kitchen illustrated in the sketched plan provided with the 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 premises is well established, having operated at the site for some years. The premises is located on the edge of the town. There is just one residential dwelling within 50 metres and two sensitive sites within 500 metres (a church and an early childhood education centre). No complaints have been received by Waitomo District Council concerning noise or anti social behaviour. There are no concerns that the amenity and disorder of the neighbourhood would 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 using an experienced certificated manager and having prohibited persons signage in place. A basic host responsibility policy is in place. The club has only 40 members.

ISSUES RAISED BY REPORTING AGENCIES

No issues were raised by the reporting agencies.

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. Alcohol may only be sold, for consumption on the premises, to:
 - i. **Any member of the club; or**
 - ii. **Any person who is a guest of, and is accompanied by, a member of the club; or**
 - iii. **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.**
- b. Alcohol may be sold under the licence only on the following days and during the following hours:
Monday to Sunday 9.00am to 9.00pm
- c. Food must be available for consumption on the premises as follows:
 - i. 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.
 - ii. 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.
- d. Drinking water must be freely available at the following places while the premises are open for business: At the bar and from an outdoor dispenser.
- e. The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
 - i. 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;
 - ii. Request evidence of age documents from any person appearing to be under the age of 25.
- f. The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
 - i. All staff will be trained in their responsibilities under the Act;
 - ii. A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty.

- g. The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- h. The licensee to have a club secretary at all times.
- i. 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.
- j. All proceeds from the sale of alcohol belong to the licensee.

DATED at Te Awamutu/ Cambridge this 25th day of November 2016



Diane Sharpe
Chairperson
Waitomo District Licensing Committee