

**Application**

19/016/2019

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**  
**IN THE MATTER**

of an application by  
Waitomo Club Incorporated  
for renewal of an  
off-licence in respect of the premises  
at King Street East, Te Kuiti,  
known as Waitomo Club  
pursuant to section 127 of the Act

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. Waitomo Club Incorporated is authorised to sell and supply alcohol on the premises situated at King Street East, Te Kuiti and known as Waitomo Club for consumption off the premises to any authorised customer as described in the licence conditions.
2. The off-licence 019/OFF/004/2016 is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
3. The present conditions of the licence are replaced as follows:
  - a) Alcohol may only be sold and 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.
  - b) The club must always have a secretary.
  - c) Within 10 working days of the appointment of a new secretary, the secretary of the licensing committee is told the name of the new secretary.
  - d) All proceeds from the sale of alcohol belong to the club.
  - e) Alcohol may be sold only on Monday to Saturday from 9.00 am to 10.00 pm.

- f) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
- g) The entire premises is undesignated.
- h) The area where alcohol is to be sold is described in the plan date stamped as received by the District Licensing Committee on 5 March 2019.
- i) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
- j) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- k) A Host Responsibility Policy must be maintained and displayed in a prominent place that can be seen by customers and the Licensee must ensure all staff and committee members receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- l) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be appropriate signs detailing these restrictions at every point of sale.
- m) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- n) 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 Waitomo Club Incorporated for renewal of an off-licence in respect of the premises situated at King Street East, Te Kuiti known as Waitomo Club. The club has been operating for many years and off-licence sales can be made over the bar.
2. The application was advertised, and no objections have been received from members of the public. 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).
3. 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).
4. In deciding whether to renew an off-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 premise 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?

5. 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?**

- 6. The licensing committee is satisfied that Waitomo Club is a suitable applicant to hold an off-licence. The club has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. 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. Waitomo Club has an appropriate Host Responsibility Policy and staff and committee training programme, and four Duty Managers are employed to ensure compliance with the Act.
- 7. The current licence contains trading hours from 9.00am to 11.00pm Monday to Sunday. Waitomo Club Inc has agreed to reduce their trading hours to 9.00am to 10.00pm Monday to Sunday. Therefore, the application now complies with the Waitomo District Local Alcohol Policy which restricts closing hours to no later than 10.00pm for all off-licences in the district.
- 8. The licensing committee is satisfied that the renewal of the off-licence will not reduce the amenity and good order of the locality by more than a minor extent. Alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act.
- 9. As recommended by the Licensing Inspector, 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. The conditions prohibiting alcohol advertising on the window, single serve sales, party pills and psychoactive substances, and requiring alcohol sold to be placed in sealed bags and lighting to maintained in good condition, are not included in the new licence. There have not been any submissions made by any of the reporting agencies providing any good reasons for the retention of these particular conditions. Waitomo Club has a good reputation as a well organised club and the licensing committee does not consider that these conditions are necessary to mitigate any risks related to alcohol related harm.

**Conclusion**

10. Therefore, the application for the renewal of the off-licence is granted.

Dated this 11th day of March 2019

A handwritten signature in black ink, appearing to be 'S Grayson', written in a cursive style.

Sara Grayson  
Commissioner