

Application

19/038/2020

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of an application by
Otorohanga Club Incorporated for the
renewal of a club licence pursuant to
section 127 in respect of the premises
at 68 Golf Road, Waitomo
and known as Waitomo Golf and Country
Club

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The club licence 019/CLUB/002/2017 in respect of the premises situated at 68 Golf Road, Waitomo and known as Waitomo Golf and Country 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 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) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday, from 11.00am to 1.00am the following day
 - (c) The club must always have a secretary.
 - (d) The club must inform the District Licensing Committee of the name of a new secretary within 10 working days of their appointment.
 - (e) All proceeds from the sale of alcohol belong to the club.

- (f) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the District Licensing Committee on 6 July 2020 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 properly appointed certificated, acting or temporary manager must be on duty and on the premises at all times when the premises is open for the sale of alcohol. 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 in accordance with the menu submitted with the application for this licence, or variations of a similar range and standard. Where catered finger foods, buffet or a la carte meals are not provided, there must be a minimum of food four choices available (excluding nuts and crisps and the like).
- (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, including sober driver services and the availability of a courtesy vehicle, must be displayed and promoted.
- (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 copy of the original licence with all the conditions, displayed prominently in the premises.
 - ii) A sign in a prominent place identifying the duty manager or responsible bar person.

Reasons

1. This is an application by Otorohanga Club Inc for renewal of a club licence in respect of the premises situated at 68 Golf Road, Waitomo. The club has been operating under the current licence since August 2013.
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 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?
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 Otorohanga Club Inc is a suitable applicant to hold a club licence. The club has demonstrated compliance with the Sale and Supply of Alcohol Act 2012.
7. Otorohanga Club Inc proposes to continue operating as a club from 11.00am to 1.00am the following day Monday to Sunday. The licensing committee is satisfied that these are appropriate hours of operation.
8. The application complies with the Waitomo District Local Alcohol Policy.
9. 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.

10. The licensing committee is satisfied that the club has an appropriate Host Responsibility Policy and Staff Training Programme 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 are trained in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012. This condition also now requires committee members to undertake some training. As licensees, this ensures that club committee members are aware of their responsibilities in ensuring the club complies with the responsibilities under the Sale and Supply of Alcohol Act 2012.
11. 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 existing licence requires that the holder of a manager's certificate must be on duty for tournaments and functions only. At all other times a suitable club member must be responsible for compliance. The Licensing Inspector recommends that this condition be upgraded to requiring a duty manager to be on duty at all times, due to a lack of formal training for committee members. The Club Manager has agreed to this change to the condition and confirms that only trained staff with manager's certificates will sell alcohol at the club.
12. 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.
13. 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

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

Dated this 13th day of August 2020



Sara Grayson
Commissioner