

Application

19/067/2018

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of an application by
Aria Squash and Recreation Club
Incorporated for a club licence in respect
of the premises at St Helens Domain,
Kumara Road, Aria, and known as Aria
Squash and Recreation Club

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. Aria Squash and Recreation Club Incorporated is authorised to sell and supply alcohol on the premises situated at St Helens Domain, Kumara Road, Aria and known as Aria Squash and Recreation Club for consumption on the premises to any authorised customer or visitor as described in the licence conditions.
2. This licence continues in force until the close of the period of 12 months after the day it is issued.
3. The licence is subject to the following conditions:
 - (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 Thursday, from 9.00am to 12.00 midnight
Friday and Saturday and Public Holidays, from 9.00am to 1.00am the following day
Sunday, from 9.00am to 11.00pm
 - (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 5 December 2018 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 holder of a manager's certificate must be on duty for tournaments and functions only. At all other times there should be a suitable club member responsible for compliance.
- (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 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 from the premises must be displayed.
- (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 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 Aria Squash and Recreation Club Incorporated for a club licence in respect of the premises situated at St Helens Domain, Kumara Road, Aria. The club previous held a club licence, however application for the renewal of the club licence was declined last year because the company had been struck of the Companies Office Incorporated Societies Register.
2. The became club incorporated again on 14 November 2018 and is therefore entitled to hold a club licence under section 5 of the Act.
3. 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).
4. 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).
5. In deciding whether to grant a club licence the licensing committee must have regard to section 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?

Is the applicant suitable? Does the applicant have appropriate systems, staff and training to comply with the law?

6. The licensing committee is satisfied that Aria Squash and Recreation Club Incorporated is a suitable entity to hold a club-licence. The club has an appropriate Host Responsibility Policy and staff training programme for duty managers and committee member who will be responsible for managing the bar on non-tournament/function days. There are two Duty Managers employed to ensure compliance with the Act.

7. The club has only 30 members and alcohol is not the main focus because it is a sports club. The club has a thorough staff training programme for volunteers who will help manage the bar, therefore the licensing committee considers that it is not necessary that a certificated manager be on duty at all times. It will be a condition of the licence that a holder of a manager's certificate must be on duty for tournaments and functions only. This will ensure compliance with the Sale and Supply of Alcohol Act 2012 when visitors are at the club and numbers are increased. At all other times there should be a suitable club member responsible for compliance who has been trained in the requirements of the Act.

Are the days and hours during which the applicant proposes to sell alcohol reasonable?

8. Aria Squash and Recreation Club Incorporated proposes to operate from 9.00am to 12.00 midnight Monday to Thursday, from 9.00am to 1.00am the following day Friday and Saturday and Public Holidays, and from 9.00am to 11.00pm Sunday. The licensing committee is satisfied that these are appropriate hours of operation.

Is the design and layout of the premises suitable?

9. The licensing committee is satisfied that Aria Squash and Recreation Club Incorporated has a suitable design and layout to meet the requirements of the Act. The licensed area includes the club room and covered veranda. However, it does not include the squash courts as alcohol is not permitted in this area. It is well appointed and able to be monitored effectively by the bar staff. The entire premises is undesignated. This is appropriate because some minors may attend the club without their parent or legal guardian.

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?

10. Aria Squash and Recreation Club Incorporated does not engage in the sale of goods or services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food.

Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of the licence?

11. The licensing committee is satisfied that the grant of an on-licence to Aria Squash and Recreation Club Incorporated will not have a negative effect on the good order of the locality. There have been no reports of any nuisance, vandalism or noise problems associated with this premises.

Conclusion

12. The licensing committee is satisfied that the grant of the club-licence with the appropriate conditions will ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol.

13. Therefore, the application for the club licence is granted.

Dated at this 28th day of January 2019

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

Sara Grayson
Commissioner