

Decision Number: 019/CLUB/003/2015

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

AND

IN THE MATTER of an application by **Piopio Cosmopolitan 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 31st day of July 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **Piopio Cosmopolitan 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 and a 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/1/2010 was received by the Waitomo District Licensing Committee on 4 June 2015 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 9 June 2015.

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:
- (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: Dale Young
President: Darryl Tucker

There are no matters of concern with respect to the club officials.

LOCAL ALCOHOL POLICY

The provisional Local Alcohol Policy has yet to be adopted by Waitomo District Council. As an application for renewal of a club licence with hours proposed Monday to Sunday from 9.00am until 2.00am the following day it is unlikely to comply were the policy in force. The draft policy states:

*"No club-licence shall be issued or renewed that exceed the following:
Monday to Sunday 9:00am to 1:00am the following day (subject to section 46 of the Act)."*

DAYS AND HOURS

The applicant proposes no changes to the hours of Monday to Sunday 9.00am to 2.00am the following day.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at 42 Moa Street. The premises are formed from a large room with a bar, gaming area, a dining area and a kitchen. An outdoor smoking area is also provided.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

No other goods are provided. The club also holds an off licence. The application states there are no other services provided. The Inspector noted however that the car park to the applicant's premises does possess a 'dump station' facility for use by passing campervans.

REDUCTION OF AMENITY AND GOOD ORDER

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Queen Street, PO Box 404 Te Kuiti 3941, New Zealand
Tel 07 878 0800 Fax 07 878 7771 Freephone 0800 932 4357
www.waitomo.govt.nz


Waitomo District
licensing committee

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The applicant's premises have been operating under a club licence since before 2010.

The following licensed premises are located within 500 metres of the applicant's premises:

Trading name	Type of licence	Licensed days/hours
The Fat Pigeon	On	Monday to Sunday / 8.00am to 12.00 midnight
The Night Owl	On	Monday to Sunday / 8.00am to 12.00 midnight
Piopio Superette	Off	Monday to Sunday 7.00 am to 10.00 pm

The application states 'None' to the question: State the proximity of all sensitive sites within a 500 metre radius of the premises. In fact there is a church (All Saints Church) and one educational establishment namely Te Whanau Kohanga Reo O Piopio.

The application also states 'None' to the question: State the number of residential neighbours within a 50 metre radius of the premises. In fact there is one residential dwelling within 50 metre of the applicant's premises. This owned by Piopio Cosmopolitan Club Incorporated and is currently occupied by one of their certificated managers.

The applicant's premises are located in a mixed commercial and residential area and there are several residential dwellings which potentially could be affected by noise from the applicant's premises. However no complaints have been received by the Waitomo District Council regarding noise or anti-social behaviour. The application does state: 'We did receive an email from a lady living in the shop across the road complaining about noisy vehicles leaving our car park.' The application does not indicate when this email was received. The applicant does engage the services of bands occasionally to provide live performances, which are likely to be noisy and potentially could disturb occupants of residential dwellings in the vicinity.

SYSTEMS, STAFF AND TRAINING

The applicant states bar staff have completed host responsibility training and attended Sale and Supply of Alcohol Act training (provided by the District Health Board to clubs within the Waitomo District) in February 2015.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 12 June 2015 presents no objections to the application.
Report from the office of the Medical Officer of Health dated 26 June 2015 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:

It is recommended that the licence be renewed with 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 2.00am the following day
- c) Food must be available for consumption on the premises as follows:
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.
- d) 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.
- e) Drinking water must be freely available at the following places while the premises are open for business: **At the bar.**
- f) 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.
- g) 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.
- h) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- i) Noise levels at the boundary of the premises must not exceed the District Plan noise conditions:
 - i) Daytime (7.00am to 10.00pm Monday to Saturday and 8.00am to 5.00pm Sundays and Public Holidays) Maximum Noise: 55dBA L10;
 - ii) Night-time (all other times) Maximum noise: 45dBA L10;
 - iii) No single event noise shall exceed 70dBA Lmax at night time;
 - iv) The licensee to take all necessary steps, including physical or management controls, to ensure noise levels generated by activities from the premises including the car parking areas do not exceed the District Plan noise conditions.
- j) The licensee to have a club secretary at all times.
- k) 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.
- l) All proceeds from the sale of alcohol belong to the licensee.

DATED at Te Awamutu / Cambridge this 31st day of July 2015


Diane Sharpe
Chairperson
Waitomo District Licensing Committee


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