

**Application** 19/034/2018

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

**AND**  
**IN THE MATTER** of an application by  
Waitomo Club  
Incorporated for the renewal of a  
club licence pursuant to section 127 of the  
Act

HEARING at the Waitomo District Council Chamber on 7 September 2018

WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Mrs S Grayson  
Members: Mr J Gower, Ms T McIntyre

APPEARANCES

Mr A Hepi – President, Waitomo Club Incorporated  
Mr J Moran – Manager, Waitomo Club Incorporated  
Miss S Tuheke – Duty Manager, Waitomo Club Incorporated  
Ms C Fouracre – Vice President, Waitomo Club Incorporated  
Mr L Norris - Licensing Inspector

**DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE**

1. The club licence 19/CLUB/004/2015 in respect of the premises situated at King Street East, Te Kuiti and known as Waitomo 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 be sold only on Monday to Sunday, from 9.00am to 1.00am the following day.
  - (b) The club must always have a secretary.
  - (c) The club must inform the District Licensing Committee of the name of a new secretary within 10 working days of their appointment.

- (d) All proceeds from the sale of alcohol belong to the club.
- (e) Alcohol may be sold or 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.
- (f) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Waitomo District Licensing Committee on XX 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 or a properly notified manager must be on duty and on the premises at all times alcohol is sold. 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 bar 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 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 Waitomo Club Incorporated for renewal of a club licence in respect of the premises situated at King Street East, Te Kuiti. The club licence has been in force since July 1990. The club is an incorporated society and is therefore entitled to hold a club licence.

### **Reports**

2. The application was advertised, and no public objections were received. The Medical Officer of Health, Police and Licensing Inspector do not oppose the application. However, there was a lack of information in the application regarding the systems, staff and training in place to ensure compliance with the Act. Therefore, the application was set down to be heard at a public hearing pursuant to section 202(1).
3. The Licensing Committee conducted a site visit prior to the hearing.

### **The Sale and Supply of Alcohol Act 2012**

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 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 (LAP)?
6. Section 132 provides that the licensing committee may vary or cancel any conditions applying to the licence before its renewal.

**Is Waitomo Club Incorporated is a suitable applicant to hold a club licence?**

7. The Licensing Inspector does not report any concerns regarding the suitability of the club to hold a club licence and in particular notes the stable, experienced management within the club. In addition, the club has operated many events held under special licenses with no adverse issues.

**Are the days and hours during which the applicant proposes to sell alcohol reasonable? Does the application comply with the Waitomo District Local Alcohol Policy (LAP)?**

8. Waitomo Club Incorporated proposes to continue operating as a club from 9.00am to 1.00am the following day Monday to Sunday. These hours comply with the LAP and are appropriate hours of operation. In all other regards the application complies with the LAP.

**Is the design and layout of the premises suitable?**

9. The club premises is spacious and tidy. It has a large room with a bar room, a gaming room, a dart game area, snooker tables, a large dining area and a covered outdoor smoking area. As a result of questions raised at the hearing it became evidence that there is a lack of clarity about whether the outdoor dining area is included in the licenced area. Mr Moran advised that the club would like this area to be licensed. The Licensing Inspector supports this request. At the hearing, the licensing committee asked Mr Moran to check whether the current positioning of the CCTV camera would provide a good view of the outside area.
10. Subsequent to the hearing, Mr Moran has advised that the CCTV camera situated in the smoker's area clearly covers the outside area immediately outside the smoking enclosure. The remaining portion of the outside area is in direct line of sight from the bar making observation of that area straight forward for staff
11. The licensing committee agrees that this outdoor area can be licensed. It is a well-defined area with good fencing around the entire perimeter. Staff stationed at the bar and circulating in the dining room can easily view the area through the large glass doors that lead from the dining room to the grassed area where the outdoor tables are situated. In addition, there is adequate CCTV coverage.
12. The club has submitted a new site plan date stamped XX 2018 and it clearly shows the licensed area; being the whole premises, the outdoor grassed area at the back and the smokers enclosure. In addition, it shows the principal entrance and location of the CCTV Cameras.
13. 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. The premises is currently undesignated, and this is appropriate for this type of social club.

**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?**

14. The club does not 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.

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

15. The Licensing Inspector states in his report that there is a Host Responsibility Policy, Date of Birth Chart, Intoxication Assessment Tool and Prohibited Persons sign displayed at the main bar. In addition, a manager's register is maintained. There are four staff members that hold manager's certificates. The two principle entrances are kept locked and entry is gained via a swipe card for members and an intercom system for visitors. Members and authorised visitors are signed in at the bar by the duty manager. The club operates a free courtesy bus service from 5.00pm until closing time. There are no concerns regarding the amenity and good order of the locality.
16. However, there is no evidence of a structured staff/club committee member training plan in place or scheduled training times and dates for staff/club members.
17. Under section 105 and 131 of the Act the licensing committee must have regard to whether the licensee has appropriate staff, systems and training to comply with the Act. Condition (f)(i) of the licence says "All staff will be trained in their responsibilities under the Act"
18. Mr Moran gave evidence that the club was established 50 years ago and currently has 960 financial members representing a cross section of the community. Many would consider the club as the social centre of Te Kuiti. The club employs a total of five bar staff, four of whom are certified duty managers.
19. Mr Moran states that informal staff training has taken place at monthly staff meetings. Staff are updated on committee decisions, issues associated with general compliance and host responsibility. Mr Moran accepts that staff meetings were not formal, minutes were not kept and an attendance register was not maintained. The club accepts that staff training now needs to be carried out in a more structured manner. To address the club's shortcomings a staff training programme has now been developed and an individual training log has been established for all staff.
20. The Licensing committee considers that regular staff training for all bar staff and committee members is important to keep everyone up to date regarding key obligations and responsibilities under the Act. It is important that committee members give their full support to the Manager and bar staff and understand the legal obligations of the club.
21. Subsequent to the hearing the club has provided evidence of a comprehensive training programme for bar staff and committee members. In particular, the licensing committee is pleased to see that committee members will take part in induction training, six-month refresher training and Club Champs. The club now has a useful staff and committee member training log, where the date, content, trainer and participants can be recorded. In addition, topics covered at monthly meetings can also be recorded. This will assist the club to keep good records and to keep track of all staff and committee members and to make sure they are up to date.
22. After hearing all of the evidence the licensing committee is now 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. 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.

**Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?**

23. The licensing committee does not have any evidence to suggest that the club has sold, displayed, advertised or promoted alcohol in an irresponsible manner.

**Have the Police, Inspector and Medical officer of health raised any relevant considerations?**

24. Mr Norris reports that the club is seeking a change to the conditions of the licence to clarify who alcohol can be sold to. The existing conditions make no reference to the guest of an authorised visitor. This request is granted as it is specifically provided for in section 60 of the Act.

**Conclusion**

25. Therefore, the application for the renewal of the club licence is granted. The conditions for this licence have been replaced to ensure that they are consistent with club 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 of the club licence will be specifically updated to include the guest of an authorised visitor and the new site plan that includes the outdoor dining area.

Dated this 19th day of November 2018



Sara Grayson  
Commissioner  
Waitomo District Licensing Committee