



**OTOROHANGA DISTRICT LICENSING COMMITTEE**

Decision Number: 018/CLUB/001/16

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Kawhia Boating and Angling Club Incorporated for the renewal of an on/off/club-licence.

**BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE**

Chairperson: Roy Johnson

**MEETING** at Otorohanga on 8<sup>th</sup> of June 2016

**INTRODUCTION**

The Otorohanga District Licensing Committee has before it an application by Kawhia Boating and Angling Club Incorporated for the renewal of CLUB licence in respect to premises situated at 124 Omimiti Street, Kawhia and known as Kawhia Boating and Angling Club Incorporated.

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, 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 CL0001 was received by the Otorohanga District Licensing Committee on 11 May 2016 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(2) (e).

The application was publically notified in accordance with section 127(3).

## **DECISIONS AND REASONS**

The criteria to which this committee must have regard are detailed in section 131 of the Act.

### ***“131 Criteria for renewal***

*(1) In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*

- (a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1);*
- (b) whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:*
- (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*
- (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*

*(2) The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.”*

The provisions of section 105 referred to above are highlighted in bold as follows:

### ***“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:

There is nothing to indicate that the applicant is unsuitable.

Local Alcohol Policy:

This policy is yet to be adopted.

Days and hours:

The applicant proposes the following hours.

Monday to Sunday inclusive 9 a.m. until 1 a.m. the following day.

This is the maximum permitted hours for clubs under the proposed local alcohol policy.

Design and Layout of the premise:

The premises are located on the site at 124 Omimiti Street, Kawhia. The club house incorporates a bar, kitchen, club room and toilets. The areas that have been allocated for the consumption of alcohol can be seen from the bar. There are no proposed changes from the original application.

The applicant proposes no changes to the existing designation.

No goods are sold other than alcoholic and non-alcoholic beverages.

Sale of Goods and Services other than those related to alcohol

No other services are provided other than those associated with alcohol.

Reduction of amenity and good order

The clubroom is situated on the water front. There is a car park for patrons and a nearby public carpark also. There is a dwelling to one side of the building however no complaints have been received regarding nuisance from the club. There is no graffiti or broken bottles around the area which might indicate the amenity and good order has been affected.

Systems, staff and training

The applicant has provided evidence of the systems, staff and training of those staff that are in place to ensure compliance with the Act.

The applicant has three certificated managers. The club is aware of the requirements of section 231 in terms of notifications and appointments.

Manner in which the premises have been operated

Meets the requirements of the Legislation.

Issues raised by reporting agencies

Police report dated 13 May 2016 present no objections to the application.  
Report from the office of the Medical Officer of Health dated 1 June 2016 presents no objections to the application.

The public

No public objections were received in relation to this application

**CONCLUSION**

Having been satisfied as to the matters to which the Committee must have regard in s.131 of the Act as detailed above, the application is **granted**.

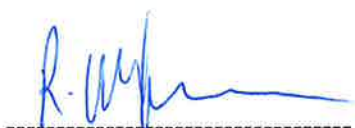
A replacement licence and renewal notice can be issued immediately containing the compulsory conditions of section 110(2) clubs and the conditions to which the existing licence is subject namely:

- 1) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on ANZAC day to any person who is not-
  - a. Residing on the premises; or
  - b. Present on the premises to dine.
  
- 2) The following steps must be taken to promote the responsible consumption of alcohol:
  - i. Non-alcoholic beverages shall be available in accordance with section 51 of the Act;
  - ii. Low alcoholic beverages shall be available in accordance with section 52 of the Act
  - iii. Food must be available in accordance with section 53 of the Act
  - iv. Transport information must be available in accordance with section 54 of the Act
  
- 3) Alcohol must be sold only on the following days and during the following hours:

Monday to Sunday inclusive 9a.m. to 1a.m. the following day.

- 4) The following steps must be taken to ensure that the provisions of the Act relating to the sales of alcohol to prohibited persons are observed:
  - a. Signage shall be installed advising that minors and intoxicated persons shall not be served.
- 5) The premises situated at 124 Omimiti Street Kawhia is more precisely identified as outlined in photographs stamped as received by the Otorohanga District Licensing Committee.
- 6) The bar area of the premises is to be supervised. The decking area undesignated.
- 7) Drinking water must be freely available in the following places to customers while the premises are open for business: on the bar.
- 8) The holder of a club-licence must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—
  - i. attached to the inside of the premises concerned; and
  - ii. so as to be easily read by people entering each principal entrance.

**DATED AT Otorohanga this 8<sup>th</sup> day of June 2016**



Chairperson

**OTOROHANGA DISTRICT LICENCING COMMITTEE**