



**OTOROHANGA DISTRICT LICENSING COMMITTEE**

Decision Number: 018/CLUB/004/15

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Oparau Community & Districts Club Inc. for the renewal of a club-licence.

**BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Cambridge on 20th of November 2015

**INTRODUCTION**

The Otorohanga District Licensing Committee has before it an application by for the renewal of CLUB licence in respect to premises situated at 33 Rotoiti Street, Oparau and known as the Oparau Community and Districts Club Inc.

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 CL0011 was received by the Otorohanga District Licensing Committee on 1 September 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(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 and is at appeal stage.

Days and hours:

The applicant proposes the following changes to their hours

from Monday to Sunday 11 a.m. to 1 a.m. the following day to

Thursday to Saturday 1p.m. to 1 a.m. the following day.

Design and Layout of the premise:

The premises are located on the site at 33 Rotoiti Street, Oparau. The clubhouse incorporates a lounge, the bar, store room, office, kitchen, male and female toilets. There is an outside decking area that can be accessed through the clubroom.

The area that has been allocated for the consumption of alcohol can be seen from the bar except for the decking which is to the side of the property.

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 in the hamlet of Oparau. There are a few nearby dwellings. There have been no noise complaints or reports of anti-social behaviour emanating from these premises.

The amenity and good order would not be affected by the renewal of this licence.

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 continues to have one certificated manager. The club is aware of the requirements of section 231 in terms of notifications and appointments. The Club has nominated Willie Kerr to stand in for Doris Slade, the current duty manager. Mr Kerr will cover Ms Slade when she is not available and will progress towards Liquor Controllers Qualification.

Manner in which the premises have been operated

Meets the requirements of the Legislation.

Issues raised by reporting agencies

None

The public

None

**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 (reworded as appropriate), namely:

- 1) The following steps must be taken to promote the responsible consumption of alcohol:
  - (a) Non-alcoholic beverages shall be available in accordance with section 51 of the Act;
  - (b) Low alcoholic beverages shall be available in accordance with section 52 of the Act
  - (c) Food must be available in accordance with section 53 of the Act
  - (d) Transport information must be available in accordance with section 54 of the Act
  
- 2) Alcohol must be sold only on the following days and during the following hours:
 

Thursday to Saturday 1p.m. to 1a.m. the following day
  
- 3) 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.

- 4) The premises situated at 33 Rotoiti Street Oparau is more precisely identified as outlined in photographs stamped as received by the Otorohanga District Licensing Committee.
- 5) The bar area of the premises is to be supervised. The outside decking area is to be undesignated.
- 6) Drinking water must be freely available in the following places to customers while the premises are open for business: on the bar.
- 7) 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—
  - (a) attached to the inside of the premises concerned; and
  - (b) so as to be easily read by people entering each principal entrance.

**DATED AT Cambridge THIS <sup>20<sup>th</sup></sup>~~21~~th DAY OF NOVEMBER 2015**



Chairperson  
**OTOROHANGA DISTRICT LICENCING COMMITTEE**