



OTOROHANGA DISTRICT LICENSING COMMITTEE

Decision Number: 018/CLUB/004/14

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Otorohanga Domain Sports Association for the renewal of a club-licence.

BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Cambridge on 13th of February 2015

INTRODUCTION

The Otorohanga District Licensing Committee has before it an application by Otorohanga Domain Sports Association for the renewal of CLUB licence in respect to premises situated at Alex Telfer Drive, Otorohanga and known as Otorohanga Domain Sports Association.

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 018/CL/1/11 was received by the Otorohanga District Licensing Committee on 19 December 2014 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 to operate Monday to Friday 6 p.m. to 12 midnight and Saturday and Sunday 11 a.m. to 12 midnight. This is a variation as the previous licence operated from 6.30 p.m. to 12 midnight Monday to Friday, and Saturday and Sunday 11a.m. to 12 midnight. This is in keeping with the proposed Local Alcohol Policy.

Design and Layout of the premise:

The premises are located on the site at Jack Corbett Pavilion, Alex Telfer Drive and incorporates the Otorohanga Cricket Club and the Otorohanga Football Club.

The area to be licensed is formed from the clubroom with a small bar and kitchen as illustrated in the plan submitted with the application. There are no proposed changes.

The applicant proposes no changes to the existing designation.

Sale of Goods and Services other than those related to alcohol

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

Reduction of amenity and good order

The clubrooms are situated away from the residential area and 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. It has a Host Responsibility Plan which is included as part of the application.

The applicant continues to have one certificated manager and has not been brought to our notification for breeches in the legislation. The Club is aware of the requirements of section 231 in terms of notifications and appointments.

Manner in which the premises have been operated

Has not come to the attention of any of the Agencies.

Issues raised by reporting agencies

Nothing to report.

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) 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:

Monday to Friday 6 p.m. to midnight
Saturday and Sunday and Public Holidays 11 a.m. to 12 midnight.

- 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 Alex Telfer Drive, Otorohanga are more precisely identified as outlined in photographs stamped as received by the Otorohanga District Licensing Committee.

- 5) The bar area of the premises is 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 13th DAY OF FEBRUARY 2015



**Chairperson
OTOROHANGA DISTRICT LICENCING COMMITTEE**