



**OTOROHANGA DISTRICT LICENSING COMMITTEE**

Decision Number: 018/CLUB/001/15

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Otorohanga Sports Club Incorporated for the renewal of a club-licence.

**BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Cambridge on the 9th day of October 2015

**INTRODUCTION**

The Otorohanga District Licensing Committee has before it an application by the Otorohanga Sports Club for the renewal and variation of the CLUB licence in respect to premises situated at Island reserve, Orahiri Terrace, Otorohanga and known as the Otorohanga Sports 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 CL0010 was received by the Otorohanga District Licensing Committee on 10 July 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 on 14 July 2015 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 applicants 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. These are not subject to opposition.

|                               |                       |
|-------------------------------|-----------------------|
| Monday, Tuesday and Wednesday | 7 p.m. to 12 midnight |
| Thursday                      | 7 p.m. to 10 p.m.     |
| Friday                        | 6 p.m. to 12 midnight |
| Saturday and public holidays  | 1 p.m. to 12 midnight |
| Sunday                        | 12 noon to 5 p.m.     |

The existing hours are:

|                              |                       |
|------------------------------|-----------------------|
| Monday to Thursday           | 3 p.m. to 12 midnight |
| Friday                       | 5 p.m. to 12 midnight |
| Saturday and public holidays | 9 a.m. to 12 midnight |
| Sunday                       | 9 a.m. to 10 p.m.     |

Design and Layout of the premise:

The premises are located on the site at Island Reserve, Orahiri Terrace, Otorohanga. The club house incorporates the bar, kitchen, male and female toilets, lounge with a fenced viewing exterior deck and viewing room. 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 at least 80 metres away from the nearest dwelling 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.

The applicant continues to have one certificated manager, but is encouraged to increase this. 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

The Licensing Inspection has established that the club appears to have no reciprocal visiting rights formally established. The club will be aware that that Act restricts the supply of alcohol to “authorised customers” being members, a person invited and accompanied by a member, and “authorised visitors”.

### ***“60 Sale and supply in clubs to members and guests only***

*(1) The holder of a club licence must ensure that no alcohol is sold or supplied to any person for consumption on the premises unless the person is—*

*(a) an authorised customer; or*

*(b) if the licence issued subject to a condition allowing alcohol to be sold or supplied to people of that kind, a person who is on the premises at the invitation of an authorised visitor who is also on the premises.*

*(2) ...*

*(3) In this section,—*

***authorised customer***, in relation to premises a club licence is held for, means a person who—

*(a) is a member of the club concerned; or*

*(b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or*

*(c) is an authorised visitor*

***authorised visitor***, in relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members

***member***, in relation to a club, means a person who—

*(a) has expressly agreed in writing to comply with the club’s rules; and*

*(b) is recognised as a member of the club by those rules.”*

An “authorised visitor” is a member of a club that has “arrangement for reciprocal visiting rights”. If no such arrangements can be demonstrated, then the club can only supply their own members, and guests accompanied by a member. The club needs to resolve this issue by confirming reciprocal clubs through their Rugby Union or other body, and / or recognising clubs with reciprocal rights in their constitution or other formal manner. Until that time they can obviously not exercise section, and serving anyone other than members and their guests is not authorised.

The Licensing Inspector has recommended that this be reflected on the licence. This is difficult, as section 60, by way of the definition of 60(3)(c), does give any club the right to serve members of affiliated clubs so it cannot be removed from the licence. It simply cant be used if the club has no such arrangements. This does not take away their right to use it in the future should such arrangements be made.

It is therefore appropriate that a condition be imposed subject to section 110(1)(c) that only members and their guests can be served alcohol until such time as the District Licensing Committee is advised of any reciprocal arrangement(s).

*Section 10 (1) (c) “conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied”*

#### The public

The application was advertised in accordance with the Act. No objections were received.

#### **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 and variation are **granted**.

The licence will be subject to the following conditions:

- 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

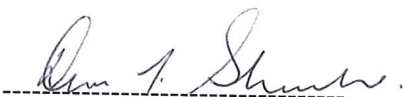
- 2) Alcohol must be sold only on the following days and during the following hours:

|                               |                          |
|-------------------------------|--------------------------|
| Monday, Tuesday and Wednesday | 7.00 p.m. to 12 midnight |
| Thursday                      | 7.00 p.m. to 10.00 p.m.  |
| Friday                        | 6.00 p.m. to 12 midnight |
| Saturday and public holidays  | 1.00 p.m. to 12 midnight |
| Sunday                        | 12 noon to 5.00 p.m.     |

- 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 the Island Reserve, Orahiri Terrace, Otorohanga is more precisely identified as outlined in plans held by the Otorohanga District Licensing Committee.
- 5) The bar area of the premises is to be supervised.
- 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.
- 8) The licensee is **not authorised to sell alcohol** to persons as defined in section 60(3)(c), *"member of some other club with which the club concerned has an arrangement for reciprocal visiting rights"* until confirmation of any such arrangement(s) is received by the District Licensing Committee.

A replacement licence and renewal notice can be issued immediately. The licence is renewed for three years from the date of the most recent expiry.

**DATED AT Cambridge THIS 16<sup>th</sup> DAY OF October 2015**



Chairperson

**OTOROHANGA DISTRICT LICENCING COMMITTEE**