



OTOROHANGA DISTRICT LICENSING COMMITTEE

Decision Number: 018/CLUB/002/16

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

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

BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Cambridge on the 7th of October 2016

INTRODUCTION

The Otorohanga District Licensing Committee has before it an application by for the renewal of CLUB licence in respect to premises situated at Paewhenua Road, Otorohanga and known as Kio Kio United 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 CL0013 was received by the Otorohanga District Licensing Committee on 8 September 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:

The application is compliant with the hours stipulated in the local alcohol policy.

Days and hours:

The applicant proposes the following hours.

Monday, Tuesday, Wednesday and Thursday inclusive 4 p.m. until 11 p.m.

Saturday and public holidays 11a.m. to 1 a.m. the following day

Sundays 11 a.m. to 1 a.m. the following day.

Design and Layout of the premise:

The premises are located on the site at 135 Paewhenua Road, RD2 Otorohanga 3972.

The club house incorporates a bar, kitchen, club room and toilets. There is also an outside smoker's area. All areas that have been allocated for the consumption of alcohol can be seen from the bar.

The applicant proposes no changes to the existing un-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 located next to the sports ground and there are no near neighbours. There is a car park for members and guests to use. There have been no complaints received regarding noise 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 two certificated managers: Jo Fox 018/Cert/006/15 and Kaitlyn Bradley Tindale 016/Cert/009/2016. 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 20 September 2016 present no opposition to the application. Report from the office of the Medical Officer of Health dated 27 September 2016 presents no opposition 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) 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, Wednesday and Thursday inclusive 4p.m. until 11 p.m.
Saturday and public holidays 11a.m. to 1 a.m. the following day
Sundays 11 a.m. to 1 a.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 135 Paewhenua Road RD 2 Otorohanga 3972 is more precisely identified as outlined in photographs stamped as received by the Otorohanga District Licensing Committee.
- 5) The club incorporating the club room and outside smokers' area are the only areas where the consumption of alcohol is permitted.
- 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 so as to be easily read by people entering each principal entrance
- 8) A certificated manager shall be on duty at all times as required by the Act.

DATED AT Cambridge THIS 7th day of October 2016



Chairperson
OTOROHANGA DISTRICT LICENCING COMMITTEE