

LICENSING COMMITTEE

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| Application | 018-0101 |
| <u>IN THE MATTER</u> | of the Sale and Supply of Alcohol Act 2012 |
| <u>AND</u> | |
| <u>IN THE MATTER</u> | of an application by Otorohanga Sports Club Incorporated for the renewal and variation of a club licence pursuant to section 127 in respect of the premises at Island Reserve, Orahiri Terrace, Otorohanga and known as Otorohanga Sports Club |

DECISION OF THE OTOROHANGA DISTRICT LICENSING COMMITTEE

1. The club licence 018/CLUB/001/15 in respect of the premises situated at Island Reserve, Orahiri Terrace, Otorohanga and known as Otorohanga Sports Club is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The present conditions of the licence are replaced as follows:
 - (a) Alcohol may only be sold and supplied to:
 - (i) a member of the club,
 - (ii) any member of any other club where this club has an arrangement for reciprocal visiting rights,
 - (iii) a person who is invited and accompanied by the members listed in (i) or (ii) above.
 - (b) Alcohol may be sold only on the following days and during the following hours:

Monday to Thursday, from 6.00pm to 10.00pm
Friday, from 5.00pm to 12.00 midnight
Saturday and Public Holidays, from 1.00pm to 12.00 midnight
Sunday, from 1.00pm to 7.00pm
 - (c) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
 - (d) The club must always have a secretary.

- (e) The club must inform the District Licensing Committee of the name of a new secretary within 10 working days of their appointment.
- (f) All proceeds from the sale of alcohol belong to the club.
- (g) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the District Licensing Committee on 27 February 2019 and no alcohol is to be taken out of this area.
- (h) The entire premises is undesignated (persons under 18 can be in the area).
- (i) A holder of a manager's certificate must be on duty for tournaments, functions and events. At all other times there should be a suitable club member responsible for compliance.
- (j) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- (k) The licensee must maintain and display a Host Responsibility Policy and ensure all staff and committee members receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- (l) Alcohol must not be sold or supplied to minors or intoxicated persons. The Licensee must display appropriate signs at every point of sale detailing restrictions on the sale and supply of alcohol to such persons.
- (m) Drinking water must be freely available and this must be clear to customers while the premises are open for the sale and supply of alcohol.
- (n) A range of non-alcoholic and low-alcohol drinks must be available at all times when the premises is open for the sale of alcohol.
- (o) Food must be available for consumption on the premises at all times the premises is open for the sale of alcohol. Where catered finger foods, buffet or a la carte meals are not provided, there must be a minimum of food four types of light meals available (excluding nuts and crisps and the like).
- (p) A telephone must be freely available for customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed and promoted.
- (q) No BYO alcohol is permitted on the premises while alcohol is available for sale.
- (r) The Licensee must ensure the following are displayed;
 - i) A sign to be seen from outside the principal entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.
 - ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
 - iii) A sign in a prominent place identifying the duty manager [or responsible bar person].

Reasons

1. This is an application by Otorohanga Sports Club Incorporated for renewal and variation of a club licence in respect of the premises situated at Island Reserve, Orahiri Terrace, Otorohanga. The variation relates to changes to the licensed hours and a change from the bar area designated as supervised to the whole premises being undesignated.
2. The application was advertised, and no objections have been received from members of the public. The Liquor Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not oppose the application. Accordingly, the matter is decided on the papers (s 134).
3. The purpose of the Act is to put in place a new system of control over the sale and supply of alcohol (s 3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4).
4. In deciding whether to renew a club licence the licensing committee must have regard to sections 131 and 105 of the Act. Therefore this committee must consider the following questions within the framework of the purpose and object of the Act:
 - a) Is the applicant suitable?
 - b) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
 - c) Is the design and layout of the premises suitable?
 - d) Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
 - e) Does the applicant have appropriate systems, staff and training to comply with the law?
 - f) Have the police, inspector and medical officer of health raised any relevant considerations?
 - g) Will the amenity and good order of the locality be increased by more than a minor extent by the effects of a refusal to renew the licence?
 - h) Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?
 - i) Does the application comply with the Otorohanga District Local Alcohol Policy?
5. Section 132 provides that the licensing committee may vary or cancel any conditions applying to the licence before its renewal.

Should the licence be renewed?

6. The Licensing Inspector reports that the Otorohanga Sports Club Incorporated supports a number of different sporting codes including; rugby, netball and softball. It also has pool tables, a dart board area and two squash courts. The club has increased its membership and there are now 125 minors playing sport at the club. The club has a focus on family participation and is an important sports venue within Otorohanga. For the most part, the social aspect of the club is an adjunct to the sports focus. The club is run by volunteers and the bar staff are the only paid persons.
7. The licensing committee is satisfied that Otorohanga Sports Club Incorporated is a suitable applicant to hold a club licence. The club has been granted five special licences over the past year and no matters of concern have been raised with the reporting agencies in relation to these events.
8. While no instances of alcohol related harm have been raised, the Licensing Inspector reports deficiencies in the club's systems and training. The club had failed to display their licence or a Host Responsibility Policy and did not have any training records or information around food or transport. The club has since rectified all of these matters and the Licensing Inspector is now satisfied with the

staff, systems and training in place. In addition, the club now has three certificated duty managers and an appropriate Host Responsibility Policy which demonstrates that suitable measures will be undertaken in regard to responsible sale and supply of alcohol and that harm will be reduced. It is a condition of this licence that all bar staff and committee members are trained in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.

9. The hours of the club are:

Monday to Wednesday, from 7.00pm to 12.00 midnight
Thursday, from 7.00pm to 10.00pm
Friday, from 6.00pm to 12.00 midnight
Saturday and public holidays, from 1.00pm to 12.00 midnight
Sunday, from 12.00noon to 5.00pm

The proposed varied hours are:

Monday to Thursday, from 6.00pm to 10.00pm
Friday, from 5.00pm to 12.00 midnight
Saturday and Public Holidays, from 1.00pm to 12.00 midnight
Sunday, from 1.00pm to 7.00pm

10. The licensing committee considers that these changes are minor and there is no reason why they should not be granted. These hours and all other aspects of the application comply with the Otorohanga District Local Alcohol Policy.
11. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. It is well appointed and able to be monitored effectively by the staff of the premises. The club has requested a change to the designation from the bar area being supervised to the whole premises being undesignated. The licensing committee accepts the Licensing Inspector's recommendation that it is more appropriate for the whole club to be undesignated. This is because a number of children may be in the club without their parents or legal guardians for after match presentations.
12. The licensing committee is satisfied that the renewal of the club licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no reports of any nuisance, vandalism or noise problems associated with this premises in the previous licensing period.
13. The conditions for this licence have been replaced to ensure that they are consistent with licences issued since the commencement of the Sale and Supply of Alcohol Act 2012. The new conditions include information about the statutory obligations relating to clubs, the display of signage and the maintenance of a manager's register.
14. The existing licence states that *"The authority conferred by this licence must be exercised through a manager or manager or managers appointed by the club in accordance with Part 6 of the Act"*. This part of the licence is out of date and has been the cause of confusion with other clubs. The Licensing Inspector has recommended that a new condition be placed on the licence:

"A holder of a manager's certificate must be on duty for tournaments, functions and events. At all other times there should be a suitable club member responsible for compliance."

15. The Licensing Inspector advises that in the neighbouring district of Waitomo, the Piopio Aria Golf Club Inc club licence was recently renewed with the same condition. This is a club of a similar size and nature. The Licensing Inspector is satisfied that the object of the Act would not be compromised if the same condition is implemented for the Otorohanga Sports Club. In particular, a thorough training programme has now been implemented. Mr Graham Wilshier, the treasurer/secretary of the club, is the person responsible for delivering the training and is usually the responsible club member who will take charge of the bar when a certified duty manager is not there. Mr Wilshier has also advised the licensing committee that due to the improved training systems now in place, any member of the club's management board should qualify as a suitable club member responsible for compliance.
16. The requirement to have a manager on duty at all times does not apply to a club unless the licensing committee considers that it should be a condition of the licence (section 215). Some of the factors the licensing committee takes into account when determining whether a manager should be on duty at all times include; the size and nature of the club and any associated risks. One of the risks may include the number of other clubs that have reciprocal visiting rights and the number of visitors likely to be at the club. Most importantly, the club must be able to demonstrate that a thorough training programme is in place, if a responsible club member is to be in charge of the bar and compliance with the Act.
17. Mr Wilshier advises that softball is a junior programme and does not use the bar facilities. Netball is played at the Otorohanga Netball Centre which is off-site. The netball team members are financial members of the club and can visit the club whenever it is open. However, they do not invite clubs they play against back to the club. Rugby is played on a home and away basis. In a normal season there will be a maximum of 10 home games. On most of the away games the bar is not open unless there is a club activity scheduled. Junior rugby does not use the club bar facilities.
18. The club only has reciprocal visiting rights with the clubs that play in the Waikato Rugby Union Premier Club Competition. The licensing committee agrees with the recommendation of the Licensing Inspector that the club should be required to have a manager on duty for tournaments, functions and events. The club is a relatively small sports club and the only times when there will be a significant number of people using the bar is during tournaments, functions and events. The club takes a sensible approach and has two duty managers present where necessary and has well trained management board members for all other lower risk occasions when the bar may be open.

Conclusion

19. Therefore, the application for the variation and renewal of the club licence is granted.

Dated this 12th day of April 2019



Sara Grayson
Commissioner
Otorohanga District Licensing Committee