

**LICENSING COMMITTEE**

<b>Application</b>	018-0126
<b><u>IN THE MATTER</u></b>	of the Sale and Supply of Alcohol Act 2012
<b><u>AND</u></b> <b><u>IN THE MATTER</u></b>	of an application by Kawhia Sports Club Incorporated for the renewal and variation of a club licence pursuant to sections 120 & 127 in respect of the premises at 201 Hoturoa Street, Kawhia and known as Kawhia Sports Club

**DECISION OF THE OTOROHANGA DISTRICT LICENSING COMMITTEE**

1. The club licence 018/CLUB/005/15 in respect of the premises situated at 201 Hoturoa Street, Kawhia and known as Kawhia 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:  
Wednesday, from 5.00pm to 11.00pm  
Thursday, from 1.00pm to 6.00pm  
Friday, from 1.00pm to 12.00 midnight  
Saturday, from 1.00pm to 12.00 midnight  
Sunday, from 12.00 noon to 7.00pm
  - (c) The club must always have a secretary.

- (d) The club must inform the District Licensing Committee of the name of a new secretary within 10 working days of their appointment.
- (e) All proceeds from the sale of alcohol belong to the club.
- (f) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Otorohanga District Licensing Committee on 6 December 2019 and no alcohol is to be taken out of this area.
- (g) The entire premises is undesignated (persons under 18 can be in the area).
- (h) A holder of a manager's certificate or properly notified manager must be on duty and on the premises at all times alcohol is sold.
- (i) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- (j) The licensee must maintain and display a Host Responsibility Policy and ensure all bar staff and committee members receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- (k) 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.
- (l) Drinking water must be freely available and this must be clear to customers while the premises is open for the sale and supply of alcohol.
- (m) 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.
- (n) Food must be available for consumption on the premises at all times the premises is open. Where catered finger foods, buffet or a la carte meals are not provided, there must be a minimum of food four choices available (excluding nuts and crisps and the like).
- (o) A telephone must be freely available for customers to call for transport and staff must assist if required. The availability of a courtesy vehicle, must be displayed and promoted.
- (p) No BYO alcohol is permitted on the premises while alcohol is available for sale.
- (q) The Licensee must ensure the following are displayed;
  - (i) A copy of the original licence with all the conditions, displayed prominently in the premises.
  - (ii) A sign in a prominent place identifying the duty manager.

## Reasons

1. This is an application by Kawhia Sports Club Inc for the renewal and variation of a club licence in respect of the premises situated at 201 Hoturoa Street, Kawhia. The club initially requested an increase in its licensed hours, however this request was later withdrawn. Subsequently, the club sought to change the designation relating to the bar and outside area being supervised, to the whole of the premises being undesignated. This change to the application was notified to the reporting agencies. The Liquor Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not oppose the application.
2. The application was advertised, and no objections have been received from members of the public. However, the subsequent variation to the designation has not been notified to the public in accordance with sections 101 & 120(3). Kawhia Sports Club Inc has applied for a waiver pursuant to section 208 from having to readvertise the application. The club secretary, Gaylene Harvey, states that when the renewal application was made, the club meant to request removal of the existing supervised areas, because the club has been refocusing on family orientated sports activities where minors may be present.
3. A waiver may be granted where a person has neglected to do any act or thing in the precise manner or within the precise time prescribed by the Act if the licensing committee is satisfied that the omission was not wilful (section 208). The application for a waiver from having to readvertise the variation to the club licence is granted. The licensing committee is satisfied that the failure to notify this change was not wilful, because a new committee made the request to vary the designation after the renewal application was filed, following discussions on the future focus of the club. While the public has not been given notice of this variation to the designation of the club, the licensing committee is satisfied on this occasion that it is unlikely to have caused any disadvantage, because the reporting agencies have no objection and this variation brings this club in line with other clubs of a similar nature.
4. Accordingly, the matter is decided on the papers (s 134).
5. 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).
6. 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?

7. 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?**

8. The licensing committee is satisfied that Kawhia Sports Club Inc is a suitable applicant to hold a club licence. The club has demonstrated a responsible attitude towards compliance with the Sale and Supply of Alcohol Act 2012. The Licensing Inspector does report that the club was without a secretary between 15 March and 4 April 2018 in breach of section 61(a) of the Act. However, once the club had been made aware of its obligations, it promptly found a replacement. While, this breach of the Act is concerning, when standing back and viewing the application as a whole, there are no other concerns about suitability and many positive actions taken by the club to ensure compliance with the Act, therefore overall suitability is not in question.
9. Kawhia Sports Club Inc proposes to continue operating as a club Wednesday, from 5.00pm to 11.00pm, Thursday, from 1.00pm to 6.00pm, Friday, from 1.00pm to 12.00 midnight, Saturday, from 1.00pm to 12.00 midnight and Sunday, from 12.00 noon to 7.00pm. The licensing committee is satisfied that these are appropriate hours of operation having regard to the nature of the club.
10. The application complies 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 house is on one level and incorporates the bar, large kitchen and a pool table and darts board for inside entertainment. Recently eight CCTV cameras and a monitor behind the bar has been installed to increase security and aid monitoring from behind the bar. There is a fenced grassed outdoor dining and smoking area and a second narrow outdoor dining area running along the length of the opposite side of the building. The club has a bowling green and a tennis court which are not part of the licensed area.
12. Kawhia Sports Club Inc is trying to make the club more family friendly by improving their sporting facilities to encourage youth to use the club. The club wants minors to be able to purchase non-alcoholic drinks from the bar without supervision from parents or legal guardians. The licensing committee is satisfied that the variation to the designation may be granted, so that the whole of the premises including the bar and grassed outdoor dining area can be undesignated. The vast majority of clubs in this district and surrounding districts are undesignated and this is appropriate where a club has a family focus. The club is a low risk premises and being undesignated is unlikely to result in any alcohol related harm.
13. The licensing committee is satisfied that the club has an appropriate Host Responsibility Policy and training programme for bar staff and committee members, which demonstrates suitable measures will be undertaken in regard to responsible sale and supply of alcohol and that harm will be reduced. Comprehensive bar staff and committee training records have been provided with the application. The club is to be commended for attending Club Champs and for carrying out shared training with the Oparau Community and District Club Incorporated. This is an excellent use of sharing resources and knowledge and a good way of making training a priority.

14. The licensing committee is satisfied that the club has sufficient Duty Managers who serve on the premises to ensure the responsible sale and supply of alcohol.
15. 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.
16. The conditions for this licence have been replaced to ensure that they are consistent with club 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 and the new designation. The licensing committee notes that the new licence conditions and related site plan should form part of the training for bar staff and committee members.

**Conclusion**

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

Dated this 13th day of March 2020



Sara Grayson  
Commissioner  
Otorohanga District Licensing Committee