

OTOROHANGA DISTRICT LICENSING COMMITTEE

Application	018-0005
<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 Kawhia Golf Club Incorporated for the renewal of a club licence pursuant to section 127 in respect of the premises at 181 Pearl Avenue, Kawhia and known as Kawhia Golf Club

DECISION OF THE OTOROHANGA DISTRICT LICENSING COMMITTEE

1. The club licence 018/CLUB/001/17 in respect of the premises situated at 181 Pearl Avenue, Kawhia and known as Kawhia Golf 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 be sold only on the following days and during the following hours:

Monday to Thursday, from 10.00am to 10.00pm (extended to 11.00pm during daylight savings)
Friday to Sunday and Public Holidays, from 10.00am to 1.00am the following day
 - (b) The club must always have a secretary.
 - (c) The club must inform the District Licensing Committee of the name of a new secretary within 10 working days of their appointment.
 - (d) All proceeds from the sale of alcohol belong to the club.
 - (e) Alcohol may be sold or supplied to a member of the club, a visitor invited and accompanied by a member of the club, or any member of any other club with which the holder of the licence has an arrangement for reciprocal visiting rights for members of 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 22 February 2017 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 must be on duty and on the premises at all times alcohol is sold. If a duty manager is not present then there must be no alcohol sales and a notice displayed advising the public of this fact.
- (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 staff 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 are 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 for the sale of alcohol in accordance with the menu submitted with the application for this licence, or variations of a similar range and standard. 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. Telephone numbers for alternative forms of transport from the premises must be displayed.
- (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 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.

Reasons

1. This is an application by Kawhia Golf Club Incorporated for renewal of a club licence in respect of the premises situated at 181 Pearl Avenue, Kawhia. The club has been operating successfully for a number of years.

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 committee is satisfied that Kawhia Golf Club Incorporated is a suitable applicant to hold a club licence. The club has demonstrated compliance with the Sale and Supply of Alcohol Act 2012.
7. Kawhia Golf Club Incorporated proposes to continue operating the same trading hours. The licensing committee is satisfied that these are appropriate hours of operation. The application complies with the Otorohanga District Local Alcohol Policy.
8. 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.
9. The licensing committee is satisfied that the club has an appropriate Host Responsibility Policy which demonstrates suitable measures will be undertaken in regard to responsible sale and supply of alcohol and that harm will be reduced. The club has a detailed staff training programme for all committee members and volunteers working in the bar. It is a condition of this licence that all staff working at the club are trained in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012. A record should be kept of all staff training conducted. This record should be supplied with the next renewal application.

10. The Licensing Inspector recommends that it be a condition of the licence that the club has a manager on duty at all times. This is because the club has a total of 93 trading hours per week. The club is run by volunteers, and there is a risk that without a duty manager present, the club may use the premises as a pseudo on-licence rather than as a club. In other words, the volunteers running the club may let any person drink at the club.
11. It is not currently a condition of the licence that a certificated manager be on duty whenever alcohol is sold. Section 215(1)(a) does not require licensed clubs to have a manager on duty at all times. However, the licensing committee can make it a condition of the licence that a manager be on duty at all times (section 215(3)). The licensing committee accepts the recommendation of the Licensing Inspector that it be a condition of the licence that a manager be on duty at all times. This will ensure that the club is run in accordance with the Act and the conditions of the licence at all times. The licensing committee is satisfied that the club has three certificated duty managers and is therefore well resourced to ensure that a duty manager is on duty at all times.
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, staff training, the display of signage and the maintenance of a manager's register.

Conclusion

14. Therefore, the application for the renewal of the club licence is granted.

Dated this 14th day of June 2017



Sara Brown
Commissioner