

LICENSING COMMITTEE

Application	018-0099
<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 Bowling Club Incorporated for the renewal and variation of a club licence pursuant to sections 120 & 127 in respect of the premises at 52 Te Kawa Street, Otorohanga and known as Otorohanga Bowling Club

DECISION OF THE OTOROHANGA DISTRICT LICENSING COMMITTEE

1. The club licence 018/CLUB/003/15 in respect of the premises situated at 52 Te Kawa Street, Otorohanga and known as Otorohanga Bowling 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 and Friday, from 4.00pm to 9.00pm
Saturday and Sunday, from 10.30am to 9.30pm
Thursday, from 12.30pm to 8.30pm
 - (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 23 October 2018 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 a properly notified manager must be on duty for tournaments and functions only. At all other times there should be a suitable club member responsible for compliance.
- (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 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) Catered finger foods, buffet or a la carte meals must be provided for functions and tournaments. At all other times a minimum of four types of light meals must be available (excluding nuts and crisps and the like). Menus and the availability of food should be actively promoted.
- (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 Otorohanga Bowling Club Incorporated for renewal and variation of a club licence in respect of the premises situated at 52 Te Kawa Street, Otorohanga. The club has been operating since 1929 and has 34 members, all of senior age. Otorohanga Bowling Club Incorporated seeks to vary the conditions of the club licence by changing the licensed hours on a Thursday from 10.30am to 6.30pm, to 12.30am to 8.30pm.
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 and vary the conditions of a club licence the licensing committee must have regard to sections 105, 120 & 131 and 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 Otorohanga Bowling 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. The Licensing Inspector reports that the club sells very little alcohol with the bar only open for limited hours. It is rare for members to drink alcohol during games.
7. The current licensed hours are; Monday and Friday, from 4.00pm to 9.00pm, Saturday and Sunday, from 10.30am to 9.30pm and Thursday, from 10.30am to 6.30pm. The club is not open on Tuesday or Wednesday. Otorohanga Bowling Club Incorporated would like to make a slight change to the hours on a Thursday, by operating from 12.30pm to 8.30pm. The change in hours will better align with club activities. The licensing committee is satisfied that the variation can be granted because the change is relatively minor, does not represent an overall increase in hours,

and is not likely to result in any alcohol related harm. 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. 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.
9. Given that the club is very small and that the bar is only open for very limited hours, the licensing committee does not consider that it is necessary for the club to have a certificated manager on duty at all times. Therefore, it is a condition of the licence that a manager be on duty for tournaments and functions only. At all other times there should be a suitable club member responsible for compliance. The club has only one certificated duty manager. However, bar staff and committee members do attend the Club Champs Host Responsibility training. It is a condition of this licence that all bar staff and committee members employed by the club are trained in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012. This is especially important given that club members will sometimes be responsible for compliance with the Act when a manager is not on duty. The licensing committee expects to see a record of staff and committee member training at each renewal.
10. The licensing committee expects to see a minimum of two certificated duty managers at a club. This is to ensure there is always adequate coverage for tournaments and functions and special licence events, when a manager is absent for any reason. The club has advised the Licensing Inspector that the club did consider appointing another manager, however it was deemed too costly, having regard to the fact that very little alcohol is sold. However, the licensing committee strongly recommends that the club appoints a second duty manager, to ensure that the bar will remain open for tournaments and functions and special licence events.
11. 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.
12. 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.

Conclusion

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

Dated this 8th day of November 2018



Sara Grayson
Commissioner
Otorohanga District Licensing Committee