

OTOROHANGA DISTRICT LICENSING COMMITTEE

Application	018-0012
<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 Tiger Sports Club (Otorohanga) Inc for the renewal of a club licence pursuant to section 127 in respect of the premises at Rangipare Street, Otorohanga and known as Tiger Sports Club

DECISION OF THE OTOROHANGA DISTRICT LICENSING COMMITTEE

1. The club licence 018/CLUB/002/14 in respect of the premises situated at Rangipare Street, Otorohanga, and known as Tiger 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 be sold only on the following days and during the following hours:

Monday to Friday, from 5.00pm to 12.00 midnight
Saturday, Sunday and Public Holidays, from 12.00 midday to 12.00 midnight
 - (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 16 June 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 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) 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 Tiger Sports Club (Otorohanga) Inc for renewal and variation of a club licence in respect of the premises situated at Rangipare Street, Otorohanga. The variation involves a reduction in the licensed hours of two hours per week. This variation was publicly notified. The application was filed late, however a waiver was granted on 29 November 2017, on the basis that the renewal was filed before the expiry of the licence, a genuine mistake was made and the impact of the late application is reasonably minor and will not have any impact on public participation in the process or the obligations of the reporting agencies.
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.

Is the club a suitable entity to hold a club licence? Does the club have appropriate systems, staff and training to comply with the law? Does the application comply with the Otorohanga District Local Alcohol Policy?

6. Tiger Sports Club (Otorohanga) Inc has held a club licence since 2010 and the teams affiliated to the club are junior rugby, netball and softball. The club has 60 members who are all over the age of 18 years. The licensing committee is satisfied that Tiger Sports Club (Otorohanga) Inc is a suitable applicant to hold a club licence. The club has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. The club holds an occasional special licence event and the Licensing Inspector reports that these events have been very well run and there have been no public or agency complaints. The application complies with the Otorohanga District Local Alcohol Policy.

7. The club has two Duty Managers and this is deemed to be sufficient for the licensed hours. It is a condition of the club licence that a Duty Manager is on duty whenever alcohol is sold. This will ensure that properly trained staff are always present when alcohol is served. This is particularly important for a club where there may be minors in the clubrooms. The club has an appropriate Host Responsibility Policy and staff training programme, which demonstrates suitable measures will be undertaken in regard to the responsible sale and supply of alcohol. 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. It is important that committee members also receive training because they must understand their obligations for the management of the premises, and in particular how to support of bar staff and the club manager.
8. The club has a comprehensive staff training programme, however it is recommended that it also includes training regarding how authorised customers are identified. A number of clubs, including Waitete Rugby Football Club Inc and Hamilton Old Boys Rugby and Sports Club Inc, have recently introduced effective new systems to ensure that alcohol is only served to authorised customers. Tiger Sports Club (Otorohanga) Inc may benefit from contacting these clubs for assistance in adding this component into their training programme.
9. Section 21 of the Act states that “on the premises a club licence is held for, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3), for consumption there”.
10. Section 60 of the Act states that:
 - (1) The holder of a club licence must ensure that no alcohol is sold or supplied to any person for consumption on the premises unless the person is—
 - (a) an authorised customer; or
 - (b) if the licence issued subject to a condition allowing alcohol to be sold or supplied to people of that kind, a person who is on the premises at the invitation of an authorised visitor who is also on the premises.
 - (3) In this section,—

authorised customer, in relation to premises a club licence is held for, means a person who—

 - (a) is a member of the club concerned; or
 - (b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned;

or

 - (c) is an authorised visitor

authorised visitor, in relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members

member, in relation to a club, means a person who—

 - (a) has expressly agreed in writing to comply with the club’s rules; and
 - (b) is recognised as a member of the club by those rules.

Are the days and hours during which the club proposes to sell alcohol reasonable?

11. Tiger Sports Club (Otorohanga) Inc proposes to reduce its hours on Saturday, Sunday and Public Holidays, from 12.00 noon to 1.00am the following day, to 12.00 noon to 12.00 midnight. This is a reduction of two hours per week. The licensed hours on Monday to Friday, from 5.00pm to 12.00 midnight will remain the same. The licensing committee is satisfied that these are appropriate hours of operation.

Is the design and layout of the premises suitable?

12. 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.

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? Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?

13. 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.

Conclusion

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

Dated this 9th day of January 2018



Sara Brown
Commissioner
Otorohanga District Licensing Committee