

LICENSING COMMITTEE

Application	018-0046
<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 Domain Sports Association Incorporated for the renewal and variation of a club licence pursuant to Sections 120 & 127 in respect of the premises at Alex Telfer Drive, Otorohanga and known as Otorohanga Domain Sports Club

DECISION OF THE OTOROHANGA DISTRICT LICENSING COMMITTEE

1. The club licence 018/CLUB/004/14 in respect of the premises situated at Alex Telfer Drive, Otorohanga and known as Otorohanga Domain Sports Club is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee and when the Licensing Inspector confirms to the Secretary of the District Licensing Committee that a suitable Bar Staff and Committee Training Plan has been submitted by the club.
2. The application to vary the conditions of the licence by increasing the trading hours is granted.
3. 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 Friday, from 5.00pm to 1.00am the following day
Saturday and Sunday, from 11.00am to 1.00am the following day
- (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 5 December 2017 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 and functions only. At all other times there should be a suitable club member responsible for compliance with the Sale and Supply of Alcohol Act 2012.
- (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 choices 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 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 club member who is responsible for the bar.

Reasons

1. This is an application by Otorohanga Domain Sports Association Incorporated for renewal and variation of a club licence in respect of the premises situated at Alex Telfer Drive, Otorohanga. The club wants to vary the conditions of the licence by increasing the trading hours.
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 Otorohanga Domain Sports Association Incorporated is a suitable applicant to hold a club licence. The club is relatively small with less than 250 members and has a primary focus of providing sport at the Otorohanga Domain. The bar is only open limited hours after sporting events such as football or cricket. The club has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. There have been no reports of excessive noise or anti-social behaviour emanating from this premises and the club has always been run responsibly by its current committee.
7. Otorohanga Domain Sports Association wants to vary the conditions of the licence by increasing the trading hours from Monday to Friday, from 6.00pm to 12.00 midnight and Saturday and Sunday, from 11.00am to 12.00 midnight, to Monday to Friday, from 5.00pm to 1.00am the following day and Saturday and Sunday, from 11.00am to 1.00am the following day. This is an increase of 12 hours per week, bringing the total trading hours to 68 per week. The club wants to increase the licensed hours to provide greater flexibility to operate an hour earlier and an hour later when there is a prizegiving or function. This will avoid the need to apply for a special licence for tournaments. The Licensing Inspector reports that the bar is only usually open for 8 – 10 hours per week in summer and 15 – 18 hours per week in winter. However, it means that the club will change from a class 3 to a class 2 club because it intends to operate more than 40 hours per week.
8. The licensing committee accepts the recommendation of the Licensing Inspector that the increase in licensed hours is appropriate because it is a practical measure to permit the sale and supply of alcohol when special club events such as tournaments are taking place. In addition, the club is a responsible organization with the systems in place to ensure that the extra trading hours are properly managed.
9. The application complies with the Otorohanga District Local Alcohol Policy. 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.
10. 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.
11. The licensing committee is satisfied that the club has provided training for duty managers and committee members since the last renewal. In particular, the two duty managers have both completed the online Servewise Host Responsibility course. The responsibilities of holding a club licence has been discussed at the AGM and at quarterly meetings.
12. The club is currently developing a training plan for the bar staff and committee members. The club has promised that committee members will receive training at the AGM and at quarterly meetings. In addition, bar staff and committee members will complete the online Servewise Host Responsibility course and will attend Club Champs training. It is a condition of this licence that all staff employed by the club are trained in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012. The licensing committee would like the training plan for bar staff and committee members to be signed off by the Licensing Inspector before the club licence is

renewed. Therefore, the renewal and variation of the club licence may be granted when the Licensing Inspector confirms to the Secretary of the District Licensing Committee that a suitable Bar Staff and Committee Training Plan has been submitted by the club. It should include what training will take place every year, who will conduct it, what resources will be used and how the training will be recorded. It is expected that a record of bar staff and committee training completed will be provided with each renewal application.

13. The club has two certificated Duty Managers and two committee members have volunteered to obtain their manager's certificate's. The current conditions of the licence do not make it clear whether a manager is required to be on duty at all times that alcohol is sold. 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). Submissions have been received from the club and the Licensing Inspector about this issue. The club states that a requirement to have a manager on duty at all times would be onerous for the club. This is because the club is very small, and the duty managers are volunteers and do not receive payment. The Licensing Inspector recommends that the club be required to have manager on duty for tournaments and functions only and at all other times a suitable club member should be responsible for compliance with the Sale and Supply of Alcohol Act 2012. The licensing committee accepts this recommendation because the club; is small, trades for relatively short periods despite the increase in licensed hours, is responsible, has not breached the Act to the knowledge of the reporting agencies, and is putting a comprehensive training plan into place for bar staff and committee members. This will ensure that when a responsible club member is in charge of the bar, they will be properly trained and will ensure compliance with the Act. However, larger numbers of people including visitors will be at the club for tournaments and functions which will elevate the risks associated with consumption of alcohol and therefore a certificated duty manager needs to be on the premises at those times.
14. 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.
15. 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

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

Dated this 6th day of March 2019



Sara Grayson
Commissioner
Otorohanga District Licensing Committee