

Matamata-Piako District Licensing Committee



IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Waihou Rugby Football & Sports Club Incorporated** for the renewal of a **club licence** pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.



Licence Number: **13/CLUB/002/2020**
Original Licence Number: 13/CLUB/006/2016
File Number: 162.2009.98.5

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

DECISION ON THE PAPERS

This is an application by Waihou Rugby Football & Sports Club Incorporated for renewal of their club licence in respect of a premises situated at Ngutumanga Road, RD 3 Te Aroha known as the Waihou Rugby Football & Sport Club. The general nature of the premises is that of a Sports Club.

The application was filed on 30 October 2019 therefore the criteria under s.131 of the Sale and Supply of Alcohol Act 2012 will apply.

The application was advertised in accordance with the Act, in the Piako Post on 15 January 2020 . No objections were received.

Section 37 (2)(b) of the Sale and Supply of Alcohol Regulations 2013 relates to the manner of publication of public notice of applications for renewals of licences for premises or conveyance in very low-risk or low-risk fees category if published in a newspaper, one publication is sufficient.

This application falls within that category.

Section 101 of the Act relates to Notification requirements.

An applicant for a licence must,—

- (a) within 10 working days after filing the application, ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates; and
- (b) within 20 working days after filing the application, give public notice of the application.

This requirement was not complied with; the non-compliance was not the fault of the applicant. It was due to issues with the computer system at the Piako Post.

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The days and hours of operation set out in the application are:

Monday to Thursday from 2.00 pm until 10.00 pm
Friday and Saturday from 2.00 pm until 12.00 midnight
Sunday from 2.00 pm until 9.00 pm

These are the hours permitted under the Club's existing licence and these hours comply with the requirements of the Council's provisional Local Alcohol Policy as it applies to this type of premises.

The application was referred to the Police, Medical Officer of Health and Inspector for comment. No matters in opposition have been raised in respect of the application. Accordingly the application is determined on the papers.

The applicant, in accordance with s.212 of the Act, has named two managers with a current certificate to manage the sale of alcohol from the premises.

In deciding whether to renew a licence the committee must have regard to the matters set out in s.105 and 131 of the Act. These are:

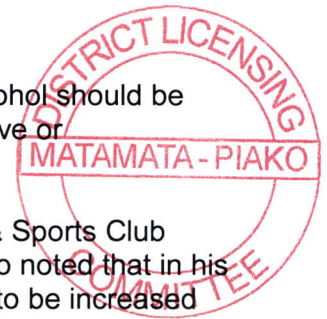
Section 105

- (a) *the object of this Act:*
- (b) *the suitability of the applicant:*
- (c) *any relevant local alcohol policy:*
- (d) *the days on which and the hours during which the applicant proposes to sell alcohol:*
- (e) *the design and layout of any proposed premises:*
- (f) *whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:*
- (g) *whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*
- (j) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
- (k) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103*

Section 131

- (b) *whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:*
- (c) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*
- (d) *the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*

The object of the Act is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol should be minimised.



The Inspector has noted that he considers Waihou Rugby Football & Sports Club Incorporated to be a suitable body to hold a club licence. He has also noted that in his opinion the amenity and good order of the locality would be unlikely to be increased by more than a minor extent by the effects of a refusal to renew the licence.

I am satisfied as to those matters to which I must have regard and grant the renewal of the club licence for a further three years.

When renewing a licence, s.132 allows the District Licensing Committee to impose conditions as set out in s.116 or to vary or cancel any conditions applying to the licence before its renewal. I have varied the conditions to more closely align with the objectives of the new Act and the club licence is now subject to these conditions.

The applicant's attention is drawn to s.259 of the Act which makes it an offence to not comply with certain requirements and restrictions imposed by or under this Act, specifically sections 46 to 63 as they may apply to this licence and s.231(1). A copy of these sections is attached for the applicant's information.

The renewal certificate can be issued immediately.

The licence is subject to the following conditions:

(a) Alcohol may be sold only on the following days and during the following hours:

Monday to Thursday from 2.00 pm until 10.00 pm
Friday and Saturday from 2.00 pm until 12.00 midnight
Sunday from 2.00 pm until 9.00 pm

(b) A duly appointed manager shall be responsible for the sale of alcohol at all times the premises is open for the sale and supply of alcohol after 7.00pm

(c) The club shall take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:

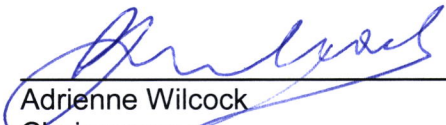
- i) All staff will be trained in their responsibilities under the Act.
- ii) Evidence of age documents will be requested from any person appearing to be under the age of 25.
- iii) A sign shall be prominently displayed inside the premises which identifies the name of the manager on duty or the person responsible for the management of the sale and supply of alcohol under the licence.
- iv) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons

(d) The Club shall have a reasonable range of food available for consumption on the premises at all times when alcohol may be sold under the licence. The food shall be of the range and types of food submitted with the application but must be no less substantial than snack foods in the nature of pies, sandwiches, filled rolls,

pizza or the like. The availability of these foodstuffs shall be notified to patrons by appropriate notices throughout the premises.

- (e) The licensee must ensure that drinking water will be made readily available to all attendees free of charge

Dated at Te Aroha this 12th day of February 2020



Adrienne Wilcock
Chairperson
Matamata-Piako District Licensing Committee

