

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER**

of an application by **Castlecliff  
Club Incorporated** for a renewal  
of Off Licence pursuant to section  
127 of the Supply of Alcohol Act  
2012.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for renewal of Off Licence (036/OFF/006/2015.1) was publically advertised in the Rivercity Press on the 5<sup>th</sup> July 2018. A photo of the public notice was displayed on the premise in accordance with the Regulations. No public objections were received.

No matters of opposition were raised under section 128 and 129 reports; therefore the matter is considered by the Whanganui District Licensing Commissioner on the papers contained in the full file provided by the secretary.

**Commissioner: Stuart Hylton**

**RESERVED DECISION OF THE WHANGANUI DISTRICT LICENSING  
COMMITTEE**

**1. Application**

**Castlecliff Club Incorporated** made the application on the prescribed form received on the 28th June 2018. The application for renewal of OFF Licence is in relation to the clubs premises at 4 Tennyson Street, Whanganui.

The general nature of the business is that of an Off Licence in conjunction with the Club's Club Licence. The Castlecliff Club Incorporated has been incorporated and operated on the current site since 1962.

The renewal seeks to keep the same conditions as the current licence apart from reducing the closing time by one hour. The premise has not come to the notice of officials during the renewal period. The off sales are made across the bar.

A letter was provided by the applicant advising that the premises has a current and compliant evacuation scheme in place.

The complete file included –

- The application
- Floor plan
- Reports from Police, Medical Officer of Health and Inspector
- Club's Host Responsibility Policy
- Fire Evacuation Scheme letter of compliance from applicant
- Food / Drink list menu
- Floor Plan
- Copy of current licence
- Notice of renewal
- Copy of public advertisement
- Photo showing compliance with s.101(a) public notice requirement

## **2. Decision Making**

In considering this application for Off-Licence the licensing committee had regard to the criteria under section 131 and 105 of the Act.

### **Section 105/131 assessments:**

#### **(a) the object of this Act:**

The inspector notes that the applicant has supplied a Host Responsibility Policy stating the measures to be undertaken to ensure the responsible sale and supply of alcohol. There have been no issues raised concerning previous operations so if the policy is followed then compliance with the object of the Act should be able to be achieved.

#### **(b) the suitability of the applicant:**

The applicant is an incorporated society and located and run a licence on the current site since 1962. The club has a number of adjuncts. The applicant has supplied the name of five certified managers for the licence. This is considered to be adequate to manage the licence.

The suitability of the applicant is not challenged.

#### **(c) any relevant local alcohol policy:**

No local policies currently in place.

#### **(d) the days on which and the hours during which the applicant proposes to sell alcohol:**

Applicant has applied for the same days and hours as currently enjoyed i.e.

- **Monday to Sunday, 8.00am to 10.00pm**

This is seen as adequate and is one hour less than that which has operated in the past without incident.

**(e) the design and layout of any proposed premises:**

A floor plan was provided with the application and indicates that no changes to layout have been made since the previous renewal. The two floor layout appears to function satisfactorily and security cameras assist surveillance of entire area. The 'Off sales' are to be made across the bar.

**(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:**

Nil.

**(j) whether the applicant has appropriate systems, staff, and training to comply with the law:**

Previous operations have been excellent and therefore systems seem very appropriate. The applicant has indicated staff have a good understanding of the Act. The inspector notes no failure from past Controlled Purchase Operations.

**(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#). (see 3 below)**

**(s.131(1)(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:**

No issues raised and amenity and good order should not be compromised by the renewal of the licence.

**(s.131(1)(d))the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.**

No issues raised within file.

### **3. Reporting Agencies**

The following reports were received under section 103 and 129 of the Act and taken into account during the decision.

**3.1 Police** – No report received within statutory timeframe therefore assume Police have no opposition.

**3.2 Medical Officer of Health** - Report received on 11th July 2018 of no opposition.

**3.2 Licensing Inspector** – Full report dated 14th August 2018. The inspector is satisfied the application is complete and having regard to the required criteria together with the performance of the applicant, has no opposition to the renewal application.

#### **4. Conclusion**

Based on the evidence provided to me within the complete file, my assessment above of section 105/131 matters and the past operation of the premise/licensee, I conclude that the application meets the statutory criteria to be granted a renewal of Off-Licence (**036/OFF/006/2015.1**) under the Act for a period of three (3) years.

#### **5. Decision**

The licence can be issued subject to the following conditions –

(A) No alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00pm on Anzac Day

(B) Alcohol may only be sold or delivered on the following days and during the following hours:

**Monday to Sunday 8.00am to 10.00pm.**

(C). The licensee must ensure that for each principal entrance to the premises there is displayed at all times a sign attached to the inside or outside of the premises, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the premises are open for the sale of alcohol.

(D) The licensee and managers on duty must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.


(E) The licensee must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—

- attached to the inside of the premises concerned; and
  - so as to be easily read by people entering each principal entrance.
- (F) Drinking water must be freely available to customers while alcohol is being supplied free as a sample on the premises and signage directing people to drinking water must be prominently displayed on the premises at that time.
- (G) No alcohol is to be sold on the premises unless it contains no more than 15% ethanol by volume measured at 20C and is -
- Beer that complies with the appropriate New Zealand food standard for beer, or
    - Mead that complies with the appropriate New Zealand food standard for mead, o
    - Fruit and vegetable wine that complies with the appropriate New Zealand food standard for fruit and vegetable wine, o
    - Grapewine that complies with the appropriate New Zealand food standard for grape wine, o
  - A food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.
- (H) The licensee must ensure that no alcohol is sold or supplied to any person for consumption off the premises unless that person is an authorised customer (ref. S.60(2) and (3) of the Act)
- (I) The whole of the premises is ‘Undesignated’.

The application is **Approved** for issue immediately.

**Dated at Whanganui District this 14th day of August 2018.**

**Signed**

  
 .....  
**Stuart Hylton**  
**Whanganui District Licensing Commissioner**