

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Cosmic Motors Incorporated Limited** for a Club Licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for Club-Licence was advertised in the Whanganui Chronicle on the 11th and 17th August 2023 with no objections received. No matters of opposition were raised under section 102 and 103 reports; therefore the matter was 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

The **Cosmic Motors Incorporated Limited** made application on the prescribed form dated 7 August 2023. The application for Club Licence is in relation to the premises known as the 'Cosmic Motors' situated at 18 Beach Road, Whanganui.

The general nature of the business will be that of a SPORTS CLUB. The club has not held a liquor licence before and the licence will allow members to buy and consume alcohol on the clubs premises. The premises is a hall and the current clubhouse for the motorcycle club.

The Club premises is located within an industrial zone and has a resource consent to carry out the activities on the site. The premises has a maximum occupancy of 40 people. The principle entrance is off Beach Road, Wanganui.

The applicant supplied Building and Resource Consent Certificates, as well as a Fire Service Act compliance letter.

The complete file that I received included –

- The application
- Certificate of incorporation
- Floor plan
- Club schedule of activities, rules, opening hours, bar prices, menu
- Host Responsibility Policy
- Location map
- List of non-alcoholic drinks, bar snacks
- Council letter of compliance with Building/Resource Management Acts
- Notice from owners giving permission for the building to be used for this purpose
- Letter from Club President and Fire Service explaining compliance with Fire Evacuation Scheme rules
- Reports from Police, Medical Officer of Health and Inspector

2. Decision Making

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

(a) the object of this Act:

The applicant provided a Host Responsibility Policy that if followed should result in statutory compliance and a good host.

(b) the suitability of the applicant:

The applicant is a sports (motorcycle) club with only 11 members currently. The Club has been incorporated since 2023. Two certified managers have been nominated on the application which is seen as suitable for this type of licence. 'Suitability' is not questioned.

(c) any relevant local alcohol policy:

The inspector has recommended a discretionary condition from the LAP which the applicant has agreed to.

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

Applicant has applied for the following days and hours –

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

These hours accord with the national default hours and the LAP.

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

No CPTED assessment received with application but I accept the inspector's comments that the premise appears fit for purpose. The licensed area is the hall itself. The licensed area is to be designated 'supervised'.

(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:

No

(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:

No the applicant does not.

(h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:

I concur with the inspector's assessment that there have been no complaints about nuisance type offences relating to the applicant.

(i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—

- (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but**
- (ii) it is nevertheless desirable not to issue any further licences:**

No issues raised.

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

If the host responsibility policy and licence conditions are followed there should be no problems.

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

3 Reporting Agencies

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

3.1 Police – No opposition within report dated 28 August 2023.

3.2 Medical Officer of Health - Report received on 29 August 2023 offering no opposition.

3.2 Licensing Inspector – Full report dated 4 September 2023. The inspector had no opposition to the application and notes that the application is complete and appears to meet the criteria for a new club licence.

4 Conclusion

Based on the evidence provided to me within the complete file, my assessment above of section 105 matters, I conclude that the application meets the statutory criteria to be granted a Club Licence under the Act.

5 Decision

Accordingly the application is **Approved** for issue for one year subject to the following conditions:

- (a) The licensee 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
- (b) The licensee must take all practicable steps to ensure that—
 - (a) there is at all times a secretary of the club; and
 - (b) within 10 working days of the appointment of a new secretary, the secretary of the appropriate licensing committee is told the name of the new secretary; and
 - (c) all proceeds from the sale of alcohol belong to the club.
- (c) The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol, at reasonable prices, a reasonable range of non-alcoholic drinks and low alcohol drinks.
- (d) The licensee must ensure that, while the premises are open for the sale or supply of alcohol, no person consumes on the premises any alcohol not sold or supplied on the premises by the licensee
- (e) The licensee must have free drinking water available for customers at each bar whilst open for business.

- (f) Liquor may only be sold only on the following days and during the following hours:
- **Monday to Sunday, 10.00am to 10.00pm**
- (g) The licensee must ensure that, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of food is available for sale and consumption on the premises, in portions suitable for a single customer,—
- (a) at reasonable prices; and
 - (b) within a reasonable time of being ordered.
- (h) The licensee must ensure that, at any time customers are lawfully on the premises,—
- (a) there is readily available to the customers, free, comprehensive, and accurate information about the forms of transport from the premises that are available at that time; and
 - (b) there are on the premises, and readily accessible to the customers, staff able to give them comprehensive and accurate information about the forms of transport from the premises that are available at that time; and
 - (c) those staff will on demand give any customer appropriate advice free.
- (i) 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—
- (a) attached to the inside of the premises; and
 - (b) so as to be easily read by people using the premises.
- (j) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (k) The licensee and managers 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.
- (l) The licensed premises are more precisely identified as outlined in a plan date stamped as received by the District Licensing Committee on 7 August 2023.
- (m) The Licensee will record and maintain a register of significant alcohol related incidents and have that register available for inspection by an enforcement officer at any time during trading hours.
- (n) The whole of the premise is '**supervised**'.

Dated at Wanganui District this 4th day of September 2023.

Signed



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Stuart Hylton
Wanganui District Licensing Commissioner

