

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by **The Whanganui Softball Association Incorporated** for a renewal of Club Licence pursuant to section 127 of the Supply of Alcohol Act 2012.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of Club Licence (036/CLUB/015/2015) was publically advertised in the River City Press on the 13th October 2018.

Note: There was an earlier waiver granted to the applicant for not advertising within the correct statutory timeframe.

No objections were received. Evidence of compliance with s. 101(a) was submitted.

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

The Whanganui Softball Association Incorporated made the application on the prescribed form received on 19th September 2018.

The application for renewal of Club Licence is in relation to the clubs premises at 29 Puriri Street, Whanganui.

The general nature of the business is that of a sports (softball) club. The Club has been incorporated since 1941 and has held a liquor licence for many of those years. The sale and supply of alcohol is not the main focus of the club.

The renewal seeks to keep the same conditions as the current licence. The premise has not come to the notice of officials during the renewal period and has not attracted any opposition.

The complete file included –

- The application
- Supporting letter
- Certificate of Incorporation
- 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
- Emails about imprecise matters with application
- Copy of current licence
- Notice of renewal
- Copy of public advertisement and premise advertisement

2. Decision Making

In considering this application for Club-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 since 1941 and located on the current site for many years which the applicant owns. The applicant has supplied the name of no certified managers for the licence although two are in the process of getting their certificates. This is considered to be the bare minimum to manage the licence however the club has a very small membership.

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 Thursday, 5.30pm to 10.00pm,**
- **Friday, Saturday and Public Holidays 11.00am to 12.00 Midnight,**
- **Sunday, 11.00am to 9.00pm.**

This is seen as adequate and has operated in the past without incident.

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

Past CPTED assessments have not raised any issues. A floor plan was provided with the application and indicates the licensed area is the building interior. The layout appears to function satisfactorily although has some 'blind spots' that will require manager vigilance.

(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:

Currently the focus is on sport, namely softball.

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

Previous operations have been satisfactory and therefore systems seem appropriate. The applicant has indicated staff have a good understanding of the Act.

(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 – Report received on 12th October 2018 of no opposition.

3.2 Medical Officer of Health - Report received on 5th October 2018 of no opposition.

3.2 Licensing Inspector – Full report dated 13th November 2018. The inspector is satisfied the application is complete and 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 Club-Licence under the Act for a period of three (3) years.

5 Decision

The licence can be issued subject to the following conditions –

(a) 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 an authorised customer.

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

- is a member of the club concerned; or
- is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- is an authorised visitor

(b) The holder of a club licence must take all practicable steps to ensure that—

- there is at all times a secretary of the club; and
- 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
- all proceeds from the sale of alcohol belong to the club

(c) The club must have for consumption on the premises, at all times when the club is open for the sale of alcohol, a reasonable range of non-alcoholic refreshments and low-alcohol beverages.

(d) Liquor may only be sold on the following days and during the following hours:

- **Monday to Thursday, 5.30pm to 10.00pm,**
- **Friday, Saturday and Public Holidays 11.00am to 12.00 Midnight,**
- **Sunday, 11.00am to 9.00pm.**

(e) At all times when the premises are authorised to be open for the sale of alcohol, food of a range and style similar to that shown on any menu submitted or a range of snack foods in the nature of pies, sandwiches, filled rolls, pizzas and the like, must be conveniently available to all members and their guests and the availability of those foodstuffs must be notified to them by appropriate notices throughout the premises.

(f) The licensee must ensure that signs are predominantly displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.

(g) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.

(h) 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.

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

Dated at Whanganui District this 13th November, 2018.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner