

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by **Marton
Rugby and Sports Club
Incorporated** for a renewal of Club
Licence pursuant to section 127 of
the Supply of Alcohol Act 2012.

BEFORE THE RANGITIKEI DISTRICT LICENSING COMMITTEE

The application for renewal of Club Licence (037/CLUB/0016/2016) was advertised on the Council website between the 5th November and 23rd November 2018. Also a statutory notice was placed on the outside of the building. No objections were received.

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

Commissioner: Stuart Hylton

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

1. Application

Marton Rugby and Sports Club Incorporated made the application on the prescribed form received on 1st November 2018.

The application for renewal of Club Licence is in relation to the clubs premises at 6 Follett Street, Marton. The premises is zoned residential and surrounded by retail businesses, residential and a kindergarten.

The general nature of the business is that of a sports (rugby) club. The Marton Rugby Club has been incorporated and has held a liquor licence since 2002. The sale, supply and consumption of liquor is not the main focus of the club. The principle entrance is off Follett Street and the single bar area, is undesignated with a small outside covered deck area.

The renewal seeks to keep the same conditions as the current licence apart from a small extension of hours on Sunday and the premise has not come to the notice of officials during the renewal period.

The complete file included –

- The application
- Floor plan/site plan
- Reports from Police, Medical Officer of Health and Inspector
- Club's Host Responsibility Policy
- Fire Evacuation Scheme compliance statement from applicant
- Food / Drink list menu
- Certificate of Incorporation
- Notice of renewal
- Copy of public 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. The inspector helpfully provided within her report two records of inspections of the premises by the licensing team since the issue of the licence, all of which show compliance.

(b) the suitability of the applicant:

The applicant is an incorporated society and located on the current site for many years. The applicant has supplied the name of one certified manager for the licence. This is considered to be the bare minimum 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 a slightly amended hours i.e.

- **Monday to Thursday, 5.00pm to 10.00pm,**
- **Friday 5.00pm to 12.00 Midnight**
- **Saturday 1.00pm to 1.00am the following day**
- **Sunday 1.00pm to 12.00 Midnight (was 10.00pm previously)**

This is seen as adequate for the type of Club.

(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 initial issue. The layout appears to function satisfactorily. The premises are undesignated which is suitable for this type of licence.

(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 rugby.

(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 one certified manager which is the bare minimum and staff have a good understanding of their responsibilities. The whole Committee will be doing 'serve wise' training and they have instigated a training plan, incident book along with duty manager roster.

(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 10th November 2018 of no opposition.

3.2 Medical Officer of Health - Report received on 23rd November 2018 of no opposition.

3.2 Licensing Inspector – Full report dated 11th February 2019. The inspector is satisfied the application is complete, meets the renewal criteria and supports 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 from the date of expiry of the base licence.

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, 5.00pm to 10.00pm,**
 - **Friday 5.00pm to 12.00 Midnight**
 - **Saturday 1.00pm to 1.00am the following day**
 - **Sunday 1.00pm to 12.00 Midnight,**
- (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.
- (i) The whole of the premises is to be **‘undesigned’**.

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

Dated at Rangitikei District this 12th day of February 2019.

Signed

A handwritten signature in blue ink, appearing to read 'Stuart Hylton', is written over a dotted line.

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Stuart Hylton
Rangitikei District Licensing Commissioner