

DECISION NUMBER

0028/2020

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Napier Returned Services Association Incorporated** for a renewal of Club Licence pursuant to section 127 of the Supply of Alcohol Act 2012.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application for renewal of Club Licence (030/CL/0028/2017) was publically advertised in the Hawkes Bay Today on the 22 and 29 June 2020. A notice was also placed on the premise door as required. No objections were received.

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

Commissioner: **Stuart Hylton**

RESERVED DECISION OF THE NAPIER DISTRICT LICENSING COMMITTEE

1. Application

Napier Returned Services Association Incorporated made the application on the prescribed form received on 18 June 2020. The application for renewal of Club Licence is in relation to the clubs premises situated at 34 Vautier Street, Napier 4110.

The general nature of the business is that of a RSA club. The Napier RSA has been incorporated and operating as a Club for many years.

The renewal seeks to keep the same conditions as the current licence (apart from one missed condition) and the premise has not come to the notice of officials during the renewal period. Monitoring inspections conducted in the renewal phase found compliance with licence conditions.

- The complete file included -
- The application
- Floor plan
- Reports from Police, Medical Officer of Health and Inspector
- Host Responsibility Policy
- Fire Evacuation Scheme statement of compliance
- Food menu
- Supporting letter from landlord
- Copy of current licence
- 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 file contains and the inspector notes the applicant has 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 on the current site for some time. The applicant has supplied the name of four certified managers for the licence. This is considered to be suitable to manage the licence.

The inspector notes that the current licence has been monitored by authorities with no issues noted. The suitability of the applicant is not challenged.

(c) any relevant local alcohol policy:

Accords with local LAP.

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

The applicant has applied for the following days and hours.

- **Monday to Sunday, 9.00am to 1.00am, the following day.**
- **ANZAC Day between 4.00am and 1.00am the following day**

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

An inspection of the premises by the inspector identified no concerns with CPTED principles or design and layout of the premises. The floor plan indicates that there are no changes to layout have been made since the previous renewal. The layout appears to function satisfactorily.

(f) 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:

Normal club ancillary services.

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

Previous operations have been satisfactory and therefore systems seem appropriate. There is documentation of staff training and systems.

(h) 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 within the file and in the Committee's opinion the amenity and good order of the locality should not be compromised by the issue of the renewal 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 25 June 2020 of no opposition.

3.2 Medical Officer of Health - Report received on 24 June 2020 of no opposition.

3.3 Licensing Inspector – Full report dated 22 July 2020. The inspector was satisfied the application met the relevant criteria and therefore supported the renewal of a club licence to Napier RSA Club subject to a missing condition being reinstated pursuant to s. 60(1)(b).

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 –

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 a member of another club with which the club has an arrangement for reciprocal visiting rights for members, or
- Is on the premises at the invitation of and is accompanied by an authorised visitor.

(a) 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

- (b) 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.
- (c) Liquor may only be sold on the following days and during the following hours:
 - **Monday to Sunday, 9.00am to 1.00am, the following day.**
 - **ANZAC Day between 4.00am and 1.00am the following day**
- (d) 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.
- (e) The licensee must ensure that signs are predominantly displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- (f) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (g) 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.
- (h) The licensee must ensure that there is water freely available at all bars whilst open.

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

Dated at Napier District this 27th day of July 2020.

Signed



Stuart Hylton
Napier District Licensing Commissioner