

Decision No. **345/2014**

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Mount Manaia Club Incorporated** for the renewal of a club licence pursuant to s.127 of the Act in respect of premises situated at **2145 Whangarei Heads Road, Whangarei** known as "**Mount Manaia Club**"

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

Chairman: Councillor John Williamson
Member: Mervyn Williams
Member: Lee Andrewes

DECISION (ON THE PAPERS)

This is an application by **Mount Manaia Club Incorporated** dated **4 May 2014**, for the renewal of a club licence (**02/CLUB/007/2014**) in respect of premises situated at **2145 Whangarei Heads Road, Whangarei**, known as "**Mount Manaia Club**".

The premises

The applicant is an incorporated society incorporated on 18 January 1991. Mount Manaia Club has held a club licence since 1998.

Management of the premises

The duty managers are Alan Gilbert (002/CM/2/2007), Briar Winton (002/CERT/034/2014) and Anni Veart-Smith (002/GM/90/2008). Barbara Joan Bowyer is the current secretary of the club and other staff members are trained in host responsibility and conditions of the licence.

New staff members receive training on host responsibility policy and licence conditions before commencing work. Taxi numbers are displayed and the club has been providing discount on dial-a-driver.

The premises have been found to be compliant with licence conditions during three annual inspections and one night monitoring visit during this renewal period.

Hours of operation

In November 2013 the licensee sought an extension on licensing hours from 11.00pm to 12.00 midnight on Wednesdays. The applicant placed reliance on gaining approval under clause 12.5 of the Policy and provided a noise management plan which showed that the club could manage noise properly for the additional one hour each Wednesday.

The licensing inspector reported this matter to the Alcohol Regulatory and Licensing Authority which held the renewal application for determination at that time, and the Authority subsequently renewed the application and granted the additional one hour sought for each Wednesday. The Authority was satisfied that other matters required under clause 12.3.1 (e.g. host responsibility, manager training and event management) could also be met. A replacement licence (02/CL/004/2014) was issued by the

Alcohol Regulatory and Licensing Authority and was referenced in its decision [2014] NZARLA575 dated 27 August 2014.

Public notice

The applicant publically notified the application in accordance with the Act, by placing two adverts in the Northern Advocate. The first notice was published on 16 May 2014 and the second on 23 May 2014. Notice of the application was also attached to the premises as required by the Act. No public objections were received.

Statement by the applicant as to compliance with Fire Service Act 1975.

The applicant provided a statement dated 14 May 2014 that the building in which the premises is situated is exempt from having to meet the requirements of an evacuation scheme.

The Fire Service, in a report dated 26 May 2014, raised no matters of concern about the renewal.

Section 131 Criteria for the renewal of licences

In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

- (a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(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:*
- (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*
- (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*

DECISION

The committee has received reports on the application from the Police, the Medical Officer of Health and the Licensing Inspector and none have raised matters in opposition. The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly the committee deals with the matters on the papers.

The committee is satisfied as to the matters to which it must have regard as set out in s.131 of the Act and the committee renews the on licence for a further period of 3 years and authorises the issue of a replacement licence and a notice of renewal stating the conditions presently attached to it and imposing the following additional condition, as required by Section 110(2)(c) of the Sale and Supply of Alcohol Act 2012:

Drinking water is to be freely available to customers at the following places while the premises are open for business: from a tap at the bar counter and on tables where the diners are seated.

DATED at Whangarei this 9th day of **September 2014**

Chairman
Whangarei District Licensing Committee

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