

Decision No. **322/2014**

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Mid-Northern
Rugby Football Club Incorporated** for
the renewal of a club licence pursuant to
s.127 of the Act in respect of premises
situated at **Domain Road, Hukerenui**
known as "**Mid-Northern Rugby
Football Club**"

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

Chairman: Councillor John Williamson
Member: Paul Dimery
Member: Mark Vincent

DECISION (ON THE PAPERS)

This is an application by **Mid-Northern Rugby Football Club Incorporated** dated 23 June 2014, for the renewal and variation of a club licence (**002/CL/12/2001**) in respect of premises situated at **Domain Road, Hukerenui**, known as "**Mid-Northern Rugby Football Club**". The general nature of the business is that of a Rugby Football Club.

Management of the premises

The applicant is an Incorporated Society incorporated on 9 July 1970. The nominated duty managers are Philip, Wenzl Morgan (002/CL/3/2012) and Linda Henwood (002/CL/11/2003). Philip Morgan is also the bar manager.

Since the licence was last renewed in 2011, the premises have been found to be compliant with licence conditions during three annual inspections and one night compliance monitoring visit. The club employs two certificated managers and other staff members are trained in host responsibility and the conditions of the licence.

All staff members are trained on Host Responsibility Policy and the conditions of the licence. New staff members receive training on host responsibility policy and licence conditions before commencing work. Taxi numbers are displayed.

Hours of operation

Clause 12.3.1. of Whangarei District Council Liquor Licensing Policy provides the maximum policy hours for club-licensed premises situated adjacent to residential areas, these are:

*Sunday – Thursday 8am – 11pm
Friday – Saturday 8am – 1am the following day*

The club's current licensing hours are:

Sunday to Wednesday	3.00pm until 10.00pm
Thursday	3.00pm until 11.00pm
Friday and Saturday	3.00pm until 12.00midnight

The applicant initially applied to vary the Saturday operating hours from a 3.00pm start to a 1.00pm start, but retaining the 12.00 midnight closure. The reason for the earlier start on Saturdays was due to operational requirements, as the club's premier rugby games now start around 1.00pm.

Police and the Medical Officer of Health initially raised concerns. After a meeting and discussions between the club, Police and Licensing Inspector, the applicant agreed to the following variation to the application:

Sunday	3.00pm until 10.00pm
Monday and Tuesday	Closed
Wednesday	3.00pm until 10.00pm
Thursday and Friday	3.00pm until 11.00pm
Saturday	1.00pm until 11.00pm

Public notice

Section 208 of the Act provides that where any person has neglected or omitted to do any act or thing in the precise manner or within the precise time prescribed by this Act, the licensing authority or (as the case may require) the licensing committee or the chairperson, if satisfied that the neglect or omission was not wilful, may waive the same on such terms as they think equitable.

The applicant has applied for a waiver under section 208 of the Sale and Supply of Alcohol Act in order to address the following matters:

1. The renewal of the club licence was made with Whangarei District Licensing Committee on 23rd June 2014 and the public notifications were advertised on the 18th June 2014 in 'The Northern Advocate' and thus prior to the logging of the application. It is a requirement to advertise within 20 working days after submitting the application.
2. The name of the applicant / licensee was advertised as "Mid Northern Rugby Club Inc" instead of "Mid-Northern Rugby Football Club Incorporated".
3. The name that the club is known as was advertised "Mid Northern Rugby Club Inc" instead of "Mid-Northern Rugby Football Club".
4. The hours advertised were the hours initially sought under the renewal and variation, which were: "Sunday to Wednesday 3pm-10pm, Thursday 3pm-11pm, Friday 3pm-12midnight, Saturday 1pm-12midnight". These have subsequently been amended to "Wednesday & Thursday 3.00pm until 10.00pm, Friday 3.00pm until 11.00pm, Saturday 1.00pm until 11.00pm and Sunday 3.00pm until 10.00pm.

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

The applicant has provided a statement dated 18 June 2014 that the building in which the premises is situated has an evacuation scheme for public safety which meets the requirements of the Fire Service Act 1975.

The NZ Fire Service, in a report dated 1 July 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.

In respect to the errors in the public notification set out above, the committee is satisfied that the omissions were not wilful and that they are inconsequential to this application and the waiver application pursuant to s.208 is therefore granted.

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 on the conditions presently attached to it but with a change required by section 110 of the Act relating to the provision of drinking water and a provision relating to the changed opening hours:

- drinking water is to be freely available (free of charge) while the premises are open for business at the bar counter and throughout the premises
- Alcohol may be sold under the licence only on the following days and during the following hours:

Wednesday	3.00pm until 10.00pm
Thursday & Friday	3.00pm until 11.00pm
Saturday	1.00pm until 11.00pm
Sunday	3.00pm until 10.00pm

DATED at Whangarei this 26th day of August 2014

Chairman
Whangarei District Licensing Committee

14/77676