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Approved for agenda ☒
Report to: District Licensing Committee

Meeting date: 27 October 2015

Subject: **Application for Renewal of Club Licence – Mamaranui Bowling Club Incorporated**
Date of report: 17 October 2015

From: Rachel Sheppard
Chief Licensing Inspector

Report purpose ☒ **Decision** ☐ **Recommendation** ☐ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

In the matter of the Sale and Supply of Alcohol Act 2012 and an application pursuant to s.127 of the Act for the granting of the renewal of a Club Licence to Mamaranui Bowling Club Incorporated, 23 Mamaranui Road, Mamaranui, Kaipara District. The application was received by the Territorial Authority on 16 September 2015. Further information was requested with the application sent to the agencies for reporting on 28 September 2015. All reports were received from the agencies by 06 October 2015. The application may now progress to the District Licensing Committee hearing scheduled for 27 October 2015.

Recommendation

That the District Licensing Committee:

- 1 *Receives the Chief Licensing Inspector's report titled 'Application for Renewal of Club Licence – Mamaranui Bowling Club Incorporated' dated 17 October 2015; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Grants the application made by Mamaranui Bowling Club Incorporated.*

Reason for the Recommendation

All reports received from the Police, Medical Officer of Health and the Inspector appointed under the Act are satisfactory and do not oppose the issue of the renewal of the Club Licence. It is appropriate that the application as attached be determined on the papers pursuant to s.202 of the Act.

Reason for the Report

Application under s.127 of the Sale and Supply of Alcohol Act 2012 has been made by Mamaranui Bowling Club Incorporated, 23 Mamaranui Road, Mamaranui, Kaipara District for the granting of the renewal of a Club Licence.

Background

The premises known as the Mamaranui Bowling Club has been licenced since 25 July 1990 initially by the former Liquor Licensing Authority in Wellington and from 1997 by the former Kaipara District Licensing Agency. This Club currently has 50 members over the age of 18 years and operates as a well-managed licensed premises with no issues or concerns being brought to the attention of the Territorial Authority.

Section 127 of the Act provides for an application for the renewal of a Club Licence to be lodged with the Territorial Authority for the reporting on by the Police, the Medical Officer of Health and the Inspector. On receipt of those reports s.130 of the Act provides for the District Licensing Committee to grant or decline an application.

Issues

Section 234 of the Act requires that if alcohol is on any premises for sale, or display or kept for sale in the premises, a current licence must be in force. Any unlicensed premises allowing alcohol to be sold from that premises would be deemed to be in breach of the Act.

Public Notification of the application featured in the Dargaville and District News on 16 September 2015, thus satisfying the requirement of Section 101 of the Act. No objection or notice of desire to be heard was received by the Territorial Authority.

Reports from the agencies detail no formal objection and cover off issues as follows:

- The Inspector's report offers no objection to the application. On interview with the applicant any concerns with host responsibility, provision of substantial meal options during all times that the premises is open for the sale and supply of alcohol, supervision of entry, alcohol consumption, monitoring levels of intoxication and alternative transport options together with amenity and good order have been covered off to the Inspector's satisfaction.
- The Police report offers no formal objection to the application, nor highlights any issues of concern that require further enquiry.
- The Medical Officer of Health's report offers no formal objection to the application, nor highlights any issues of concern that require further enquiry. The premises will be assessed and monitored as part of routine compliance checks to ensure provision is made to provide a safe environment anytime that alcohol is being consumed.
- Although the New Zealand Fire Service are not obliged to report under the Act, the Territorial Authority welcomes input from the NZFS as fulfilment of an extended interagency collaborative approach with regard to all premises applications. Confirmation has been received from the New Zealand Fire Service that all conditions are currently met to Fire Service satisfaction with regard to

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their evacuation plan and fire procedure. The maximum occupancy of the building is 95 persons at any one time.

The existing licence is deemed to be current under s.122 of the Act.

The premises currently has 2 employees holding current Managers certificates and may be rostered at any time that the premises is open for the sale and supply of alcohol. Additional volunteer staff, (whom work under the direction and supervision of the duty manager), are utilised as and when needed. This is considered adequate in relation to the maximum hours the premises are open for the sale and supply of alcohol.

Factors to Consider

Community Views

The community expects that only fit and proper persons are granted licences or certificates for any matter concerning the sale of alcohol. Others in the community will expect Council to deal with these matters in the most efficient and effective manner.

Policy Implications

The decision has no impact on Council policy.

Financial Implications

There are no financial implications attached to this decision.

Legal/Delegation Implications

The Sale and Supply of Alcohol Act 2012 provides for all decisions on applications to be made by Council's District Licensing Committee. For unopposed applications the Chair alone may determine the application based on the information provided in the papers.

Options

The District Licensing Committee has two options; it may either grant the application with conditions or decline the application.

Option A: Grant the application with conditions.

Option B: Decline the application.

Assessment of Options

There are no grounds that officers are aware of that would substantiate a declining of the application. Based on the reports received by the Police, the Medical Officer of Health and the Licensing Inspector, there is no good reason to impose conditions on the licence other than those required under the Act. The applicant has provided all information thus satisfying the reporting agencies who have responded with no opposition being raised to the issuing of the renewal of the Club licence.

Option A is considered the preferred option as it satisfies all requirements of s.105 of the Sale and Supply of Alcohol Act 2012 allowing the unopposed application to issue once determined by the

District Licensing Committee.

Assessment of Significance

A decision in accordance with the recommendation is not considered to have a high degree of significance because it does not involve any Council expenditure or impact financially on any ratepayers.

Recommended Option

The recommended option is **Option A**.

Next Step

The decision by the District Licensing Committee will be publicised on Council's website.

Attachments

- Reports for Renewal of a Club Licence from Mamaranui Bowling Club Incorporated (Attachment 1)
- Draft Decision by District Licensing Committee (to be finalised on Letterhead when approved) (Attachment 2)
- Draft Replacement Licence (to be finalised when approved) (Attachment 3)
- Draft Notice of Renewal (to be finalised on Letterhead when approved) (Attachment 4)