

APPLICATION	17/CL/005/2016
IN THE MATTER	of the Sale and Supply of Alcohol Act 2012 (The Act)
AND	
IN THE MATTER	of an application by Robert Davies of Harkness Henry Lawyers on behalf of Pockets 8 Ball Club Incorporated pursuant to s127 of The Act for the grant of a Club Licence in respect of premises situated at 38 – 44 Bridge Street Tokoroa and known as Pockets Ball Club.

BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE

Quorum: Chairperson: Jenny Shattock QSM JP

APPLICATION

I have before me an application by Robert Davies of Harkness Henry Lawyers on behalf of Pockets 8 Ball Club Incorporated (the applicant), pursuant to s. 127 of the Sale and Supply of Alcohol Act 2012, (the Act) for a **Club-Licence** number 17/CL/005/2016, for premises known as Pockets 8 Ball Club which is situated at 38-44 Bridge Street, Tokoroa.

The applicant has been the holder of a Club Licence but due to unforeseen circumstances the club's licence lapsed resulting in the applicant having to file a new application.

Hours under previous licence were: **Monday to Sunday 10:00am – 12:00 midnight**

The applicant has sought no change to the previous licensed hours.

The requested hours fall within the national default hours.

The applicant has 7 certified managers employed on the premises.

The applicant has sought no variation to the previous designation that being "Supervised" for all areas within the premises apart from the gaming room which is "Restricted".

Reports on the application have been received from the Inspector, the New Zealand Police and the Medical Officer of Health.

Neither the Police nor the Medical Officer of Health raises any matters in opposition.

The Inspector has provided a positive report and does not oppose the renewal of the **Club-Licence**

The Inspector has filed a comprehensive report pursuant to Section 103 (2) of the Act. The report is clear and covers off the provisions of Section 106 of the Act which relate to Amenity and Good Order.

The Fire Service has no objections to the application.

The Territorial Authority Building Department and Planning Department provided certificates stating the application meets the requirements of the Building Code and Resource Management Act 1991.

The application was publicly notified in the South Waikato News on the 31st August 2016 and 7th September 2016. No public objections were received within the statutory timeframe following the public notification.

I am satisfied as to the matters to which I must have regard and I am satisfied that the application meets the Purpose and Object of the Act.

REASONS FOR THE DECISION

In deciding whether to grant a licence, the licensing committee must have regard to the following matters:

- (i) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):
- (ii) 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:
- (iii) any matters dealt with in any report from the Police, an Inspector, or a Medical Officer of Health made by virtue of section 129:
- (iv) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol

In assessing the application against the criteria found in s.105 of the Act; I find that there is no question as to the suitability of the applicant.

There is No Local Alcohol Policy in force in the South Waikato.

The Inspectors report is both comprehensive and positive. It covers the matters required including Amenity and Good Order. The Inspector reports that there is no reason to believe that the amenity and good order of the locality would be likely to be increased, to more than a minor extent, by the effects of a refusal to renew the licence.

There is nothing in the Inspectors report to suggest that the applicant has managed the Sale and Supply of Alcohol in an inappropriate manner during the currency of the **Club-Licence**.

In this matter I believe that the criteria under Section 131 of the Act have generally been met given that:

- (i) The Inspector has provided a positive report, and;
- (ii) The relevant Agencies have reported without opposition, and that;
- (iii) The application has drawn No Objection from the public, and that;
- (iv) The Applicant has managed the Sale and Supply of alcohol appropriately during the currency of the licence.

DECISION

I am satisfied as to the matters which I must have regard as set out in s.131 of the Act, and I am satisfied that the application meets the Purpose and Object of The Act. Accordingly, I grant the applicant's **Club-Licence (17/CL/005/2016)** in respect of premises situated at 38-44 Bridge Street, Tokoroa and known as Pockets 8 Ball Club for a period of one (1) year.

The licence will be subject to conditions as below. The licence may be issued upon payment of any outstanding fee if any.

CONDITIONS

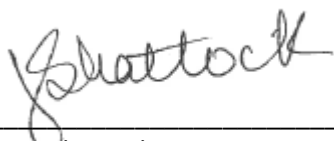
- 1) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
 - (ii) Ensure that appropriate signs are prominently displayed detailing the statutory restrictions on the supply of alcohol to minors and intoxicated persons, at each entry and adjacent to every point of sale.

- 2) **Alcohol must be sold only on the following days and during the following hours:**

Monday to Sunday 10:00am – 12:00 midnight

- 3) Drinking water is to be freely available to customers.
- 4) Pursuant to s.53(a)(b) food of a range and style similar to that described in the application submitted must be available for consumption on the premises at all times when the premises are authorised to be open for the sale of liquor.
- 5) Pursuant to s.52(i) the Club must have available for consumption on the premises at all times when the Club is open for the sale of liquor, a reasonable range of non-alcoholic refreshments and low alcohol beverages.
- 6) Pursuant to s.54(a)(b)(c) the Club must ensure that free, comprehensive and accurate information regarding alternative forms of transport from the premises is readily available.
- 7) Pursuant to s.57(2) the Club must ensure that a copy of the club licence together with a statement of all conditions is displayed prominently inside the premises and is easily read by people using the premises.
- 8) The premises are designated as "Supervised" for all areas within the premises apart from the gaming room which is "Restricted".
- 9) This licence may be issued immediately and is valid for one (1) year from the date of issue.

Dated at Tokoroa this 1st day of October 2016



Jenny Shattock QSM JP

Chairperson

South Waikato District Licensing Committee