

Decision Numbers: 019/ON/004/2015
019/OFF/001/2015

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by **DIMAC Limited** pursuant to s.100 of the Act for a **Renewal of an On and Off Licence**

BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Te-Awamutu / Cambridge on the 17th day of April 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **DIMAC Limited** pursuant to section 100 of the Act for an **On and Off Licence renewal**.

Reports have been received from the Police and a Licensing Inspector. The application has been publically notified in accordance with the Act.

There are no objections to this application by reporting agencies or the public in respect to this application, and it is therefore determined on the papers by the Chairperson alone in accordance with section 191(2) of the Act.

THE APPLICATION:

Application for the renewal of an on and off licence numbers 019/ON/006/2014 and 019/OFF/001/2014 was received by the Waitomo District Licensing Committee on 2 March 2015 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was on time, and in the correct form as detailed by section 127 of the Act, and was accompanied by the correct fee. The application includes a statement in regard to fire safety and evacuation schemes as required by section 127(e).

The licence is eligible to be renewed as it meets the criteria detailed in section 125 for an off licence.

The application was publicly notified in the Waitomo News on 3 March 2015 and 10 March 2015. A notice was placed on the site (not viewed).

DECISIONS AND REASONS

The criteria to which this committee must have regard are detailed in section 105 of the Act.

"105 Criteria for issue of licences

(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

- (a) the object of this Act;*
- (b) the suitability of the applicant;*
- (c) any relevant local alcohol policy;*
- (d) the days on which and the hours during which the applicant proposes to sell alcohol;*
- (e) the design and layout of any proposed premises;*

- (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:
- (g) 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:
- (h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:
- (i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—
 - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
 - (ii) it is nevertheless desirable not to issue any further licences:
- (j) whether the applicant has appropriate systems, staff, and training to comply with the law:
- (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.

(2) The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence"

SUITABILITY OF THE APPLICANT

Company Directors: Christen John Dimond
Ian Walter McErlich

There are no known suitability issues associated with the company directors. The police have raised no objections.

LOCAL ALCOHOL POLICY

The Waitomo District Local Alcohol Policy is still provisional and cannot be formally considered. As a renewal of an on licence application for a tavern with hours proposed from 8.00am until 2.00am the following day it is unlikely to comply were the policy in force. The draft policy states:

"No on-licence shall be issued or renewed for any hotel or tavern premises with hours that exceed the following (subject to sections 46 and 47 of the Act): Monday to Sunday 9:00am to 2:00am the following day."

As a renewal of an off licence application with hours proposed from 7.00am until 11.00pm it is unlikely to comply were the policy in force. The draft policy states:

"No off-licence shall be issued or renewed in respect to any other premises excluding supermarkets with trading hours that exceed the following: Monday to Sunday 9.00am to 10.00pm."

DAYS AND HOURS

The applicant proposes no changes to the hours of Monday to Sunday 8.00am to 2.00am the following day for the on licence and no changes to the hours of Monday to Sunday 7.00am to 11.00am for the off licence.

One way door policy: the application states a one way door policy is operated from 11.00pm.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at Hotel Access Road, RD 7, Waitomo. The premises is formed from a large room with one bar and associated outside seating area, as illustrated in the plans provided with the original licence application. There are no proposed changes. A separate part of the building is leased to the King Country Brewing Company, a separate entity, and the area occupied by the latter is not included within the licensed area.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There are no other goods sold or services provided.

REDUCTION OF AMENITY AND GOOD ORDER

The premises to which this application relates to is a relatively new building completed in 2014 to replace the one destroyed by a fire.

There are two sensitive sites within 500 metres of the applicant's premises: Waitomo Caves School (a primary school) located in Hotel Access Road and a children's play area located in the park on the Waitomo Village Caves Road across from the Visitors Information Centre.

No complaints have been received directly by Waitomo District Council concerning noise issues associated with the applicant's premises. There are no public objections.

Within the Waitomo village location of the applicant's premises there are five other on-licensed premises and one club licensed premises. One of the on-licensed premises also holds an off-licence. All the premises are within 500 metres of the applicants premises. Their existing licensed hours are as follows:

Trading name	Type of licence	Licensed days/hours	Outdoor licensed area
Waitomo Caves Hotel	On (application recently filed)	Monday to Sunday 11.00am to 11.00pm	Yes
Waitomo Caves Store	On	Monday to Sunday 9.00am noon to 11.00pm	Yes
Morepork Pizzeria and Cafe	On	Monday to Sunday 12.00 noon to 1.30pm	Yes
Waitomo Glow Worm Caves Restaurant	On	Monday to Sunday 8.30am to 1.00am the following day.	All of the dining areas are outdoors but under a roof covering.
Huhu Cafe	On	Monday to Sunday 7.00am to midnight.	Yes
Waitomo Rugby Club	Club	Monday to Friday 5.00pm to 10.00pm Saturday and Sunday 2.00pm to midnight	Yes

SYSTEMS, STAFF AND TRAINING

The applicant has provided evidence of the systems, staff and training of those staff that are in place to ensure compliance with the Act. These include a host responsibility policy, a range of low alcohol drinks and a range of non alcoholic drinks, food available up to 9.00pm from the kitchen and from an after hours dinner menu thereafter, prohibited persons signage displayed, experienced duty managers on site, free use of a telephone for patrons to call for transport. A courtesy van is also available to transport patrons.

A one way door policy operates after 11.00pm. The application states there are CCTV screens in the bar and office. Lighting is provided to the car parking area until 1.30am.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 4 March 2015 presents no objections to the application.

No report has been received from the Medical Officer of Health. Section 103 (4) of the Act states the licensing committee may assume that if no report is received from the Medical Officer of Health within 15 working days after sending a copy of the application to them then the Medical Officer of Health does not oppose the application.

The licensing inspector performed a risk weighting for the two types of licence as follows:

Confirmation of risk weighting

On Licence

Type of Premises Weighting	Alcohol sales time weighting	Enforcement Weighting
Tavern	2.00am or earlier	None
Weighting: 15	Weighting: 0	0

Cost/risk rating of premises = 15

Therefore fees category = Medium

Off Licence

Type of Premises Weighting	Alcohol sales time weighting	Enforcement Weighting
Tavern	Any time after 10pm	None
Weighting: 10	Weighting: 3	0

Cost/risk rating of premises = 13

Therefore fees category = Medium

THE PUBLIC

The application was duly advertised in accordance with the Act. No public objections were received.

CONCLUSION

Being satisfied as to the matters to which the Committee must have regard in s.105 of the Act the application is granted. ***The licence can be renewed and issued immediately for a three year period***, subject to the following conditions:

For the on licence

- a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day to any person who is not-
 - (i) Present on the premises to dine.
- b) Alcohol may be sold under the licence only on the following days and during the following hours:
Monday to Sunday 8.00am to 2.00am the following day EXCEPT THAT on the Thursday before Good Friday; and on Easter Saturday; and on Christmas Eve; and on the day before Anzac Day, alcohol may only be sold between 8.00 am and 12.00 midnight.

- c) Food must be available for consumption on the premises as follows:
A range of food choices must be readily available at all times that the premises are open. Menus must be visible and food should be actively promoted. A minimum of three types of food should be available. Alternatively the range of food should include such items as paninis, pizzas, lasagna, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.
- d) The licensee must have available for consumption on the premises, at all times when alcohol may be sold under the licence, a reasonable range of non-alcoholic and low-alcohol beverages.
- e) Drinking water must be freely available at the following places while the premises are open for business: At the bar.
- f) The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
 - (i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons;
 - (ii) Request evidence of age documents from any person appearing to be under the age of 25.
- g) Each of the following parts of the premises is designated as a supervised area:
The whole of the bar area as shown on the plans submitted with the application received by the District Licensing Committee on 15 April 2014.
- h) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
 - (i) All staff will be trained in their responsibilities under the Act;
 - (ii) A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty or of the person responsible for the management of the sale and supply of alcohol under the licence.

For the Off licence:

If granted I recommend that the licence is renewed subject to the existing conditions:

- a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day
- b) Alcohol may be sold or delivered only on the following days and during the following hours:
Monday to Sunday 7.00am to 11.00pm
- c) Each of the following parts of the premises is designated as a supervised area:
The whole of the bar area, as shown on the plans submitted with the application received by the District Licensing Committee on 15 April 2014.
- d) Drinking water must be freely available to customers at the following places while alcohol is being supplied free as a sample on the premises: At the bar.
- e) The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
 - (i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons;
 - (ii) Request evidence of age documents from any person appearing to be under the age of 25.

- f) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
- (i) All staff will be trained in their responsibilities under the Act;
 - (ii) A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty or of the person responsible for the management of the sale and supply of alcohol under the licence.

DATED at Te Awamutu / Cambridge this 17th day of April 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee