

Decision Number: 19/015/2015

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

AND

IN THE MATTER of an application by **Barry Kevin Woods** pursuant to s.100 of the Act for an **On Licence**

BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Cambridge on the 23rd day of October 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **Barry Kevin Woods** pursuant to section 100 of the Act for an **On Licence**.

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 on licence was received by the Waitomo District Licensing Committee on 21 July 2015 pursuant to section 99 of the Sale and Supply of Alcohol Act 2012.

The general nature of the premises is to be a function centre.

The application was in the correct form as detailed by section 100 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 100(d) of the Act.

A certificate of building and planning compliance has been supplied pursuant to section 100(f) of the Act and the application has been publically notified in accordance with the Act.

The application was publicly notified in the Waitomo News on 23 July 2015 and 30 July 2015.

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

Sole Trader: Barry Kevin Woods.

There have been concerns with the suitability of the sole trader/applicant.

The applicant's original approach to the renewal of his on licence, does bring in to question his suitability as it was lacking in detail. However, subsequent communications and the filing of a new on licence application (as time ran out to re-submit the renewal application) have been made in a more positive and responsible manner.

There remains the question as to whether or not one certificated manager is sufficient for a function centre. The applicant himself is not a certificated manager and enquiries by the Licensing Inspector revealed the one manager listed on the application form is the applicant's daughter. This in itself is not an issue but the availability of only one certificated manager raises the question as to whether or not this provides sufficient cover. A recommendation is therefore made that the applicant appoints at least one additional certificated manager so as to ensure that a certificated manager can be called upon to be on duty at all times when alcohol is served.

LOCAL ALCOHOL POLICY

The provisional Local Alcohol Policy has yet to be adopted by Waitomo District Council. As an application for an on licence with hours Monday to Sunday from 9.00am to 2.00am the following day it is likely to comply were the policy in force. The draft policy states:

"Any function centre or other premises not defined above will be subject to hours at the District Licensing Committee discretion but shall not exceed:

- *Monday to Sunday 9.00am to 2.00am the following day."*

DAYS AND HOURS

The applicant proposes to operate a function centre from the premises with hours of Monday to Sunday 9.00am to 2.00am the following day.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at 1177 Waitomo Valley Road, RD 7, Otorohanga. The premises are formed from a large indoor dining area, which has a small bar, as illustrated in the plan provided with the application. A theatre is located within the same building.

The current main use of the premises is as a function and entertainment centre.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There is a 'gift shop' stated on the application. The Inspector believes this to be incorporated with the office/reception area.

Motel type accommodation is provided on the same site. A stage show is also provided by as part of a range of entertainment services available from the applicant.

REDUCTION OF AMENITY AND GOOD ORDER

The premises are well established, having operated at the site for some years. The premises are located in a rural location. There are no residential dwellings within 50 metres and no sensitive sites within 500 metres. No complaints have been received by Waitomo District Council concerning noise or anti social behaviour.

SYSTEMS, STAFF AND TRAINING

The applicant has submitted a host responsibility policy, however, the application is somewhat lightweight on staff training focussing instead on use of signage for prohibited persons although the application does state the 'host responsibility policy is accessible to all staff'. The applicant is likely to employ casual staff for functions but there is no indication on how such staff will be trained on the contents of the host responsibility policy.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 6 August 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 Police or Medical Officer of Health within 15 working days after sending the copy of the application to them, the Police or Medical Officer of Health does not oppose the application."*

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 issued immediately for the initial period of one year,*** subject to the following conditions:

- 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-Present on the premises to dine.
- b) Alcohol may be sold under the licence only on the following days and during the following hours: On such days and during such hours as the premises are being operated as a restaurant but not other than on the following days and hours:

Monday to Sunday 9.00am to 2.00am the following day

- c) Food must be available for consumption on the premises at all times when the premises are open for the sale of alcohol in accordance with the menu submitted with the application for the licence, or variations of that menu of a similar range and standard.
- 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: **Available at the bar and on all occupied dining tables.**
- 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:
- 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;
 - Request evidence of age documents from any person appearing to be under the age of 25.
- g) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
- All staff will be trained in their responsibilities under the Act;
 - 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.
- h) The applicant will appoint an additional certificated manager within three months of the date of the issue of this licence and notify the district licensing committee details of the name and certificate number of the appointed manager.

DATED at Te Awamutu / Cambridge this 23rd day of October 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee