

**Application**

19/021/2018

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**  
**IN THE MATTER**

of an application by  
Jeffares Investments Ltd  
for the renewal and variation of an off-  
licence in respect of the premises  
situated at Gribbin Street, Awakino  
known as Awakino Hotel

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. The off-licence 019/OFF/003/2018 in respect of the premises situated at Gribbin Street, Awakino and known as Awakino Hotel is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The application for a variation to the location of off-licence sales is granted.
3. The present conditions of the licence continue to apply, with the exception of conditions (a) and (c) which are replaced as follows:
  - (a) Alcohol sales for consumption off the premises may be made across the bar from the off-licence sales till from 11.00am to 9.00pm Monday to Sunday.
  - (c) The area where alcohol is to be sold is described in the plan date stamped as received by the Waitomo District Council Licensing Committee on 13 July 2021.

**Reasons**

1. This is an application by Jeffares Investments Ltd for the renewal and variation of an off-licence in respect of the premises situated at Gribbin Street, Awakino, known as Awakino Hotel.
2. The application was advertised, and no objections have been received from members of the public. The Liquor Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not oppose the application. Accordingly, the application is decided on the papers (s 202(1)).

3. The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4).
4. In deciding whether to renew an off-licence the licensing committee must have regard to sections 131 and 105 of the Act. Therefore this committee must consider the following questions within the framework of the purpose and object of the Act:
  - a) Is the applicant suitable?
  - b) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
  - c) Is the design and layout of the premises suitable?
  - d) Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
  - e) Does the applicant have appropriate systems, staff and training to comply with the law?
  - f) Have the police, inspector and medical officer of health raised any relevant considerations?
  - g) Will the amenity and good order of the locality be increased by more than a minor extent by the effects of a refusal to renew the licence?
  - h) Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?
  - i) Does the application comply with the Waitomo District Local Alcohol Policy?
5. The licensing committee must have regard to section 116 in deciding what conditions apply to an off-licence.

**Should the licence be renewed?**

6. The licensing committee is satisfied that Jeffares Investments Ltd is a suitable applicant to hold an on-licence. The company has demonstrated compliance with the Sale and Supply of Alcohol Act 2012 and has an appropriate Host Responsibility Policy and staff-training programme. However, the licensing committee notes that the staff training plan is a template that needs to be personalised to this premises and does not make reference to discussing the conditions of the licence. It is recommended that these matters are rectified as soon as possible. There are three Duty Managers employed to ensure that the sale of alcohol complies with the Sale and Supply of Alcohol Act 2012. No changes are sought for the currently licensed hours of 11.00am to 9.00pm Monday to Sunday.
7. The licensing committee is satisfied that the renewal of the off-licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no reports of any nuisance, vandalism or noise problems associated with this premises in the past three years. Alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act.
8. The licensing committee is satisfied that suitable measures will be taken to ensure that alcohol is sold and supplied responsibly, and that harm caused by inappropriate or excessive consumption of alcohol is minimised.

**Should the variation to the point of sale for off-licence sales be granted?**

9. The off-licence renewal application states that a variation is sought:

*The applicant proposes to remove the separate off sales facility and to convert this area into a store room. All sale of alcohol for consumption off the premises will be carried out across the bar of the hotel.*

10. The Licensing Inspector reports that the point of sale has already changed. The separate entrance for the off-licence sales has been boarded up and off-licence sales are now taking place across the bar from a separate till for off-sales. This change was made because the applicant found it difficult to manage off-licence sales during busy periods. The Inspector is of the opinion that this does not comply with the requirements of the Local Alcohol Policy, because the bar servery does not constitute a separate point of sale. However, the Licensing Inspector is not opposed to the application.
11. The Local Alcohol Policy 4.0 (c)(iii) states:  
  
*Premises holding both an on-licence and an off-licence shall ensure there is a separate point of sale and supply for the off-licence if a totally separate area or premises is not practical.*
12. The licensing committee considers that a separate till at the bar does constitute a separate point of sale. It appears that the separate entrance for off-licence sales was not practical in terms of staffing. Therefore, the change to the off-licence point of sale will ensure better supervision of on and off-licence sales and will therefore be appropriate in terms of the object of the Act. However, the licensing committee notes that this change should not have taken place until the variation was approved.
13. The application for a variation to conditions (a) and (c) of the licence to reflect the new point of sale from a dedicated till at the bar is granted.

**Conclusion**

14. Therefore, the application for the renewal and variation of the off-licence is granted.

Dated this 23rd day of July 2021



Sara Grayson  
Commissioner  
District Licensing Committee