

**Decision Number: 19/052/2016**

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

**AND**

**IN THE MATTER** of an application by **Premium Holdings Limited** pursuant to s.100 of the Act for an **On Licence Renewal**

**BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Te-Awamutu / Cambridge on the 18<sup>th</sup> day of July 2016

**INTRODUCTION**

The Waitomo District Licensing Committee has before it an application by **Premium Holdings Limited** pursuant to section 100 of the Act for an **On Licence Renewal**.

Reports have been received from the Police, Medical Officer of Health, NZ Fire Service and the 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 on licence number 019/ON/2/2001 was received by the Waitomo District Licensing Committee on 3 May 2016 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 application was publicly notified in the Waitomo News on 5 May 2016 and 12 May 2016.

**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 and shareholders: Mark Douglas McKenzie (99%)  
Ivan Claude Haines (1%)

There are no concerns with the suitability of the directors of the applicant company.

#### **LOCAL ALCOHOL POLICY**

The Waitomo District Council Local Alcohol Policy comes into force on 1 June 2016. The policy states:

##### **3.0 (f) Maximum trading hours for premises holding on-licences**

(i) 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):

- a. Monday to Sunday 9.00am to 2.00am the following day
- b. In the case of hotels, alcohol may be sold or supplied at any time to any guest residing on the premises.

As a hotel, with a restaurant open to non-residents, with days and hours applied for Monday to Sunday 9.00am to 2.00am the following day, the application therefore complies with the local alcohol policy.

#### **DAYS AND HOURS**

So as to align with Waitomo District Council’s Local Alcohol Policy the applicant proposes changes to the hours of Monday to Sunday 7.00am to 3.00am the following day to:

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 728 State Highway 3, RD5, Te Kuiti 3985. The premises provide motor inn style accommodation with a restaurant and bar as illustrated in the sketch provided with the application. There are no proposed changes to the layout of the premises.

### SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

No other goods are sold. Motor Inn style accommodation is provided.

### REDUCTION OF AMENITY AND GOOD ORDER

The premises to which this licence application applies has been operated by the applicant as a motor inn since 1990. There are no sensitive sites within a 500 metre radius of the premises and no residential neighbours within a 50 metre radius.

There is no reason to believe that the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the issue of the licence.

### 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 appropriate display of prohibited persons signage, employing a good number of mainly experienced certificated managers, attendance at locally held workshops on alcohol licensing, on the job training including on the in-house ('Caves Motor Inn') host responsibility policy.

### ISSUES RAISED BY REPORTING AGENCIES

Police report dated 19 May 2016 presents no objections to the application.

Report from the office of the Medical Officer of Health dated 19 May 2016 presents no objections to the application.

Report from the Licensing Inspector presents no objections to 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 renewed and issued immediately for a three year period***, 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-
  - (i) Present on the premises to dine.
  - (ii) Residing as a guest at the premises.
  
- 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 from the bar and in the restaurant area on occupied tables at all times when the bar is open or alcohol is served at the 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:
  - (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) 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.
- h) Each of the following parts of the premises is designated as  
**Supervised area:** the whole of the bar area and restaurant/dining/function areas shown on the plans submitted with the application received by the District Licensing Committee on 3 May 2016.
- i) The premises is to be registered under the Food Hygiene Regulations 1974 until the deemed due date of 31 March 2017 for on-licence food service businesses to apply and register a food control plan in accordance with Schedule 1 of the Food Regulations 2015.

**DATED** at Te Awamutu / Cambridge this 18<sup>th</sup> day of July 2016



Diane Sharpe  
**Chairperson**  
**Waitomo District Licensing Committee**