

Decision Number: 019/ON/002/2015

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

AND

IN THE MATTER of an application by **Taharoa Tourism Limited** pursuant to s.100 of the Act for a **new On Licence**

BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Te Awamutu / Cambridge on the 2nd day of April 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **Taharoa Tourism Limited** pursuant to section 100 of the Act for a new **On-Licence**.

Reports have been received from the Police, Medical Officer of Health 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 23 February 2015 pursuant to section 99 of the Sale and Supply of Alcohol Act 2012.

The general nature of the premises is to be a restaurant/hotel.

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 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:*


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- (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: Accommodation Provider*
- (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:

1. Turanga Hoturoa Barclay-Kerr
2. Wayne Sidney Coffey
3. John Forbes

The company is relatively new (incorporation date 27 February 2014). The company took over management of the Waitomo Caves Hotel on 4 June 2014. The on licence applicable to the premises at that time was in the name of the previous managing company, Waitomo Caves Hotel (2010) Limited. This licence expired on 11 February 2015.

In the period between the takeover by Taharoa Tourism Limited and the receipt of the application for a new on licence by the applicant company, some eight months later, no temporary authority or new licence application was filed by the applicant until their representative (the current hotel manager) was contacted by this licensing officer to ascertain why no renewal application had been filed by the (previous) licence holder. It was then revealed there had been a change in the managing company.

The suitability of the applicant company was called into question over whether or not alcohol was sold by the applicant at any time from when they took over managing the premises in June 2014, as neither a temporary authority application was filed with the committee at that time and nor was a new licence application were filed with the committee, until recently.

A site inspection by the licensing inspector was carried out on 24 September 2014 and the applicant's hotel manager advised at that time that the hotel had not been trading and that the bar and restaurant, for the purposes of lunch and evening dining had been shut since the applicant company took over managing the premises and that alcohol had not been sold from the hotel bar.

However it was noted by the licensing inspector that a newly appointed chef was on site and preparing food in the kitchen and the hotel manager advised a new menu was to be introduced as part of the plans to re-launch the hotel. At no time during the visit did the hotel manager indicate there had been a change in the managing company. However there is no evidence to indicate alcohol was sold by the applicant company during this period of time.

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 new on licence application for a hotel/restaurant with hours proposed from 11.00am to 11.00pm it is likely 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.*

DAYS AND HOURS

The applicant proposes to operate a hotel from the premises with hours of Monday to Sunday 11.00am to 11.00pm.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at Hotel Access Road, Waitomo Caves, Waitomo. The premises is an established hotel with a restaurant including an outside dining area and small bar attached as illustrated in the plans and photographs provided with the application.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

No other goods are sold. The application states: 'Accommodation provider' as other services being provided.

REDUCTION OF AMENITY AND GOOD ORDER

The premises to which this licence application applies has been operating as a hotel since the 1950's.

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 |
|------------------------------------|-----------------|--|---|
| Curly's Bar | On | Monday to Sunday 8.00am to 2.00am the following day | Yes |
| Curly's Bar | Off | Monday to Sunday 7.00am to 11.00pm | N/A |
| 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 indicated that there are systems, staff and training of those staff in place to ensure compliance with the Act. These include a host responsibility policy, low alcohol drinks and a range of non alcoholic drinks, food available all day from 7.00am, prohibited persons signage displayed, experienced duty managers on site, free use of a telephone for patrons to call for transport. A courtesy car is available to transport patrons.

A one way door policy operates after 10.30pm. The application also states there is CCTV overseeing the bar and entrances to the hotel. Security lighting is provided at the entrances.

ISSUES RAISED BY REPORTING AGENCIES

- Police report dated 3 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 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:

1. 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; or
 - ii) Residing as a guest at the premises
2. 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 11.00am to 11.00pm
3. 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.
4. 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.
5. Drinking water must be freely available at the following places while the premises are open for business: available in the dining room at all times when the bar is open or alcohol is served at the dining tables.
6. 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.
7. 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.
8. 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 23 February 2015.
9. The premises is to be registered under the Food Hygiene Regulations 1974.

DATED at Te-Awamutu / Cambridge this 2nd day of April 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee