

Decision Number: 019/ON/006/2015

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

AND

IN THE MATTER of an application by **Roselands Restaurant Farm and Garden (2011) 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 29th day of May 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **Roselands Restaurant Farm and Garden (2011) Limited** pursuant to section 100 of the Act for an **On Licence Renewal**.

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 the renewal of on licence number 019/ON/005/2014 was received by the Waitomo District Licensing Committee on 22 April 2015 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was not filed later than the 20 working days before the expiry of the licence (expiry date 13 May 2015), but was 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 16 April 2015 and 30 April 2015. A notice was reported to have been placed on the site but was not viewed.

The Inspector notes that the first publication of the public notice was made 5 days before the application was filed. If a public notice is published early then objectors cannot view the application as it has not been filed with the Committee. However in this instance no requests were made to view the application and therefore it may be accepted subject to a waiver.

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: Benn Whitehead and Leonie June Lamont.

There are no adverse reports concerning the suitability of the company directors. No criminal convictions have been recorded against the company directors and the police report does not identify any matters of concern with respect to the applicant's suitability.

LOCAL ALCOHOL POLICY

The provisional Local Alcohol Policy has yet to be adopted by Waitomo District Council. As an application for renewal of an on licence for a restaurant with hours proposed from 10.00am 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 in respect of any restaurant or café premises that exceed the following (subject to sections 46 and 47 of the Act):
Monday to Sunday 9:00am to 12:00 midnight. Any outdoor dining area will not have hours that exceed 9.00am to 11.00pm."*

DAYS AND HOURS

The applicant proposes no changes to the hours of Monday to Sunday 10.00am to 2.00am the following day.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at 579 Fullerton Road, Waitomo. The premises is formed from two indoor dining areas, one of which has a small bar, and an outdoor barbecue area with seating as illustrated in the plans provided with the application.

The current main use of the premises is as a restaurant for tourists who arrive by coach. Function catering is also available.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There is a souvenir shop on the premises.

The applicant has offered clay pigeon shooting and helicopter flight experiences in the past as well as use of a golf course within the grounds.

REDUCTION OF AMENITY AND GOOD ORDER

The premises is well established, having operated at the site for some years. The premises is located in a rural location. 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 and has indicated staff are continuously trained on the job with reference to the policy.

The Licensing Inspector considers the systems, staff and training are sufficient having regards to the nature of the business to enable compliance with the law.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 23 April 2015 presents no objections to the application. Report from the office of the Medical Officer of Health dated 24 April 2015 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:

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-
Present on the premises to dine.
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 10.00am to 2.00am the following day
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:
 - a) At all occupied 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:
 - a) 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;
 - b) 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:
 - a) All staff will be trained in their responsibilities under the Act;
 - b) 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 29th day of May 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee