

Decision Number: 19/036/2016

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

AND

IN THE MATTER of an application by **Wooden Heart Café 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 13th day of May 2016

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **Wooden Heart Café 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 off/on/club licence number 019/ON/001/2015 was received by the Waitomo District Licensing Committee on 21 January 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 28 January 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: Christine Elizabeth Poole
Jillian Margaret Harding

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

LOCAL ALCOHOL POLICY

Waitomo District Local Alcohol Policy is not yet in force. The policy states:

No on-licence shall be issued or renewed in respect of any restaurant or café premises with hours that exceed the following (subject to sections 46 and 47 of the Act):

a) Monday to Sunday 9.00am to 12.00 midnight

With hours applied for of 10.00am to 12.00 midnight the application would therefore comply with this requirement.

However the policy also states:

Any outdoor area will not have hours that exceed 9.00am to 11.00pm.

In this respect, were the policy in force, the application would not comply for the outdoor area.

DAYS AND HOURS

The applicant proposes no changes to the hours of Monday to Sunday 10.00am to 12.00 midnight.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at 30 Ellis Road, Benneydale. The premises are formed from a restaurant with an outdoor dining area as illustrated in the plans provided with the application. There is no tap beer and alcohol is served to patrons from bottles only.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There are no other goods sold other than food and drink normally associated with a café type operation.

REDUCTION OF AMENITY AND GOOD ORDER

The premises to which this licence application refers has been operating for almost one year. There is no evidence to suggest that the use of the premises as a café/restaurant has affected the amenity and good order of the locality, even to a minor extent. External security lighting to the front of the premises is provided. There are no public objections.

There is one other licensed premises within the area (Benneydale Sports and Recreation Club). Benneydale School is located over 500m away from the applicant's premises.

The use of the premises as a café/restaurant style premises with no significant bar or tap beer available leads to the conclusion that alcohol related harm is unlikely to eventuate from the granting of this application.

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 all relevant signage and a host responsibility plan and policy which is brought to newly employed members of staff as part of an 'Employee Handbook'.

However it is noted that there is now only one certificated manager available and a recommendation is made to employ at least one further certificated manager.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 4 February 2016 presents no objections to the application.

Report from the office of the Medical Officer of Health dated 29 February 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.
- b) Alcohol may only be sold when the premises are operating as a café/restaurant on the following days and during the following hours:
Monday to Sunday 10.00am to 12.00 midnight

- c) Food must be available for consumption on the premises as follows:
A range of food choices must be readily available at all times that the premises are open. A minimum of four types of food should be available.
- 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: from the all day water station located in the indoor dining area.
- 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 at all points of sale inside the premises, which identifies by name the manager on duty.
- h) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- i) 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.
- j) 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 13th day of May 2016



Diane Sharpe
Chairperson
Waitomo District Licensing Committee