

Decision	19/026/2024
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u> <u>IN THE MATTER</u>	of an application by The Fat Owl Limited for the renewal of an on-licence pursuant to section 127 of the Act in respect of the premises at 12 Ruru Street, Piopio known as Fat Owl Motel, Bar and Eatery

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The on-licence 19/ON/005/2021 in respect of the premises situated at 12 Ruru Street, Piopio and known as Fat Owl Motel, Bar and Eatery is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The present conditions of the licence are replaced with the following conditions:
 - a) Alcohol may only be sold or supplied while trading as a café/restaurant.
 - b) Alcohol may be sold or supplied from 9.00am to 12midnight, Monday to Sunday.
 - c) No alcohol may be sold on the premises on of Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day to any person who is not on the premises to dine.
 - d) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the District Licensing Committee on 12 April 2024 and no alcohol is to be taken out of this area.
 - e) The entire premises is supervised.
 - f) A properly appointed certificated, acting or temporary manager must be on duty and on the premises at all times when the premises is open for the sale and supply of alcohol. If a duty manager is not present, then there must be no alcohol sales and a notice displayed advising the public of this fact.
 - g) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
 - h) A Host Responsibility Policy must be maintained and displayed, and the Licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.

- i) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be appropriate signs detailing these restrictions at every point of sale.
- j) Drinking water must be freely available and this must be clear to customers, while the premises is open for the sale and supply of alcohol.
- k) Food must be available for consumption on the premises at all times when open for the sale of alcohol in accordance with the restaurant menu submitted with the application for this licence, or variations of a similar range and standard.
- l) A range of low-alcohol and non-alcoholic drinks must be available at all times when the premises are open for the sale of alcohol.
- m) A telephone must be freely available for customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed.
- n) The Licensee must ensure the following are displayed;
 - i. A sign to be seen from outside the principal entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.
 - ii. A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
 - iii. A sign in a prominent place identifying the duty manager.

Reasons

1. This is an application by The Fat Owl Limited for the renewal of an on-licence in respect of the premises situated at 12 Ruru Street, Piopio and known as The Fat Owl Motel, Bar and Eatery.
2. This application was filed on 4 April 2024 with the secretary of the District Licensing Committee, 16 working days before the expiry of the on-licence on 28 April 2024. An application for the renewal of a licence must be made no later than 20 working days before the expiry of the licence. Therefore, this application was filed late. Ms. Ratima has requested a waiver from the requirement to file the application 20 working days before the licence expiry, citing delays caused by a transition to new administrative systems and two family bereavements.
3. Section 208 of the Act allows the licensing committee to grant a waiver if a person fails to meet a deadline, provided the failure was not intentional. In this case, the renewal application was filed before the licence expired, so a waiver is possible, we are satisfied that the mistake was genuine and not deliberate. Finally, the delay is minor and does not affect public participation or reporting obligations. Therefore, a waiver is granted, and the renewal application is accepted as if filed on time.
4. The application was advertised and there have been no objections by 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 matter is decided on the papers (section 134).

5. 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 (section 4).
6. In deciding whether to renew an on-licence the licensing committee must have regard to sections 105 and 131 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?

Should the licence be renewed?

7. The licensing committee is satisfied that The Fat Owl Limited is a suitable applicant to hold an on-licence. The company has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. The company has an appropriate Host Responsibility Policy and staff training programme. There are 3 certificated duty managers who are responsible for ensuring compliance with the Act. The Licensing Committee reminds The Fat Owl Limited of the importance of maintaining records that document when the training occurred, what it was about and who attended. This could take the form of meeting minutes or a signed staff training register for example This evidence will be critical for any further renewals.
8. The Fat Owl Limited proposes to continue operating as a café/restaurant from 9.00am to 12midnight, Monday to Sunday. The licensing committee is satisfied that these are appropriate hours of operation.
9. The Licensing Inspector reports that the application complies with the Waitomo District Local Alcohol Policy.
10. 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.
11. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. The licensed area consists of a dining area, with a bar and an outdoor dining area for seated diners and adjacent lawn. It is well appointed and able to be monitored effectively by the staff of the premises.
12. The licensing committee is satisfied that the renewal of the on-licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no

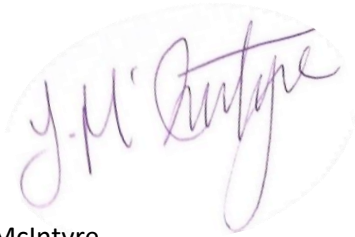
reports of any nuisance, vandalism or noise problems associated with this premises in the past 12 months.

13. The licensing committee is satisfied that alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act.

Conclusion

14. Therefore, the application for the renewal of the on-licence is granted.

Dated at this 3rd day of March 2025



Tegan McIntyre
Commissioner
Waitomo District Licensing Committee