

Decision Number: 19/011/2015

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

AND

IN THE MATTER of an application by **Zolema 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 *October* 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **Zolema 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 6 August 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.

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 compliance has not been supplied yet pursuant to section 100(f) of the Act as the premises 'fit out' has not yet been completed. The premises are owned by Waitomo District Council and are to be leased to the applicant. A certificate of planning compliance will therefore be duly issued. The application has been publically notified in accordance with the Act.

The application was publicly notified in the Waitomo News on 13 August 2015 and 20 August 2015.

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: Abigail Rawles
Andrew Craig Rawles

There are no suitability issues associated with the company directors.

LOCAL ALCOHOL POLICY

The provisional Local Alcohol Policy has yet to be adopted by Waitomo District Council. As an application for an on licence with hours Monday to Sunday from 9.00am to 12.00 midnight it is likely 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 with hours that exceed the following (subject to sections 46 and 47 of the Act):

Monday to Sunday 9.00am to 12.00 midnight."

DAYS AND HOURS

The applicant proposes to operate a restaurant from the premises with hours of Monday to Sunday 9.00am to 12.00 midnight.

DESIGN AND LAYOUT OF THE PREMISE

The premises are to be located on the site at Railway Building No. 2, Rora Street, Te Kuiti. The premises are formed from a restaurant with a bar area as illustrated in the plans provided with the application. An 'outdoor terrace' area for seated diners is included on the plans as part of the proposed alcohol area.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There are no other goods sold or services provided.

REDUCTION OF AMENITY AND GOOD ORDER

The premises are situated on Rora Street in Te Kuiti. Passing traffic is predominantly vehicular and foot traffic as this is the main shopping street in Te Kuiti.

In addition to the applicant's proposed premises the following premises hold licences in Te Kuiti:

Name	Licences Held	Hours
Quota Club	Club (and Off)	9.00am to 11.00pm
Waitomo Club	Club (and Off)	9.00am to 11.00pm
Te Kuiti Squash Club	Club	7.30am to 12.00 midnight
Te Kuiti Bowls Club	Club	8.30 am to 9.00 pm
Waitete Rugby Club	Club	12.00 midday to 1.00am
Te Kuiti New World	Off	7.00am to 11.00pm
Te Kuiti Liquorland	Off	8.00am to 10.00pm
Te Kuiti Supervalve	Off	7.00am to 11.00pm
Super Liquor Te Kuiti	Off	9.00am to 11.00pm
Sai Wholesale Liquor	Off	9.00am to 10.00pm
Panorama Motor Inn	On	10.00am until 3.00am
Muster Bar	On	10.00am to 2.00pm
Tiffany's	On	8.00 am to 10.00 pm
Riverside Lodge	On	7.00am to 2.00am

There are three residential dwellings within 50 metres of the applicant's premises (these are dwellings located above shops opposite the applicant's proposed premises).

There are a number of sites which could be classified as sensitive either due to attracting children, vulnerable persons, or are culturally sensitive or places of worship:

- 1 Skate Park
- 2 Youth centres
- 5 Schools
- 7 Childcare centres
- 5 Churches
- 2 Culturally sensitive sites (Maraes)

All the above are within 500 metres of the applicant's proposed premises. The proposed premises does not 'directly border' with any school, early childcare facility, or place of worship. ('Directly Border' is defined in Waitomo District Council's provisional Local Alcohol Policy as: includes any road from such facility, within a 450 arc....)

The applicant proposes to install CCTV cameras to cover internal and external areas, together with security lighting.

The company directors have operated a similar on licensed restaurant for several years in Waitomo village (trading as Huhu Café) with no issues concerning the amenity or good order of the neighbourhood.

The Licensing Inspector's view is that the granting of this licence will not result in the amenity and good order of the locality being reduced, or that its granting will lead to unsafe, irresponsible, excessive or inappropriate alcohol consumption. It is the view of reporting agencies that the granting the licence will not lead to an increase in alcohol related harm.

SYSTEMS, STAFF AND TRAINING

The applicant directors are experienced in the industry and have indicated that all new staff will be trained including refresher training delivered every six months. The applicant proposes to install a till prompt system regarding age. A 'Responsible Host Policy' and a Host Responsible Implementation Plan' have been provided.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 20 August 2015 presents no objections to the application.
Report from the office of the Medical Officer of Health dated 26 August 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 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.
- 2) Alcohol may only be sold when the premises is operating as a restaurant on the following days and during the following hours: **Monday to Sunday 9.00am to 12.00 midnight**
- 3) Food must be available for consumption on the premises as follows:
 - i. 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.
- 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: on all occupied tables in all parts of the premises and at the bar area.
- 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 at all points of sale inside the premises, which identifies by name the manager on duty;
 - iii. A certificated manager shall be on duty and present at all times when alcohol is available for sale.

- 8) The licensee must ensure that signs are prominently displayed within the licensed premises at every point of sale detailing information regarding alternative forms of transport from the premises.

DATED at Te Awamutu / Cambridge this *2nd* day of *October* 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee