

APPLICATION

19/017/2022

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of an application by
Premium Holdings Ltd for the renewal
and variation of an on-licence pursuant to
sections 120 & 127 of the Act in respect
of the premises at 728 State Highway 3,
Te Kuiti known as Caves Motor Inn

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The on-licence 019/ON/004/2019 in respect of the premises situated at 728 State Highway 3, Te Kuiti and known as Caves Motor Inn is varied and 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 continue to apply with the exception of condition (h) which is replaced as follows:

The area where alcohol is to be sold and consumed is illustrated on plans received by the Waitomo District Licensing Committee on 13 & 21 September 2022. The entire area is undesignated, with the exception of the bar/servery area, which is supervised. No alcohol is to be taken out of the licensed area.

Reasons

1. This is an application by Premium Holdings Ltd for the renewal and variation of an on-licence in respect of the premises situated at 728 State Highway 3, Te Kuiti and known as Caves Motor Inn. Premium Holdings Ltd seek to vary the licence by increasing the licensed area and reducing the 'supervised' area from the "whole of the bar area and restaurant/dining/function areas" to the bar area only.
2. 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).

3. 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).
4. In deciding whether to renew and vary an on-licence the licensing committee must have regard to sections 105, 120 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? Is the design and layout of the premises suitable?
 - c) 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?
 - d) Does the applicant have appropriate systems, staff and training to comply with the law?
 - e) Have the police, inspector and medical officer of health raised any relevant considerations?
 - f) 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?
 - g) Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?
 - h) Does the application comply with the Waitomo District Local Alcohol Policy?

Should the licence be varied and renewed?

5. The Caves Motor Inn meets the definition of a hotel because it provides lodging and alcohol, meals, and refreshments for consumption on the premises (section 5). It has facilities for conferences and functions, along with 22 rooms of accommodation for tourists and local travellers. The function area can accommodate 120 people when the whole space is utilised
6. The licensing committee is satisfied that Premium Holdings Ltd 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 and complies with the Waitomo District Local Alcohol Policy. There are sufficient certificated duty managers who are responsible for ensuring compliance with the Act.
7. Premium Holdings Ltd proposes to continue operating as a hotel from 9.00am to 2.00am the following day Monday to Sunday.
8. 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.
9. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. Currently the licensed area includes the top floor of the premises which includes the restaurant and bar and has a supervised designation. Premium Holdings Ltd seek to vary the licence by extending their licensed area to including the 22 accommodation units and the bottom floor of the building which includes four accommodation units. This is to allow for room service for residential guests to include alcoholic beverages. The change to the designation to have only the bar area as supervised is

to allow minors to attend functions/events in the restaurant/function area without parents or legal guardians, such as attendance with a grandparent. The licensing committee is satisfied that the changes to the licensed area and designation can be granted because Premium Holdings Ltd has appropriate staff, systems and training in place to manage these changes. It will be important to ensure that alcohol stays within the accommodation area, as outlined on the plan, and that it is consumed responsibly by guests.

10. 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.
11. 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

12. Therefore, the application for the renewal and variation of the on-licence is granted.

Dated this 19th day of October 2022



Sara Grayson
Commissioner
Waitomo District Licensing Committee