

Application	19/035/2019
<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 Premium Holdings Limited for the renewal of an on-licence pursuant to section 127 of the Act in respect of the premises at 728 State Highway 3, Te Kuiti known as Caves Motor Inn

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The on-licence 019/ON/004/2016 in respect of the premises situated at 728 State Highway 3, Te Kuiti and known as Caves Motor Inn 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 continue to apply.

Reasons

1. This is an application by Premium Holdings Limited for the renewal of an on-licence in respect of the premises situated at 728 State Highway 3, Te Kuiti and known as Caves Motor Inn. This restaurant has been operating successfully since 1991. Premium Holdings Limited also applied for a caterers on-licence endorsement, however endorsements under section 38 cannot be applied when renewing an existing on-licence. A section 38 endorsement can only be granted when an on-licence is issued. Therefore, this request is declined.
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 purpose of the Sale and Supply of Alcohol Act 2012 is to put in place a new system of control over the sale and supply of alcohol (section 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 an on-licence the licensing committee must have regard to sections 131 and 105 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?
5. Section 132 provides that the licensing committee may vary or cancel any conditions applying to the licence before its renewal.

Should the licence be renewed?

- 6. The licensing committee is satisfied that Premium Holdings 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 six certificated duty managers who are responsible for ensuring compliance with the Act.
- 7. The premises provides motor inn style accommodation. The licensed area consists of a restaurant and dining area with a bar servery, a function room and a narrow external deck.
- 8. The Licensing Inspector is satisfied that the application complies with the Waitomo District Local Alcohol Policy.
- 9. Premium Holdings Limited proposes to continue operating as a restaurant from 9.00am to 2.00am the following day Monday to Sunday. The licensing committee is satisfied that these are appropriate hours of operation.
- 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. 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 current licence states that the whole premises is supervised. Premium Holdings Limited has mentioned a change of designation on the application and in the site plan. However, no variation has been applied for and no reasons have been given for this request. In addition, no variation to licence conditions is mentioned in the public notices, therefore the public has not had an opportunity to comment on this proposed condition change. Therefore, a variation to the supervised designation cannot be granted.
14. 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

15. Therefore, the application for the renewal of the on-licence is granted. The conditions of the licence will remain the same.

Dated this 30th day of August 2018



Sara Grayson
Commissioner
Waitomo District Licensing Committee