

**Application**

**018-0180/OF0032**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**  
**IN THE MATTER**

of an application by  
Kawhia Hotel 2020 Ltd  
for an off-licence  
in respect of the premises situated  
at 811-849 Pouewe St, Kawhia.

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. The application for an off-licence authorising the sale and supply of alcohol for consumption off the premises, to any person who is present on the premises is granted. The licence may issue upon payment of the annual fee.
2. This licence continues in force until the close of the period of 12 months after the day it is issued.
3. The licence is subject to the following conditions:
  - (a) Alcohol may be sold Monday to Sunday, from 10.00 am to 10.00pm.
  - (b) No alcohol may be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day.
  - (c) The area where alcohol is to be sold is described in the plan date stamped as received by the District Licensing Committee on --.
  - (d) The entire premises is designated as a supervised area (no persons under 18 years can be in the area unless with their parent or legal guardian).
  - (e) A holder of a manager's certificate must be on duty and on the premises at all times alcohol are sold.

- (f) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- (g) The duty manager and bar staff shall not consume alcohol during any employment period including rest and meal breaks.
- (h) A Host Responsibility Policy must be maintained and displayed at all points of sale and the licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- (i) The applicant must ensure that at least 50% of any store front glazing shall be transparent, consistent with CPTED guidelines (Ōtorohanga District Council Local Alcohol Policy, p13, cl(f))
- (j) 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.
- (k) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- (l) 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 Kawhia Hotel (2020) Ltd for an off-licence in respect of a bottle store situated at 811-849 Pouewe St, Kawhia known as the Kawhia Hotel. Kawhia Hotel (2020) Ltd has been operating under a third Temporary Authority which expires on 15<sup>th</sup> February 2020.
2. This is an existing business having new owners and is currently trading. A certificate issued by the Ōtorohanga District council confirms that the application meets the requirements of the Resource Management Act 1991, and of the Building Code in accordance with section 100(f).
3. The application was advertised and no objections have been received from members of the public. The Liquor Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not object to the application. Accordingly, the application is decided on the papers (s 202(1)).
4. The purpose of the Act is to put in place a new system of control over the sale and supply of alcohol (s 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 (s 4).
5. In deciding whether to issue a licence the District Licensing Committee must have regard to the criteria in s 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) Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of licence? Is the amenity and good order of the locality already so badly affected by the effects of the existing licenses that it is unlikely to be reduced further by the effects of the issue of the licence or is it desirable not to issue any further licenses?
- f) Does the applicant have appropriate systems, staff and training to comply with the law?
- g) Have the Police, Inspector and Medical Officer of Health raised any relevant considerations?
- h) Does the application comply with the Otorohanga District Local Alcohol Policy?

6. The licensing committee must have regard to section 116 in deciding what conditions apply to an off-licence.

**Is the applicant suitable?**

7. The licensing committee is satisfied that Kawhia Hotel (2020) Ltd is a suitable entity to hold an off-licence.

**Are the days and hours during which the applicant proposes to sell alcohol reasonable? Does the applicant have appropriate systems, staff and training to comply with the law? Does the application comply with the Local Alcohol Policy?**

8. Kawhia Hotel (2020) Ltd proposes to operate the off-licence from Monday to Sunday 10.00 am to 10.00pm. The licensing committee is satisfied that these are appropriate hours of operation.

9. The licensing committee is satisfied that Kawhia Hotel (2020) Ltd has an appropriate Host Responsibility Policy and staff training procedures in place to ensure compliance with the Act. There are 3 Duty Managers employed to ensure compliance with the Act.

10. The Licensing Inspector reports that the application does comply with the Otorohanga District Local Alcohol Policy.

**Is the design and layout of the premises suitable?**

1. 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.

2. Net curtains on bottle store window should obscure no more than 50% of the window. There should be at least 50% transparency in the front of the premises so there is good visibility to and from the premises and the street. Improving the visibility into the premises from outside reduces the risk for robbery. People walking by should see as much of the premises' interior as possible.

**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?**

3. Kawhia Hotel (2020) Ltd does not engage in the sale of goods or service other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food.

**Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of licence?**

4. The licensing committee is satisfied that the grant of an off-licence to Kawhia Hotel (2020) Ltd will not have a negative effect on the good order of the locality.

**Conclusion**

5. The licensing committee is satisfied that the grant of the off-licence with the appropriate conditions will ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol.
6. Therefore, the application for the issue of the off-licence is granted.

Dated at this 23rd day of December 2019



Cr Roy Johnson  
Deputy Chair  
Ōtorohanga District Licensing Committee