



OTOROHANGA DISTRICT LICENSING COMMITTEE

Decision Number: 018/OFF/005/15

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Triple D Food and Beverages Ltd for the renewal of an off licence.

BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Cambridge on *2nd* of *October* 2015

INTRODUCTION

The Otorohanga District Licensing Committee has before it an application by Triple D Food and Beverages Ltd for the renewal of OFF licence in respect to premises situated at 11 Maniapoto Street, Otorohanga and known as Lavish Bar.

Reports have been received from the Police, and a Licensing Inspector but nothing received from the Medical Officer of Health. The application has been publically notified in accordance with the Act.

There are no objections to this application by reporting agencies or the public, 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 the renewal of off licence number 018/OFF/002/14 was received by the Otorohanga District Licensing Committee on 29 July 2015 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was on time, and in the correct form as detailed by section 127 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 127(2) (e).

DECISIONS AND REASONS

The criteria to which this committee must have regard are detailed in section 131 of the Act.

NS

“131 Criteria for renewal

(1) *In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*

(a) *the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):*

(b) *whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:*

(c) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*

(d) *the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*

(2) *The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.”*

The provisions of section 105 referred to above are highlighted in bold as follows:

“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:

Triple D Food and Beverages Limited have held an off licence 018/OFF/002/14 for one year. This is their first renewal.

There have been no substantiated complaints received regarding the off licence operation and Mandeep Singh has been co-operative when discussing aspects of the legislation.

Local Alcohol Policy:

The application has been assessed against the Otorohanga District Local Alcohol Policy 2013.

N.B. The proposed hours of operation will exceed the closing hours stipulated in the proposed policy i.e. 10 p.m.

Days and hours:

The applicant proposes to change the current hours of 11.00 a.m. to 9.00 p.m. Monday to Sunday to 11.00 a.m. to 11.00 p.m. Monday to Sunday inclusive.

This is in accordance with the other off licence hours in Otorohanga CBD.

Design and Layout of the premise:

The premises are located on the site at 11 Maniapoto Street, Otorohanga. The primary activity conducted on the premises is restaurant and tavern. It does not have a separate area for off sales and sale takes place in the tavern area. Access to the tavern is through the rear of the premises. There is a separate dining area that incorporates the restaurant to the front of the premises. There is an open doorway between the two.

The applicant proposes no changes to the existing designation.

Sale of Goods and Services other than those related to alcohol

No other goods are sold other than alcohol

Reduction of amenity and good order

The premises are sited in commercial area of Otorohanga CBD. There have been no recorded incidences in the neighbourhood which would be directly linked to these premises contributing to alcohol harm i.e. tagging/crime/violence/noise and vehicle accidents. There was no observed tagging at the time of the visit.

Systems, staff and training

The applicants have provided evidence of three Duty Managers including both directors of the company.

Manner in which the premises have been operated

Meets the requirements of the Legislation.

Issues raised by reporting agencies

Police report dated 5 August 2015 present no objections to the application. The Medical Officer of Health did not present a report within 15 working days and in accordance with section 103(4), the district licensing committee can assume they make no objection to the application.

The public

The application was publically notified in accordance with section 127(3). No public objections were received in relation to this application.

CONCLUSION

Having been satisfied as to the matters to which the Committee must have regard in s.131 of the Act as detailed above, the application is **granted**.

A replacement licence and renewal notice can be issued immediately containing the compulsory conditions of section 116 offs and the conditions to which the existing licence is subject (reworded as appropriate), namely:

- 1) No alcohol is to be sold or delivered on Good Friday, Christmas Day, or before 1 pm on Anzac Day:
- 2) No alcohol is to be sold or delivered on Easter Sunday.
- 3) Alcohol may be sold under the licence only on the following days and during the following hours:
 - a. Monday to Sunday 11am to 11pm
- 4) The following steps must be taken to ensure that the provisions of the Act relating to the sales of alcohol to prohibited persons are observed:
 - a. Signage shall be installed advising that minors and intoxicated persons shall not be served.

- 5) The premises situated at 11 Maniapoto Street, Otorohanga and identified in photographs stamped and received by the Otorohanga District Licensing Committee on 25 September 2015.
- 6) The off licence area is to be supervised.
- 7) Drinking water must be freely available to customers in the following places at all times alcohol is being supplied free as a sample on the premises:
 - a. In the body of the off sales area near where the samples are being provided.
- 8) The holder of an off-licence must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—
 - a. attached to the inside of the premises concerned; and
 - b. so as to be easily read by people entering each principal entrance.
- 9) The applicant has provided a floor plan which defines the area where alcohol off licence sales is to be confined to.

DATED AT Cambridge **THIS** 27th **DAY OF** October **2015**



Chairperson
OTOROHANGA DISTRICT LICENCING COMMITTEE