

LICENSING COMMITTEE

Application	018-0255
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u>	of an application by
<u>IN THE MATTER</u>	Chick Company Limited for the renewal of an on-licence pursuant to section 127 of the Act in respect of the premises at 81 Maniapoto Street, Ōtorohanga known as Jasmine's Thai Restaurant

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The on-licence 018/ON/002/19 in respect of the premises situated at 81 Maniapoto Street, Ōtorohanga and known as Jasmine's Thai Restaurant 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 with the exception of condition (a) which is replaced as follows:

Alcohol may only be sold or supplied while trading as a restaurant. Alcohol is not to be sold to customers ordering takeaway food only.

Reasons

1. This is an application by Chick Company Limited for the renewal of an on-licence in respect of the premises situated at 81 Maniapoto Street, Ōtorohanga and known as Jasmine's Thai Restaurant. This restaurant has been operating successfully since 7 October 2019.
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 Ōtorohanga District Local Alcohol Policy?

Should the licence be renewed?

5. The licensing committee is satisfied that Chick Company 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 two certificated duty managers who are responsible for ensuring compliance with the Act. The current operation hours of 11.00am to 12.00 midnight, Monday to Sunday remain appropriate. The application complies with the Ōtorohanga District Local Alcohol Policy.
6. 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. 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.
7. 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. Alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act.
8. The Licensing Inspector has suggested that a new condition be added to the licence prohibiting the sale of alcohol to takeaway customers. This is because takeaway service forms about 60% of the applicant's business, therefore it is a large part of the business. The Inspector points out that the Act defines a restaurant as a place where the principal purpose of the business is for supplying meals to the public for eating on the premises. The Act does not permit an on-licence to be granted for a takeaway premises. In addition, takeaway customers will only be on the premises for a short period of time and will not be eating, therefore serving alcohol could encourage rushed drinking that could contribute to alcohol related harm such as drink driving.
9. The Licensing Inspector reports that the company does not currently serve alcohol to takeaway customers and would agree to a condition being added to the licence formalising this policy. The licensing committee agrees that this condition is a good idea, as it reinforces the intention of the Act in regard to a restaurant style on-licence and promotes the minimisation of alcohol related harm.

Conclusion

10. Therefore, the application for the renewal of the on-licence is granted.

Dated this 20th day of December 2020



Sara Grayson
Commissioner
Ōtorohanga District Licensing Committee