



**OTOROHANGA DISTRICT LICENSING COMMITTEE**

Decision Number: 018/OFF/003/15

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Kawhia Hotel 2010 Ltd for the renewal of an Off-Licence.

**BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Cambridge on 3rd of July 2015

**INTRODUCTION**

The Otorohanga District Licensing Committee has before it an application by for the renewal of OFF licence in respect to premises situated at 811 – 849 Pouewe Street, Kawhia and known as the Kawhia Hotel 2010 Ltd.

Reports have been received from the Police, Medical Officer of Health and a Licensing Inspector. 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/1/11 was received by the Otorohanga District Licensing Committee on 11 May 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.

**"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"*

*del*

Suitability of the applicant:

Kawhia Hotel has held an off licence since 2011. Both directors live on site and are involved in the day to day running of the establishment. David Barnett and Annie Ani-Wai Tapara are well known and active in the community.

Both directors have current manager's certificates and they have one other duty manager to cover them.

Local Alcohol Policy:

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

Days and hours:

The applicant proposes no changes to the hours of 9 a.m. to 10 p.m. Monday to Sunday.

This is in keeping with the proposed Local Alcohol Policy.

Design and Layout of the premise:Sale of Goods and Services other than those related to alcohol

The off- licence sells cigarettes, bags of ice, packets of nuts etc.

Reduction of amenity and good order

The premises are sited in commercial are of Kawhia Township. There have been no incidences have occurred 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.

The premises are situated in an area where the Liquor Control Bylaw 2007 is in force between Christmas Eve and Waitangi Day.

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 ther Iregislation.

Issues raised by reporting agencies

None

The public

None

CONCLUSION

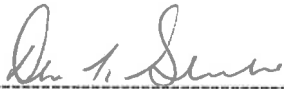
Having been satisfied as to the matters to which the Committee must have regard in s.131 of the Act as detailed above, the application is **granted**.

A replacement licence and renewal notice can be issued immediately containing the compulsory conditions of section 116 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 9am to 10pm
- 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 811-849 Pouewe Street, Kawhia and identified in photographs stamped and received by the Otorohanga District Licensing Committee on....
- 6) The off licence area is to be undesignated.
- 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 3rd DAY OF July 2015**



Chairperson

**OTOROHANGA DISTRICT LICENCING COMMITTEE**