



**LICENSING COMMITTEE**

<b>Application</b>	018-0179
<b><u>IN THE MATTER</u></b>	of the Sale and Supply of Alcohol Act 2012
<b><u>AND</u></b>	
<b><u>IN THE MATTER</u></b>	of an application by Kawhia Hotel 2020 Limited for an on-licence pursuant to Section 14 of the Act in respect of the premises situated at 811 - 849 Pouewe Street, Kawhia, known as Kawhia Hotel

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. The application for an on-licence authorising the sale and supply of alcohol for consumption on 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 only on the following days and during the following hours:  
  
Monday to Sunday from 10.00am to 12.00 midnight
  - b) No alcohol may be sold on the premises from midnight for all of Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day to any person other than any person who is residing or lodging on the premises or present on the premises for the purpose of dining.

- c) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Otorohanga District Licensing Committee on 18 July 2019 and no alcohol is to be taken out of this area.
- d) The public bar and beer garden is designated as a supervised area (no persons under 18 can be in the area unless with their parent or legal guardian). The indoor dining area is undesignated.
- e) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
- f) The duty manager and bar staff shall not consume alcohol during any employment while on duty at the premises, including rest breaks and meal breaks.
- g) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- h) A Host Responsibility Policy must be maintained and displayed, and the Licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- i) 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.
- j) Drinking water must be freely available and this must be clear to customers, while the premises is open for the sale and supply of alcohol.
- k) Food must be available for consumption on the premises at all times when open for the sale of alcohol. If full a la carte or buffet meals are not available then a minimum of four types of light meals must be available (the choices exclude nuts, chips and the like). Menus and the availability of food should be actively promoted.
- l) A range of low-alcohol and non-alcoholic drinks must be available at all times when the premises is open for the sale of alcohol.
- m) A telephone must be freely available for customers to call for transport and staff must assist if required. The availability of a courtesy vehicle shall be promoted.
- n) 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 Limited for an on-licence in respect of the tavern situated at 811 - 849 Pouewe Street, Kawhia known as Kawhia Hotel. Kawhia Hotel 2020 Limited purchased this business from the previous owner and is currently trading under a Temporary Authority that is due to expire on 15 February 2020.
2. A certificate issued by the Otorohanga 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) of the Act.
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 oppose the application. Accordingly, the matter is decided on the papers (section 202).
4. 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).
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 (LAP)?

**Is the applicant suitable? Does the applicant have appropriate systems, staff and training to comply with the law? Does the application comply with the Otorohanga District Local Alcohol Policy (LAP)?**

6. The licensing committee is satisfied that Kawhia Hotel 2020 Limited is a suitable entity to hold an on-licence. One of the company directors, Michelle Saunders has two years' experience working at the Kawhia General Store, when it held an active off-licence. In addition, Ms Saunders holds a manager's certificate. Both company directors are actively involved in the day to day operation of the business. The Licensing Inspector, Mrs Norris, has been impressed with the management of the premises by Michelle Saunders and her commitment to the goal of minimising alcohol related harm. Michelle Saunders was severely

injured by an intoxicated driver and this has given her excellent insight into the purpose of the Act.

7. The company has an appropriate Host Responsibility Policy and there are three certificated duty managers who are responsible for ensuring compliance with the Act. It is expected that another three staff members will soon be applying for manager's certificates. All staff receive training in the requirements of the Act and this training is recorded. The licensing committee notes that staff training is currently recorded on a template provided by the Licensing Inspector. It would be useful to personalise this template to the requirements of the Kawhia Hotel. It is expected that records of staff training conducted will be produced with each renewal application.
8. The application complies with the LAP.
9. Entertainment at the premises is likely to be limited to New Year's Eve and the Kai Festival. Certificated security staff will be engaged for New Year's Eve. 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.
10. Mrs Norris has raised the fact that one of the previous licensees, David Barnett, is engaged as a duty manager from time to time. In 2013, Mr Barnett had his manager's certificate suspended for one month as he had been found to be extremely intoxicated while being the manager on duty. Mrs Norris suggests that a precautionary approach should be taken by including a condition prohibiting the consumption of alcohol by duty managers and bar staff on duty. There is no opposition to this suggested condition by the applicant. The licensing committee accepts the recommendation of Mrs Norris. While there is no evidence to suggest that any staff have consumed alcohol or been intoxicated while on duty since the 2013 incident, there may be a tendency in a small community like Kawhia for staff to know many of their customers well and want to socialise with them. A condition prohibiting the consumption of alcohol by duty managers and bar staff on duty will serve as a useful reminder that the consumption of alcohol while on duty is not appropriate.

**Are the days and hours during which the applicant proposes to sell alcohol reasonable?**

11. Kawhia Hotel 2020 Limited has amended their application to operate as a tavern from 10.00 am to 12.00 midnight, Monday to Sunday. The licensing committee is satisfied that these are suitable hours of operation.

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

12. The licensing committee is satisfied that Kawhia Hotel 2020 Limited has a suitable design and layout to meet the requirements of the Act. It is well appointed and able to be monitored effectively by closed circuit television and the staff of the premises.
13. Following the advice of the Licensing Inspector, Michelle Saunders has agreed that steps will be taken to ensure customers do not enter the premises through the beer garden.
14. The public bar and beer garden is designated as a supervised area (no persons under 18 can be in the area unless with their parent or legal guardian). The indoor dining area is undesignated. These are appropriate designations for a tavern style licence with a restaurant.

**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?**

15. Kawhia Hotel 2020 Limited does not engage in the sale of goods or services 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 the licence?**

16. The Licensing Inspector, Mrs Norris, suggests that there is a potential for noise from the beer garden to disturb neighbours living across the road and suggests that the licensed hours in the beer garden be reduced to 11.00pm closing. Mrs Norris states that there are no official complaints regarding excessive noise attributable to the premises, although the council does from time to time receive unofficial complaints.
17. Mrs Norris has raised a valid point that there is a potential for noise to disturb the neighbours, who live very close to the premises. However, there is no evidence to show that this is actually a problem, therefore the licensing committee does not consider that it is necessary to impose a condition reducing the licensed hours in the beer garden.
18. The licensing committee reminds Kawhia Hotel 2020 Limited that it has a duty to manage the premises in a manner that does not disturb the neighbours. A noise management policy should be included in the training programme for staff. It is recommended that this includes providing all neighbours, who might be affected by noise from the premises, with a name and contact number to ring if they have concerns. Neighbours' concerns should be responded to immediately. Evidence of a noise management policy and steps taken to ensure appropriate communication with neighbours should be provided at each renewal.
19. The licensing committee is satisfied that the grant of an on-licence to Kawhia Hotel 2020 Limited will not have a negative effect on the good order of the locality. There have been no reports in the past 12 months of any nuisance, vandalism or noise problems associated with this premises under the current or previous ownership.

**Conclusion**

20. The licensing committee is satisfied that the grant of the on-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.
21. Therefore, the application for an on-licence is granted.

Dated at this 18th day of December 2019



Sara Grayson  
Commissioner  
Otorohanga District Licensing Committee