

LICENSING COMMITTEE

Application	018-0241
<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>	Fat Kiwi Cafe Limited for a caterers endorsed on-licence in respect of the premises situated at 10 Te Kanawa Street, Ōtorohanga known as Fat Kiwi Cafe

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 is to include a caterer's endorsement pursuant to section 38. 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 only be sold or supplied while trading as a restaurant or while catering at functions away from the premises described on the plan dated 3 July 2020.
 - b) Alcohol may be sold or supplied on the following days and during the following hours:
 - Interior of the premises
Monday to Sunday, from 9.00am to 12.00 midnight
 - Outdoor dining area
Monday to Sunday, from 9.00am to 11.00pm
 - c) During off-site catering activities, alcohol may be sold and supplied, Monday to Sunday, from 9.00am to 12.00 midnight, or the hours permitted in the Local Alcohol Policy in each district of operation, whichever are the lesser hours.
 - d) No alcohol may be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not on the premises to dine.
 - e) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Ōtorohanga District Licensing Committee on 3 July 2020 and no alcohol is to be taken out of this area.
 - f) The entire premises is undesignated.
 - g) A properly appointed certificated, acting or temporary manager must be on duty and on the premises at all times when the premises is open for the sale and supply of alcohol. A sign shall be displayed in a prominent place at each function identifying the duty manager.
 - h) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
 - i) 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.
 - 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 this must be clear to customers, while the premises is open for the sale and supply of alcohol.
 - l) Food must be available for consumption on the premises at all times when open for the sale of alcohol in accordance with the restaurant menu submitted with the application for this licence, or variations of a similar range and standard.
 - m) A range of low-alcohol and non-alcoholic drinks must be available at all times when the premises are open for the sale of alcohol.

- n) A telephone must be freely available for customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed.
- o) 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 Fat Kiwi Cafe Limited for a caterers endorsed on-licence in respect of premises situated at 10 Te Kanawa Street, Ōtorohanga, known as Fat Kiwi Cafe. Fat Kiwi Cafe Limited also operates a catering business for functions of up to 100 people.
2. This is a new business which has been operating as an unlicensed café since January 2020. A planning certificate has been received confirming that the proposed use of the premises meets the requirements of the Resource Management Act 1991 and the building code.
3. 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 (134).
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 Ōtorohanga 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 LAP?

6. The licensing committee is satisfied that Fat Kiwi Cafe Limited is a suitable applicant to hold a caterers endorsed on-licence. Both company directors have owned and managed other licensed premises. In addition, Fat Kiwi Cafe Limited has a suitable Host Responsibility Policy and staff training programme.
7. There are sufficient certificated duty managers who are capable of ensuring that the business complies with the Sale and Supply of Alcohol Act 2012. It is a condition of this licence that all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012. The licensing committee will expect to see records of staff training conducted with each renewal application.
8. The application complies with the LAP.

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

9. Fat Kiwi Cafe Limited proposes to operate as a restaurant Monday to Sunday, from 9.00am to 12.00 midnight for the interior of the premises, and from 9.00am to 11.00pm for the outdoor dining area. The licensing committee is

satisfied that these are appropriate hours of operation that comply with the LAP.

Is the design and layout of the premises suitable?

10. The licensing committee is satisfied that Fat Kiwi Cafe 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 the staff of the premises and CCTV cameras. The licensee does not require an outdoor dining permit as the area outside the premises used for outdoor dining is private property. The entire premises is undesignated. This means that people under the age of 18 years may eat at the restaurant without a parent or guardian. This is appropriate for this type of low risk 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?

11. Fat Kiwi Cafe Limited 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 the licence?

12. The licensing committee is satisfied that the grant of an on-licence to Fat Kiwi Cafe Limited will not have a negative effect on the good order of the locality. There have been no reports of any nuisance, vandalism or noise problems associated with this premises.

Conclusion

13. 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.

14. Therefore, the application for an on-licence is granted.

Dated at this 22nd day of October 2020



Sara Grayson
Commissioner
District Licensing Committee