



OTOROHANGA DISTRICT LICENSING COMMITTEE

Decision Number: 018/ON/003/15

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 on licence.

BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Cambridge on 17th day of July 2015

INTRODUCTION

The Otorohanga District Licensing Committee has before it an application by for the renewal of ON licence in respect to premises situated at 11 Maniapoto Street, Otorohanga and known as Lavish Bar (formely 11th Cave) .

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 on licence number 018/ON/002/14 was received by the Otorohanga District Licensing Committee on 27 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).

The application was publically notified in accordance with section 127(3).

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"*

Suitability of the applicant:

The applicant is knowledgeable and upholds his responsibilities under the Sale and Supply of Alcohol Act 2012.

This is the first renewal of licence 018/ON/002/14

Local Alcohol Policy:

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

Days and hours:

The applicant proposes a change to the hours of Monday to Sunday to 9.00 a.m. to 2.00 a.m. the following day.

His current hours are from 8 a.m. to 2 a.m. the following day.

Design and Layout of the premise:

The premises are located on the site at 11 Maniapoto Street, Otorohanga.

The premise is formed from plans provided with the original licence application. The premise is a tavern with a restaurant. The dining area is to be undesignated and the remaining areas to be supervised.

The applicant proposes no changes to the existing designations.

Sale of Goods and Services other than those related to alcohol

No goods other than those associated with alcohol are provided.

Reduction of amenity and good order

A meeting was held between the applicant, NZ police Sergeant Andrew Connors and Inspector on 29 August 2014 regarding a complaint received from the police pertaining to an incident on Friday 22 August 2014 where intoxicated, noisy persons were seen leaving the bar at 2 a.m. and on Saturday 23 August 2014 where the bar was full of people at 2.30 a.m. At the time of the meeting she confirmed the hours of operation and the breaches that had been made contrary to the conditions of the licence and requirements of the legislation.

On 30 June 2015 a meeting was held at Otorohanga Police station in attendance was Sgt A. Connors, Ross Henderson, Health Population (Medical Officer of Health representative) and inspector to discuss an incident in the bar the previous week

regarding a fight by patrons. Arrests were made. The incident has been dealt with and the licensee has agreed to ensure the incident log book is completed and trespass notices given to affected parties.

In spite of the above, the amenity and good order of the area is unlikely to be reduced by more than a minor extent by having this on licence renewed.

Systems, staff and training

The applicant has provided evidence of the systems, staff and training of those staff that are in place to ensure compliance with the Act.

There is external lighting at the rear carpark and CCTV cameras inside and one outside to monitor the premises.

The applicant continues to employ sufficient certificated managers and is aware of the requirements of section 231 in terms of notifications and appointments.

Manner in which the premises have been operated

Meets the requirements of the legislation.

Issues raised by reporting agencies

Police report dated 4 June 2015 present no objections to the application. A verbal request to determine whether they wish to review their stand, in light of the recent incident, has been declined.

No report from the office of the Medical Officer of Health has been received and presumes they have no objections to the application.

The public

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 110(2) and the conditions to which the existing licence is subject (reworded as appropriate), namely:

- 1) No alcohol is to be sold on the premises on Good Friday, Christmas Day, or before 1.00pm on ANZAC day to any person who is not-
 - a. Residing on the premises; or
 - b. Present on the premises to dine.

- 2) Alcohol may be sold under the licence only on the following days and during the following hours:
Monday to Sunday 9:00 AM until 2:00 AM the following day.
- 3) The following steps must be taken to promote the responsible consumption of alcohol:
- a. Non-alcoholic beverages shall be available in accordance with section 51 of the Act;
 - b. Low alcoholic beverages shall be available in accordance with section 52 of the Act
 - c. Food must be available in accordance with section 53 of the Act
 - d. Transport information must be available in accordance with section 54 of the Act
- 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 are more precisely identified as outlined in photographs stamped as received by the Otorohanga District Licensing Committee on 22 April 2014.
- 6) Drinking water must be freely available in the following places to customers at all times the premises are open for business: At all points of sale or supply of alcohol.
- 7) The holder of an on-licence 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.
- 8) A certificated manager shall be on duty at all times as required by the Act.

DATED AT Otorohanga THIS ^{ad.} 3rd 17th DAY OF JULY 2015

Dea J. Shute

Chairperson

OTOROHANGA DISTRICT LICENCING COMMITTEE