

**Decision Number: 019/ON/007/2015**

**IN THE MATTER** of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER** of an application by **Panorama Motels Limited** pursuant to s.100 of the Act for an **On Licence Renewal**

**BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Te Awamutu / Cambridge on the 29<sup>th</sup> day of May 2015

**INTRODUCTION**

The Waitomo District Licensing Committee has before it an application by **Panorama Motels Limited** pursuant to section 100 of the Act for an **On Licence Renewal**.

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 in respect to this application, 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 019/ON/07/2003 was received by the Waitomo District Licensing Committee on 23 April 2015 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was received 9 days later than the 20 days required but was 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(e).

The application was publicly notified in the Waitomo News on 30 April 2015 and 7 May 2015. A notice was placed on the site (not viewed).

**DECISIONS AND REASONS**

The criteria to which this committee must have regard are detailed in section 105 of the Act.

***"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**

Company Director: The sole director of the applicant company is Ivan Claude Haines.

There are no adverse reports concerning the suitability of the company director. No criminal convictions have been recorded against the company director and the police report does not identify any matters of concern with respect to the director’s suitability.

### **LOCAL ALCOHOL POLICY**

The provisional Local Alcohol Policy has yet to be adopted by Waitomo District Council. As an application for renewal of an On Licence for a restaurant and bar with hours proposed from 10.00am until 3.00am the following day it is unlikely to comply were the policy in force. The draft policy states:

*“No on-licence shall be issued or renewed in respect of any hotel or tavern premises that exceed the following (subject to sections 46 and 47 of the Act):*

*Monday to Sunday 9:00am to 2:00am the following day*

*In the case of hotels, alcohol may be sold or supplied at anytime to any guest residing on the premises.”*

### **DAYS AND HOURS**

There is no change to the proposed hours of 10.00am until 3.00am the following day.

### **DESIGN AND LAYOUT OF THE PREMISE**

The premises are located on the site at 59 Awakino Road, Te Kuiti. The premises is formed from a restaurant with a small bar as illustrated in the plans provided with the application. There are no proposed changes.

## **SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL**

There are no goods sold other than alcohol. The main activity of the premises is provision of motel style accommodation. Functions and conference facilities are also available.

## **REDUCTION OF AMENITY AND GOOD ORDER**

The premises is well established, having operated at the site for some years. No complaints have been received by Waitomo District Council concerning noise or anti social behaviour. The premises is located in a residential area but on a main state highway. There are no sensitive sites within a 500 metre radius of the premises.

## **SYSTEMS, STAFF AND TRAINING**

The applicant has submitted a host responsibility policy and has indicated staff are taken through the importance of host responsibility and the alcohol legislative requirements.

The Licensing Inspector considers the systems, staff and training to be sufficient having regards to the nature of the business to enable compliance with the law.

## **ISSUES RAISED BY REPORTING AGENCIES**

Police report dated 30 April 2015 presents no objections to the application.  
Report from the office of the Medical Officer of Health dated 15 May 2015 presents no objections to the application.

## **THE PUBLIC**

The application was duly advertised in accordance with the Act. No public objections were received.

## **CONCLUSION**

Being satisfied as to the matters to which the Committee must have regard in s.105 of the Act the application is granted. ***The licence can be renewed and issued immediately for a three year period***, subject to the following conditions:

1. No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day to any person who is not-
  - i) Present on the premises to dine.
  - ii) For the time being residing or lodging on the premises.
2. Alcohol may be sold under the licence only on the following days and during the following hours: **Monday to Sunday 10.00am to 3.00am the following day**
3. Food must be available for consumption on the premises at all times when the premises are open for the sale of alcohol in accordance with the style of menus submitted with the application for the licence, or variations of that menu of a similar range and standard.
4. The licensee must have available for consumption on the premises, at all times when alcohol may be sold under the licence, a reasonable range of non-alcoholic and low-alcohol beverages.
5. Drinking water must be freely available at the following places while the premises are open for business: **At all occupied dining tables**

6. The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
  - i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons;
  - ii) Request evidence of age documents from any person appearing to be under the age of 25.
  
7. The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
  - i) All staff will be trained in their responsibilities under the Act;
  - ii) A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty or of the person responsible for the management of the sale and supply of alcohol under the licence.
  
8. Each of the following parts of the premises will be designated as a Supervised: **Bar area**

**DATED** at ~~Te Awamutu~~ / Cambridge this 29<sup>th</sup> day of May 2015



Diane Sharpe  
**Chairperson**  
**Waitomo District Licensing Committee**