

Application	19/013/2018
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u>	
<u>IN THE MATTER</u>	of an application by Jeffares Investments Limited for renewal and variation of an on-licence pursuant to section 127 of the Act in respect of the premises at Gribbin Street, Awakino, known as Awakino Hotel

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The on-licence 019/ON/003/2017 in respect of the premises situated at Gribbin Street, Awakino and known as Awakino Hotel is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The application to vary the condition of the licence regarding licensed hours is granted.
3. The present conditions of the licence are replaced as follows:
 - (a) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday, from 11.00am to 1.00am the following day, EXCEPT THAT on the day before Good Friday, Easter Sunday, Christmas day and Anzac day alcohol may only be sold until 12.00 midnight.
 - (b) 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 other than any person who is 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 Waitomo District Licensing Committee on 21 March 2018 and no alcohol is to be taken out of this area.
 - (d) The entire premises is designated as a supervised area (no persons under 18 can be in the area unless with their parent or legal guardian).
 - (e) The holder of a manager's certificate must be on duty and on the premises at all times alcohol is sold. If a duty manager is not present, then there must be no alcohol sales and a notice displayed advising the public of this fact.
 - (f) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.

- (g) 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.
- (h) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be displayed at every point of sale appropriate signs detailing these restrictions.
- (i) Drinking water must be freely available and this must be clear to customers, while the premises are open for the sale and supply of alcohol.
- (j) Food must be available for consumption on the premises at all times when open for the sale of alcohol. A minimum of four types of light meals must be available (excluding nuts, chips and the like). Menus and the availability should be clear to customers and food should be actively promoted.
- (k) 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.
- (l) A telephone must be freely available for patrons to call for transport assistance and if requested staff must help to make these arrangements. Telephone numbers for alternative forms of transport from the premises are to be displayed.
- (m) 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 Jeffares Investments Limited for renewal and variation of an on-licence in respect of the premises situated at Gribbin Street, Awakino, known as Awakino Hotel. This tavern has been operating from its present site under the current ownership since 20 April 2017. Jeffares Investments Limited has applied to vary the conditions of the licence by changing the licensed hours from Monday to Sunday, from 11.00am to 12.00 midnight, to Monday to Sunday from 11.00am to 1.00am the following day.
2. The application was advertised and no objection or notice of desire to be heard has been received. The Liquor Licensing Inspector and the Medical Officer of Health have provided reports and do not oppose the application. Police did not provide a report within the required 15 working day period; therefore, it may be assumed that Police do not oppose the application (section 103(4)). Accordingly, the matter is decided on the papers (section 134).
3. The purpose of the Sale and Supply of Alcohol Act 2012 is to put in place a new system of control over the sale and supply of alcohol (section 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 (section 4).
4. In deciding whether to renew an on-licence the licensing committee must have regard to sections 131 and 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) Does the applicant have appropriate systems, staff and training to comply with the law?
- f) Have the police, inspector and medical officer of health raised any relevant considerations?
- g) Will the amenity and good order of the locality be increased by more than a minor extent by the effects of a refusal to renew the licence?
- h) Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?
- i) Does the application comply with the Waitomo District Local Alcohol Policy?

Should the licence be renewed?

- 5. The licensing committee is satisfied that Jeffares Investments Limited is a suitable applicant to hold an on-licence. The company has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. The licensing committee is satisfied that Jeffares Investments Limited has an appropriate Host Responsibility Policy and staff-training programme. There are three Duty Managers employed to ensure that the sale of alcohol complies with the Sale and Supply of Alcohol Act 2012.
- 6. The Licensing Inspector is satisfied that the application complies with the Waitomo District Local Alcohol Policy.
- 7. The application to vary the licensed hours is granted. There is no opposition to the licensed hours being extended by one hour to a 1.00am closing time and the extended hours comply with the Waitomo District Local Alcohol Policy. No concerns have been reported about the management of this premises and therefore, there is no reason why the company will not be able to ensure that the extended opening hours comply with the Act.
- 8. 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.
- 9. The licensing committee is satisfied that the premises 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. As recommended by the Licensing Inspector, the CCTV monitor has been lowered to counter height where it can be easily viewed by staff.
- 10. The licensing committee is satisfied that the renewal of the on-licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no reports of any nuisance or vandalism or noise problems associated with this premises in the past year.
- 11. The licensing committee is satisfied that alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act.
- 12. The conditions for this licence have been replaced to incorporate the change to the condition regarding licensed hours.

Conclusion

13. Therefore, the application for the renewal of the on-licence is granted.

Dated this 18th day of July 2018

A handwritten signature in black ink, appearing to be 'S.G.', written in a cursive style.

Sara Grayson
Commissioner