

**Application**

19/012/2018

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**  
**IN THE MATTER**

of an application by  
The Owls Nest Limited  
for the renewal of an on-licence  
pursuant to section 127 of the Act  
in respect of the premises at 12  
Ruru Street, Piopio known as The  
Night Owl Bar and Eatery

#### **DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE**

1. The on-licence 019/ON/005/2015 in respect of the premises situated at 12 Ruru Street, Piopio and known as The Night Owl Bar and Eatery is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The present conditions of the licence are replaced with the following conditions:
  - a) Alcohol may only be sold or supplied while trading as a restaurant.
  - b) Alcohol may be sold or supplied on Monday to Sunday, from 9.00am to 12.00 midnight
  - c) 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.
  - d) 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 16 April 2018 and no alcohol is to be taken out of this area.
  - e) The entire premises is designated as a supervised area (no persons under 18 can be in the area unless with their parent or guardian).
  - f) A 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. If a duty manager is not present then there must be no alcohol sales and a notice displayed advising the public of this fact.
  - 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 displayed at every point of sale appropriate signs detailing these restrictions.
- 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 in accordance with the restaurant menu submitted with the application for this licence, or variations of a similar range and standard.
- 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. Telephone numbers for alternative forms of transport from the premises must be displayed.
- 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 The Owls Nest Limited for the renewal of an on-licence in respect of the premises situated at 12 Ruru Street, Piopio and known as The Night Owl Bar and Eatery. This business has been operating under the current ownership since 28 April 2014.
2. 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 (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?
5. Section 132 provides that the licensing committee may vary or cancel any conditions applying to the licence before its renewal.

**Should the licence be renewed?**

- 6. The licensing committee is satisfied that The Owls Nest 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 company has an appropriate Host Responsibility Policy and staff training programme. There are two certificated duty managers who are responsible for ensuring compliance with the Act.
- 7. The Waitomo District Local Alcohol Policy provides that the maximum licensed hours for a restaurant are restricted to 9.00am to 12.00 midnight. The Owls Nest Limited has licensed hours from 8.00am to 12.00 midnight, however the company agrees to reduce the licensed hours to 9.00am to 12.00 midnight. Therefore, the application now complies with the Waitomo District Local Alcohol Policy.
- 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. 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.
- 9. 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, vandalism or noise problems associated with this premises in the past 12 months.
- 10. 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.

## **Conclusion**

11. Therefore, the application for the renewal of the on-licence is granted. The conditions for this licence have been replaced to ensure that they are consistent with licences issued since the commencement of the Sale and Supply of Alcohol Act 2012.

Dated this 20th day of April 2018

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

Sara Grayson  
Commissioner  
Waitomo District Licensing Committee