

Decision Number: 019/ON/001/2015

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

AND

IN THE MATTER of an application by **WOODEN HEART CAFÉ LIMITED** pursuant to s.100 of the Act for an **ON LICENCE**

BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Cambridge on the 20th day of February 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **WOODEN HEART CAFÉ LIMITED** pursuant to section 100 of the Act for an **ON LICENCE**.

Reports have been received from the Police 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 an on-licence was received by the Waitomo Licensing Committee on 24 December 2014 pursuant to section 99 of the Sale and Supply of Alcohol Act 2012.

The general nature of the premises is to be a café / restaurant.

The application was in the correct form as detailed by section 100 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 100(d) of the Act.

A certificate of building and planning compliance has been supplied pursuant to section 100(f) of the Act and the application has been publically notified in accordance with the Act.

The application was publicly notified in the Waitomo News on 16 and 23 December 2014.

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:*


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- (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

WOODEN HEART CAFÉ LIMITED

Company Directors: Jillian Margaret Harding and Christine Elizabeth Poole.

The applicant is a newly incorporated company with no relevant history. The Police have raised no objection. There are no suitability issues associated with the company directors.

LOCAL ALCOHOL POLICY

The Waitomo District Local Alcohol Policy is still provisional and cannot be formally considered. As a new premises with hours to 12:00 midnight it is likely to comply were the policy in force.

DAYS AND HOURS

The applicant proposes to operate a café / restaurant from the premises with hours of Monday to Sunday 10:00am to 12:00 midnight.

DESIGN AND LAYOUT OF THE PREMISE

The premises is located on the site at 30 Ellis Road, Benneydale. The premises is formed from a restaurant with an outside area as illustrated in the plans provided with the application. There is no tap beer and alcohol is proposed to be served to patrons from bottles only.

The premises was previously operated as a tavern and known as the Benneydale Hotel. A motel is directly attached to the premises.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

No other goods are sold but a motel is directly attached to the premises and operated by the applicant.

REDUCTION OF AMENITY AND GOOD ORDER

The premises to which this licence application applies has previously been a tavern for a significant number of years. There is no evidence to suggest that the use of the premises as a café / restaurant will affect the amenity and good order of the locality, even to a minor extent. External security lighting to the front of the premises is provided. Letters of support from occupiers of two of the three neighbouring properties were supplied with the application. There are no public objections.

There is one other licensed premises within the area (Benneydale Sports and Recreation Club). Benneydale School is located over 500m away from the applicant's premises.

The use of the premises as a café / restaurant style premises with no significant bar or tap beer available leads to the conclusions that alcohol related harm is unlikely to eventuate from the granting of this application.

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. These include all relevant signage, a number of certified managers and a host responsibility plan and policy.

A copy of the Wooden Heart Café's employee handbook has been provided which includes the host responsibility plan and policy. The plan is a good general guide to staff regarding their obligations at the point of sale.

ISSUES RAISED BY REPORTING AGENCIES

The Police report dated 14 January 2015 presents no objections to the application. No report has been filed by the Medical Officer of Health. Section 103 (4) of the Act states: *The licensing committee may assume that, if no report is received from the Police or Medical Officer of Health within 15 working days after sending the copy of the application to them, the Police or Medical Officer of Health does not oppose 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 issued immediately for the initial period of one year***, subject to the following compulsory conditions s110 (1):

- 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. Present on the premises to dine.

- 2) **Alcohol may be sold when the premises is operating as a café / restaurant on the following days and during the following hours: Monday to Sunday 10:00am to 12:00 midnight.**
- 3) Drinking water must be freely available to customers at the following locations at all times while the premises are open for business: at the all day water station.
- 4) Food must be available for consumption on the premises as follows: A range of food choices must be readily available at all times that the premises are open. A minimum of four types of food should be available.
- 5) 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.
- 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:
 - a. Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons;
 - b. 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:
 - a. All staff will be trained in their responsibilities under the Act;
 - b. A sign shall be prominently displayed at all points of sale inside the premises, which identifies by name the manager on duty.
- 8) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.

DATED at Cambridge this 20th day of February 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee