

Decision Number: 019/ON/005/2015

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

AND

IN THE MATTER of an application by **The Owls Nest 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 ^{5th} day of ^{May} 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **The Owls Nest 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/003/2014 was received by the Waitomo District Licensing Committee on 26 March 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(e).

The application was publicly notified in the Waitomo News on 2 April 2015 and 9 April 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

The Company Directors and shareholders are:

- Melanie Jane Simpson
- Ross William Simpson

There is also one additional shareholder: Lynette Naomi Barnsdall.

There are no suitability issues associated with the company directors or additional shareholder.

LOCAL ALCOHOL POLICY

The provisional Local Alcohol Policy has yet to be adopted by the Waitomo District Council. As an application for renewal of an on licence for a restaurant with hours proposed from 8.00am to 12.00 midnight 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 restaurant or café premises that exceed the following (subject to sections 46 and 47 of the Act):*

Monday to Sunday 9:00am to 12:00 midnight. Any outdoor dining area will not have hours that exceed 9.00am to 11.00pm.

DAYS AND HOURS

The applicant proposes no changes to the hours of Monday to Sunday 8.00am to 12.00 midnight.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at 31 Kaka Street, Piopio. The premises is formed from indoor and outdoor dining areas with a small bar as illustrated in the plans provided with the licence application. There are no proposed changes.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There are no goods sold other than those associated with the running of a restaurant.

REDUCTION OF AMENITY AND GOOD ORDER

Within Piopio there are currently three club licensed premises (one of which also operates an off-licence), one on-licensed premises and one off-licensed premises.

The premises is occasionally used for functions such as weddings and therefore it is recommended the discretionary condition on the licence requiring steps to be taken so as to ensure excessive noise is not generated, thereby not disturbing occupiers of neighbouring properties, remains in place. Three neighbouring residential properties were identified by the applicant on the original licence application and confirmed by GIS mapping.

There are no known vandalism or nuisance issues associated with the premises.

There is one play-centre located within 140 metres of the premises, a child care centre within 430 metres, a primary school within 250 metres, a secondary school within 450 metres, and a church is located within 450 metres. The premises is not situated so as to be on the most direct route to these establishments.

There have been no complaints received by the Waitomo District Council concerning excessive noise or anti social behaviour.

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 a Host Responsibility Policy, a copy of which has been included with the application. The application also indicates that all signage is displayed correctly and identification will be asked for and checked. The latter will be prompted by the cash till which notifies the bar staff that 'Adult age ID required' and a birth date is provided.

In relation to bar staff been able to observe all parts of the premises the application states there are no blind spots. CCTV cameras have been installed (a conditional requirement of the first on licence issued for this premises). There is adequate internal and external lighting. Three of the certificated managers have recently attended a workshop on the Sale and Supply of Alcohol Act 2012 and 'Crime Prevention Through Environmental Design' for licensed premises.

ISSUES RAISED BY REPORTING AGENCIES

No issues were raised by the reporting agencies.

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:

- a) 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.
- b) Alcohol may be sold under the licence only on the following days and during the following hours:
Monday to Sunday 8.00am to 12.00 midnight

- c) Drinking water must be freely available to customers at the following locations at all times the premises is open for business:
 - (i) At the bar and available for occupied tables
- d) The entire premises is designated as a **Supervised Area**
- e) The following steps must be taken to promote the responsible consumption of alcohol:
 - (i) Non-alcoholic beverages shall be available in accordance with S.51 of the Act;
 - (ii) Low alcoholic beverages shall be available in accordance with S.52 of the Act;
 - (iii) Food must be available in accordance with S.53 of the Act;
 - (iv) Transport information must be available in accordance with S.54 of the Act.
- f) 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:
 - (i) Signage shall be displayed advising that minors and intoxicated persons shall not be served.
- g) The licensee shall take all necessary steps to ensure that any noise generated by musical instruments or by amplified equipment, including public address systems, will not cause **excessive noise** i.e. any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person residing or working within the vicinity of the premises.

DATED at Te Awamutu / Cambridge this 15th day of May 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee