

Decision number: 17/TEMP/006/2020

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

**AND**

**IN THE MATTER** of an application  
by **BLUE SPRING GOLF  
RESORT LIMITED**  
pursuant to s.136(1) of the  
Act for a **second** Temporary  
Authority for premises  
situated at 18 Sommerville  
Road, Tirau and known as  
**“OKOROIRE HOT SPRINGS  
HOTEL”**

**BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE**

Murray Clearwater Chairperson  
Arama Ngapo-Lipscombe Member  
Peter Schulte Member

This is an application by **BLUE SPRING GOLF RESORT LIMITED** for a **third** Temporary Authority for premises situated at 18 Sommerville Road, Tirau and known as **“OKOROIRE HOT SPRINGS HOTEL.”**

The business is a hotel and function centre and an ON Licence, 17/ON/004/2016, is operative at the premises. The licence expired on the 22<sup>nd</sup> of September 2019 but a **renewal application was lodged to keep the base licence ‘live’ for this transition process.**

The application contained reports from the Police and the Inspector that **did not** recommend the granting of a second TA due to recent alleged incidents of intoxicated and violent behaviour, and an alleged Controlled Purchase Operation (CPO) failure.

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## **REASONS FOR THE DECISION**

There has been significant 'history ' around this business and the operation of the licence.

On 27 July 2020 we granted a Temporary Authority through to the 28<sup>th</sup> of October 2020.

We said then that the applicants appeared to need support to get their substantive application prepared and to operate the business in a complaint manner.

Due to the alleged issues raised by the Police and the Inspector we declined to issue a second TA and set the matter down for a hearing scheduled for the 20<sup>th</sup> of November 2020.

Alcohol sale and supply ceased as at midnight on the 28<sup>th</sup> of October 2020 as the current TA had expired.

By memorandum dated 30 October 2020, counsel for the applicant, Mr Robert Davies, advised that discussions had been conducted with the Police and the Inspector and an undertaking and a range of conditions had been agreed to and was now put before the Committee.

He hoped that the measures offered would be sufficient for the Committee to reconsider their position and grant a restricted temporary authority 'on the papers' until the substantive ON Licence application could be heard on the 20<sup>th</sup> of November 2020.

We considered the request carefully and were not satisfied that the undertaking and proposed conditions would mitigate the potential for further alcohol related harm in the short term.

By Minute, the Committee responded with a set of revised conditions that we would impose on the Order, by consent of the parties involved.

The Police and the Inspector have responded affirmatively as has the applicant.

Both the applicant and the Inspector seek further clarity about just who can be sold and supplied alcohol, and where that can take place.

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To make it crystal clear, we advise that only the following classes of customer and circumstances where alcohol can be sold, supplied and consumed for the duration of this Order:

- **In-house booked in over-night guests may be served in the restaurant as part of a meal and/or via room service.**
- **Casual diners in the restaurant may be sold and supplied alcohol for consumption in the restaurant as part of a meal.**
- **There is to be no functions, pool clubs, 21st birthdays, or weddings hosted at the venue where the casual consumption of alcohol would take place.**
- **There must be no alcohol sold, supplied or consumed in the bar/pool room.**

Subject to the above, the application can now be dealt with by the committee on the papers.

### **UPDATE**

On 20 November 2020 the Committee heard the application for the substantive ON Licence.

After hearing the evidence of the applicant and the opposition from the agencies the Committee has adjourned the determination of the application for two months i.e. the 20<sup>th</sup> of January 2021.

This is to allow a new general manager to take up his appointment and implement the policies and procedures presented to the Committee.

Meantime a Temporary Authority is granted for the period 21 November 2020 to 20 January 2021.

The conditions attached to the current TA will roll over and must be complied with at all times.

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## **DECISION**

The District Licensing Committee, acting pursuant to the Sale and Supply of Alcohol Act 2012 makes an order for a Temporary Authority to **BLUE SPRING GOLF RESORT LIMITED** and it can be issued immediately.

**No doubt the premises will be subjected to unannounced compliance inspections from the Police and the Inspectorate over the term of the Order.**

**We expect full compliance with the underlying conditions of the licence and the additional conditions imposed in this Order.**

**The ball is firmly in the court of the applicants.**

**The conditions attached to ON LICENCE 17/ON/002/2016 shall continue to apply with the following additions/modifications:**

- 1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours: Monday to Sunday 11.00am to 10.00pm;**
- 2. In-house booked in over-night guests may be served in the restaurant as part of a meal and/or via room service;**
- 3. Casual diners in the restaurant may be sold and supplied alcohol for consumption in the restaurant as part of a meal;**
- 4. There are to be no functions, pool clubs, 21st birthdays, weddings hosted at the venue where the casual consumption of alcohol would take place;**
- 5. There must be no alcohol sold, supplied or consumed in the bar/pool room;**
- 6. An experienced certificated manager must be on duty at all times when the premises is open for the sale and supply of alcohol.**

**The Order is to run from the date of this decision until the 20<sup>th</sup> of January 2021.**

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DATED at Tokoroa this 20<sup>th</sup> day of November 2020.

A handwritten signature in black ink, appearing to read 'Murray Clearwater', enclosed within a thin black rectangular border.

Murray Clearwater  
**Chairperson/Commissioner**  
**For South Waikato District Licensing Committee**