

APPLICATION	17/ON/005/2014
IN THE MATTER	of the Sale and Supply of Alcohol Act 2012
AND	
IN THE MATTER	of an application by Alberico & Rachael D'Andrea on behalf of Alberico's for a licence to sell and supply alcohol (On License) pursuant to Section 127 of the Act in respect to premises situated at 36 Commerce Street Tokoroa and known as Alberico's.

BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE

QUORUM: Jenny Shattock QSM JP Chairperson

DECISION

INTRODUCTION

Pursuant to Section 127 of the Sale and Supply of Alcohol Act 2012 Alberico and Rachael D'Andrea filed an application on the 31st March 2014, for the renewal of On Licence number 17/ON/005/2014. This application relates to premises located at 36 Commerce Street, Tokoroa known as "Albericos".

The Applicant seeks no change to the current conditions of the licence.

Reports on the application have been received from Licensing Inspector, Fire Risk Management Officer, Medical Officer of Health and the New Zealand Police.

1. The Inspector has provided a positive report and has recommended the renewal of the On-Licence.
2. Both the Medical Officer of Health and New Zealand Police has reported without opposition to the application.
3. The Fire Risk Management Officer has reported there are no objections to the issue of the renewal of a liquor licence for the premises.

The application was duly advertised and did not attract any public objection.

COMMITTEE DECISION AND REASONS

In deciding whether to renew a licence, the licensing committee concerned must have regard to the following matters;

(a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):

(b) whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:

(c) any matters dealt with in any report from the Police, an Inspector, or a Medical Officer of Health made by virtue of section 129:

(d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

The Inspectors report is both comprehensive and positive. It covers the matters required including Amenity and Good Order. The Inspector reports that there is no reason to believe that the amenity and good order of the locality would be likely to be increased, to more than a minor extent, by the effects of a refusal to renew the licence.

There is no question as to the suitability of the applicant.

There is nothing in the Inspectors report to suggest that the applicant has managed the Sale and Supply of Alcohol in an inappropriate manner during the currency of the On-Licence.

In this matter I believe that the criteria under Section 131 of the Act have generally been met given that:

1. The Inspector has provided a positive report
2. The relevant Agencies have reported without opposition
3. The application has drawn No Objection from the public.
4. The Applicant has managed the Sale and Supply of alcohol appropriately during the currency of the licence.
5. The Inspector recommends that conditions be applied to the Licence consistent with the Act.
6. I am satisfied as to the matters which I must have regard as set out in s.131 of the Act, and I am satisfied that the application meets the Purpose and Object of Act. Accordingly, I renew the applicant's On-Licence for a period of three (3) years. The licence should issue subject to the inclusion of conditions outlined in the Inspectors report dated the 30th March 2016 and including:

CONDITIONS:

- 1) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day to any person who is not present on the premises to dine.
- 2) Alcohol may be sold only on the following days and during the following hours: On such days and during such hours as the premises are being operated as a **Restaurant** but not other than on the following days and hours:

Monday to Sunday 11.30am to 1.00am the following day

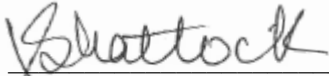
- 3) Drinking water is to be freely available whilst the premises are open for business.
- 4) The following steps must be taken to promote the responsible consumption of alcohol:
 - (i) The licensee must ensure that all staff comply with the host responsibility information submitted with the application for an on-licence detailing the steps to be taken by the licensee to ensure a safe drinking environment.
- 5) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
 - (ii) Ensure that appropriate signs are prominently displayed detailing the statutory restrictions on the supply of liquor to minors and intoxicated persons adjacent to every point of sale.

6) The whole of the premises is an undesignated area.

CONCLUSION

Having regard to the relevant provisions of the Sale and Supply of Alcohol Act 2012, I am satisfied that a new on-licence should be granted, pursuant to the conditions set out above.

DATED at TOKOROA this 8th day of April 2016



Jenny Shattock QSM JP
Chairperson

South Waikato District Licensing Committee