

APPLICATION	17/ON/003/2015
IN THE MATTER	of the Sale and Supply of Alcohol Act 2012
AND	
IN THE MATTER	of an application from Jacqui Dahlin on behalf of New Flame Restaurant Ltd for a New On-Licence to sell and supply alcohol (On Licence) pursuant to Section 100 of the Act in respect to premises situated at 92-94 Tirau Street, Putaruru and known as Putaruru Arms Motel.

BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE

QUORUM: Jenny Shattock QSM JP Chairperson

DECISION

INTRODUCTION

Pursuant to s 100 of the Sale and Supply of Alcohol Act 2012 Jacqui Dahlin on behalf of New Flame Restaurant Ltd filed an application for an On Licence number 17/ON/003/2015. This application relates to premises located at 92-94 Tirau Street, Putaruru known as Putaruru Arms Motel.

The application has resulted following the purchase of the business from an earlier licensed owner.

A Temporary Authority was granted on 24th June 2015 subject to the conditions set out on the base licence (017/ON03/2008) that included modified conditions of the licensed hours being:

- Monday to Sunday - 11.00 am to 11.30pm

The Applicant seeks the following licensed hours:

- Monday – Wednesday 9.30am – 12 midnight
- Thursday to Saturday 9.30am – 1am the following day

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 granting of an 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, after initially opposing the application, that there are no objections to the issue of a liquor licence for the premises.

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

COMMITTEE DECISION AND REASONS

I am satisfied as to the matters to which I must have regard and I am satisfied that the application generally meets the Purpose and Object of the Act. Accordingly, I grant the On-Licence with an amendment to the proposed hours of operation.

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 period of the Temporary Licence.

The South Waikato does not have a Local Alcohol Policy.

In this matter I believe that the criteria under Section 105 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 term of the Temporary 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.105 of the Act, and I am satisfied that the application generally meets the Purpose and Object of Act. Accordingly, I grant the applicant's On-Licence for a period of one (1) year with an amendment to the proposed hours of operation.
7. The licence should be issued subject to the inclusion of conditions outlined in the Inspectors report dated the 29th March 2016 and including the following:

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) In considering the application as to the matters I must have regard as set out in s. 105 of the Act I have determined that the following hours for the sale and supply of alcohol could be accommodated without unduly affecting the operation of the premises. Therefore the amended permitted hours of operation for the premises are:

- **Monday to Wednesday 10.30am to 11.30pm**

- **Thursday to Sunday 10.30am 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 must 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 restaurant area is "Undesignated".
- 7) The area to the right of the beams in the restaurant in front of the fireplace is designated as "Supervised"
- 8) The immediate bar area is designated as "Restricted".

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.

A copy of this licence must be displayed at the principal entrance to the premises. The front door of the main entrance of the hotel/foyer is designated as the principal entrance.

DATED at TOKOROA this 11th day of April 2016



Jenny Shattock QSM JP
Chairperson
South Waikato District Licensing Committee