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| APPLICATION | (17/ON/004/2015) |
| IN THE MATTER | of the Sale and Supply of Alcohol Act 2012 |
| AND | |
| IN THE MATTER | of an application by Jatinder Singh Sandhu & Dilpreet Singh on behalf of H ₂ O Group of Bars Limited for a licence to sell and supply alcohol (On License) pursuant to Section 127 of the Act in respect to premises situated at 233 Leith Place, Tokoroa and known as H ₂ O Bar (formerly known as Spirit`d) |

BEFORE THE SOUTH WAIKATO DISTRICT LICENSING CHAIRPERSON

Jenny Shattock QSM JP

THE APPLICATION

Pursuant to Section 127 of the Sale and Supply of Alcohol Act 2012 by Jatinder Singh Sandhu & Dilpreet Singh filed an application on the 6th May, 2015, for an On Licence – Tavern (17/ON/004/2015) on behalf of H₂O Group of Bars Limited (formerly known as Spirit`d). This application relates to H₂O Bar which is situated at 233 Leith Place Tokoroa.

A Temporary Authority expires on 24 February 2016.

The business has been purchased by the applicant, H₂O Group of Bars Limited and Mr J. Sandhu and Mr D. Singh have taken over ownership.

The premise is operating as a small bar with a gaming lounge. There is a reasonable selection of wine, beer and spirits. The applicant has been operating this tavern for almost 6 months without any major reported incidents.

Currently, there are three (3) certified Managers. All three (3) managers have considerable experience with working in On-licensed premises.

Ms Daphne Marsh is the current on-site manager/supervisor of the premises and she has had considerable experience with working in the hospitality industry.

There have been no reports or concerns raised to question the applicant's ability to adhere to the Act as per their Temporary Authority.

Mr Sandhu has indicated that he will make an application for Managers Certificate in coming months.

THE DECISION

The On Licence application (17/ON/004/2015) filed by Jatinder Singh Sandhu & Dilpreet Singh filed on behalf of H₂O Group of Bars Limited (formerly known as Spirit`d) situated at 233 Leith Place Tokoroa is granted subject to the conditions set out below including modification of the Temporary Licence trading hours.

The licence will expire one year from the date of issue.

The Licence may be issued immediately.

REASONS FOR THE DECISION

The Applicant applies for a new on-licence for premises which trade as a tavern situated at 233 Leith Place Tokoroa. The premises has previously been licensed, but was recently purchased by the Applicant. The Applicant has been trading under two temporary authorities pending the outcome of this substantive licence application.

During the period of those temporary authorities, inspections have been carried out by the Licensing Inspector, Anish Chand who reports no concerns arising.

The Chairperson has received a detailed report on the application from the Licensing Inspector and he does not oppose the application.

There are three (3) certified Managers and all three (3) managers have considerable experience with working in On-licensed premises and as such, there is no reason to believe that the object of the Act will not be adhered to.

- Daphne Marsh 17/CERT/020/2014 (017/GM17/2001)
- Taima Hauwai Temoana Mihinui 017/GM02/2008
- Manpreet Singh 007/CERT/3323/2015

The Police and the Medical Officer of Health do not oppose the application.

The Fire Risk Management Officer does not oppose the application

The applicant publically notified their ON-Licence application in the South Waikato News. No objections were received.

In the absence of any objections, I will deal with the matter on the papers.

The purpose of the Sale and Supply of Alcohol Act 2012 (the Act) is to put in place a system of control over the sale and supply of alcohol (s3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s4).

In deciding whether to issue a licence the District Licensing Chairperson must have regard to the criteria in s105. This Chairperson must consider the following questions:

- a) Does the grant of the licence ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol?

- b) Is the applicant suitable?
- c) Are the days and hours during which the applicant proposes to sell alcohol suitable?
- d) Is the design and layout of the premises suitable?
- e) Does the applicant propose to sell goods other than alcohol such as low-alcohol refreshments, non-alcoholic refreshments and food?
- f) Does the applicant propose to provide services other than those related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
- g) Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of the license? Is the amenity and good order of the locality already so badly affected by the effects of the existing licenses that it is unlikely to be reduced further by the effects of the issue of the license, or is it desirable not to issue any further licenses?
- h) Does the applicant have appropriate systems, staff and training to comply with the law?
- i) Have the police or medical officer of health raised any concerns?

Having considered those questions, I am satisfied that the considerations fall in favour of the application being granted with amended trading hours to ensure that the provisions of the Act relating to the Sale and Supply of alcohol are observed with regard to the criteria in s105.

There is nothing in the application which would suggest that the Applicant will supply alcohol in any way which would be inconsistent with the intention of the Act, or any other relevant legal requirement.

The South Waikato District Council does not currently have a relevant Local Alcohol Policy.

CONDITIONS

The licence is subject to the following conditions:

1. Alcohol may be sold or supplied for consumption on the premises, only between the following days and hours:

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| Monday to Saturday | 9:00am and 1:00am |
| Sunday | 9:00am and 10:00pm. |

2. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to dine or is lodging on the premises.

3. The whole of the premises are designated as **RESTRICTED**

4. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.

5. The Licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages.

6. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol as follows: Menus must be visible and food should be actively promoted. A minimum of three types of food should be available. Alternatively the range of food

should include such items as panini's, pizzas, lasagne, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.

7. A properly appointed certificated or Acting or Temporary Manager must be on duty at all times when the premises are open for the sale and supply of alcohol, and their full name must be on a sign prominently displayed in the premises.

8. The Licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.

9. The Licensee must display:

a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;

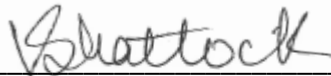
b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale or alcohol;

c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.

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 this 27th day of February 2016



Jenny Shattock QSM JP
Chairperson