

APPLICANT 17/ON/07/2014

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

AND

IN THE MATTER of an application by Putaruru Hotel Ltd on behalf of Putaruru Hotel Public Bar for a licence to sell and supply alcohol (On License) pursuant to Section 127 of the Act in respect to premises situated at 79 Princes Street Putaruru.

BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE

QUORUM: Jenny Shattock QSM JP Chairperson

THE APPLICATION

Pursuant to Section 127 of the Sale and Supply of Alcohol Act 2012 Putaruru Hotel Ltd has filed an application for the renewal of On Licence number 17/ON/07/2014. This application relates to premises located at 79 Princes Street Putaruru and known as Putaruru Hotel – Public Bar.

The applicant has held an ON Licence for the Putaruru Hotel since 2014.

The general nature of the business is that of a public bar.

- 1) Hours sought in the application are
Monday to Saturday: 9:00am – 1:00am (the following day)
Sunday: 9:00am – 10:00pm
- 2) The requested hours fall within the national default hours for an On Licensed premises.
- 3) A report on the application was received from an Inspector and the Police. Neither the Inspector nor the Police oppose the application.
- 4) The Medical Officer of Health did not respond within the 15 working day requirement therefore it is reasonable to assume that the Medical Officer of Health does not oppose the application.
- 5) The application was publically notified in the South Waikato News on 3rd June 2015 and 10th June 2015 and no objections were received from members of the public.
- 6) The premise has been operating under a licence held by the applicant for one year with few issues or concerns raised with any of the reporting agencies.
- 7) The applicant has provided a menu of the food options they prepare on site and listed the non-alcoholic and low alcohol refreshments that are available.

- 8) The applicant has made provision for the supply of free water at the bar.
- 9) The premise is zoned "Business" in the South Waikato District Council Operative District Plan. Operation of a bar is a permitted activity within the business zone.

DECISION OF THE DISTRICT LICENSING COMMITTEE AND REASONS

- 10) In deciding whether to renew a licence, the licensing authority or 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.
- 11) The Inspectors report is both comprehensive and positive. It does not need to be restated, 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.
- 12) There is no question as to the suitability of the applicant.
- 13) 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.
- 14) In this matter I believe that the criteria under Section 131 of the Act have generally been met given that:
 - (i) The Inspector has provided a positive report
 - (ii) The Police have reported without opposition
 - (iii) The Medical Officer of Health did not respond within the 15 working day requirement therefore it is reasonable to assume that the Medical Officer of Health does not oppose the application
 - (iv) The Fire Risk Management agency did not oppose the application
 - (v) The proposed use of the premises meets the Building Code standards
 - (vi) The proposed use of the premises complies with the Resource Management Act 1991
 - (iii) The application has drawn No Objection from the public.
 - (iv) The Applicant has managed the Sale and Supply of alcohol appropriately during the currency of the licence.
- 15) The South Waikato District Council does not currently have a Local Alcohol Policy.
- 16) 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 meets the purpose and object of the Act. Accordingly, I grant the applicant a renewal of the underlying on licence 17/ON/07/2014 in respect of the premises situated at 79 Princes Street Putaruru and known as Putaruru Hotel – Public Bar for

a further period of 3 years. The licence may be issued upon payment of the annual fee with the following conditions:

CONDITIONS

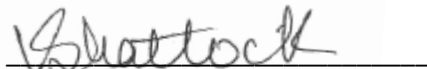
17) Pursuant to s.131 The licence is subject to the conditions listed below:

- a) Alcohol may only be sold or supplied on the following days and during the following hours
Monday to Saturday: 9:00am – 1:00am (the following day)
Sunday: 9:00am – 10:00pm
- b) No alcohol may be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day (except in the case of a licence endorsed under s.38 of the Act or when the Licensee holds a Special Licence for the premises).
- c) The Putaruru Hotel – Public Bar area as identified in the application is designated “Restricted”.
- d) A range of food as per the menu supplied shall be available at all times when alcohol may be sold or supplied under the licence.
- e) The licensee shall have available for consumption on the premises, at all times when alcohol may be sold and supplied under the licence, a reasonable range of non-alcoholic refreshments and low alcoholic beverages including free access to water.
- f) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons and responsible consumption of alcohol 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.
 - iii. Ensure that appropriate signs are prominently displayed detailing information about alternative forms of transport from the premises
 - iv. The licensee must ensure that all staff comply with a host responsibility plan detailing the steps to be taken by the licensee to ensure a safe drinking environment
- g) A holder of a manager’s certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
- h) Drinking water must be freely available and this must be clear to customers, while the premises are open for the sale and supply of alcohol.
- i) The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
- j) 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 (17/ON/07/2014) should be granted pursuant to the conditions set out above.

DATED at TOKOROA this 30th day of July 2016

A handwritten signature in black ink, appearing to read 'J Shattock', is written over a horizontal line.

Jenny Shattock QSM JP

Chairperson

South Waikato District Licensing Committee