

APPLICATION	17/ON/006/2015
IN THE MATTER	of the Sale and Supply of Alcohol Act 2012
AND	
IN THE MATTER	of an application by Hai Ling Helen Qin on behalf of Double Happy Restaurant and Takeaways for a licence to sell and supply alcohol (On License) pursuant to Section 127 of the Act in respect to premises situated at 33 Swanston Street, Tokoroa and known as Double Happy Restaurant and Takeaways.

BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE

QUORUM: Jenny Shattock QSM JP Chairperson

INTRODUCTION

Pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012 Hai Ling Helen Qin on behalf of Double Happy Restaurant and Takeaways has filed an application for an On Licence; number 17/ON/006/2015. The application relates to premises located at 33 Swanston Street Tokoroa and known as Double Happy.

The general nature of the business to be undertaken for the premises is that of a RESTAURANT and TAKEAWAY.

The applicant has sought that the premises be "Undesignated".

The hours sought are Monday to Sunday – 11:00am to 10:00pm

Reports on the application were received from an Inspector, the Medical Officer of Health and the Police and offer no opposition.

The Fire Service has no objections to the application.

The Territorial Authority Building Department and Planning Department provided certificates stating the application meets the requirements of the Building Code and Resource Management Act 1991.

The application was publicly notified in the South Waikato News on the 21st October 2015 and 28th October 2015. No public objections were received within the statutory timeframe following the public notification.

The licensed area (premise) is as defined within the plan submitted with the application and dated 16/08/2016.

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.

DECISION

The application for a new on-licence endorsed under Section 37 of the Sale and Supply of Alcohol Act 2012 is APPROVED, subject to the conditions set out below.

The Applicant may sell and supply alcohol for consumption on the premises, to any person present on the premises.

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

The licence may be issued immediately upon payment of any outstanding fee.

CONDITIONS

- 1) 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 including free access to water.
- 2) Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible and food should be actively promoted.
- 3) 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.
- 4) The Licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
- 5) The Licensee must display:
 - i. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - ii. 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;
 - iii. A copy of the licence attached to the premises
- 6) Alcohol may be sold only 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 – 11:00am to 10:00pm.

- 7) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not present on the premises to dine.
- 8) The whole of the premises is undesignated.
- 9) 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 policy for the premises detailing the steps to be taken by the licensee to ensure a safe drinking environment.

10) Under s.37(2)(b) of the Sale and Supply of Alcohol Act 2012 the following days and times in which a manager must be appointed and on the premises are Thursday to Saturday 6:00pm to 10:00pm.

REASONS FOR THE DECISION

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 Committee must have regard to the criteria in s105. This Committee must consider the following questions:

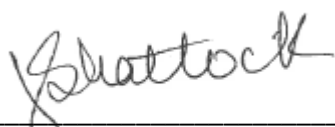
- a) Does the grant of the licence ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol?
- b) Is the applicant suitable?
- c) Are the days and hours during which the applicant proposes to sell alcohol suitable?
- d) Is the 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. 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.

CONCLUSION

Having regard to the relevant provisions of the Sale and Supply of Alcohol Act 2012, I am satisfied that a new on-licence endorsed under Section 37 of the Sale and Supply of Alcohol Act 2012 should be granted, 17/ON/005/2015 in respect of the premises situated at 33 Swanston Street Tokoroa and known as Double Happy Restaurant and Takeaways for a period of one year. The licence may be issued upon payment of the annual fee pursuant to the conditions set out above.

DATED at TOKOROA this 3rd day of October 2016



Jenny Shattock QSM JP
Chairperson
South Waikato District Licensing Committee