

<b>APPLICATION</b>	17/ON/014/2017
<b>IN THE MATTER</b>	of the Sale and Supply of Alcohol Act 2012(The Act)
<b>AND</b>	
<b>THE MATTER OF</b>	an application by A & R D'Andrea Limited pursuant to s127 of the Act for an On-licence Renewal in respect of premises situated at 36 Commerce Street, Tokoroa and known as Alberico's.

**BEFORE THE SOUTH WAIKATO DISTRICT LICENSING CHAIRPERSON**

**Quorum:** Jeff Gash JP

**THE APPLICATION:**

A & R D'Andrea Limited has filed an application pursuant to s127 of the Sale and Supply of Alcohol Act 2012 for an On-licence renewal in respect of the premises situated at 36 Commerce Street, Tokoroa and known as Alberico's

The applicant is a company incorporated under the Companies Act 1993 on the 26<sup>th</sup> day of March 1984.

The business is an established Restaurant.

There will be two certified managers employed on the premises

The applicant seeks the following hours:

- Monday to Sunday 11:0am – 1:00am (the following day)

The application was publicly notified in the South Waikato News on 22nd & 27th of March 2017. No objections were received.

**REASONS FOR THE DECISION**

The application is complete and contains all the supporting documents as required under s127 of the Act.

When considering the criteria for the renewal of licenses as contained within Section 131 of the Act, the Committee must have regard to the following matters:

- I. the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):
- II. 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:
- III. any matters dealt with in any report from the Police, an Inspector, or a Medical Officer of Health made by virtue of section 129:
- IV. 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.

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

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

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 relevant agencies have not objected to this application;
- (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.

- The Licensing Inspector does not oppose this application;
- Neither the Police nor the Medical Officer of Health have objected to this application;
- The Fire Risk Management Officer does not oppose this application;
- The premises meets the requirements of the Resource Management Act 1991;
- The premises meets the requirements of the Building Code;
- The entire premises are currently "Undesignated".
- Currently the South Waikato does not have a Local Alcohol Policy.

Overall I am satisfied as to the matters to which we must have regard as set out in s105 and s131 of the Act.

### **DECISION**

The District Licensing Committee Chairperson, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by A & R D'Andrea Limited for an On-licence renewal (17/ON/014/2017) in respect of premises situated at 36 Commerce Street, Tokoroa and known as Alberico's subject to the following conditions:

### **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) The following days and hours that alcohol can be sold and consumed on the premises are:

**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 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) There must be a properly certificated manager or duly appointed manager on the premises at all times the premises is open for the sale and supply of alcohol
- 7) The entire licensed area is "Undesignated" and is clearly defined on the floor plan submitted with the application and date stamped 17<sup>th</sup> of April 1998.

**DATED** at TOKOROA this 30<sup>th</sup> day of June 2017



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Jeff Gash JP

**Chairperson**

**South Waikato District Licensing Committee**