

Decision number: 17/ON/004/2021

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

AND

IN THE MATTER of an application
by **TIMBER LAND
INVESTMENTS LIMITED**
pursuant to s.100 of the Act
for the grant of an ON
Licence for premises situated
at 42 Mannering Street,
Tokoroa known AS "**FOCAL
POINT SPORT BAR**"

BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE

The Application

TIMBER LAND INVESTMENTS LIMITED applies for the grant of an ON Licence for premises situated at 42 Mannering Street, Tokoroa known as "**FOCAL POINT SPORT BAR.**"

The application come about following a change of ownership and the applicant currently trades under a Temporary Authority.

The business is that of a tavern with pool tables, sports television and gaming machines.

The applicant seeks the following days and hours: **Sunday to Wednesday 9.00am to 10.00pm and Thursday to Saturday 9.00am to 1.00am the following day.**

The hours are within the default national maximum trading hours prescribed under the Act for on licensed premises.

The application was publicly notified in the South Waikato News on the 7 & 14th of July 2021. Two public objections were received by the DLC secretariat.

Planning and Building Certificates have been sought and issued for this activity.

Neither the Police nor the Medical Officer of Health have raised any matters in opposition, although the Police were sceptical about the quality of the food offering described in the application.

Reasons for the Decision

The Inspector reports that the applicant and it's alter egos appear to be experienced owners of licensed premises, but she has expressed concerns about the number of certificated managers on the ground available to the business.

The application drew two public objections and as the applicant sought the same kind of licence, and on the same conditions as previously granted, the grounds for any objection **may not relate to any matter other than the suitability of the applicant.**

The objectors, and the material they provided, were assessed and were deemed **not to meet this narrow criteria** and status to raise the 'objections' before the DLC was denied. There was a clear message in both objections that problem gambling concerns would be raised. Whilst these intentions are highly admirable, concerns about the presence, and operation of gaming machines, must be directed to the appropriate authority, that being the Department of Internal Affairs.

However, when the current licence was first granted to J & I Imports Limited in May 2019, we made it clear to the licensee that we expected the business to operate as a tavern, i.e. principally in the business of providing alcohol and other refreshments, and not as a gaming parlour.

The same expectation applies to this applicant and via the Inspector we sought verified sales revenue data to satisfy ourselves that the premises was indeed running as a tavern.

This have been provided to our satisfaction and shows that the revenue split is 61% alcohol and other refreshments, and 38% gaming. More substantive food sales make up the remaining 1%.

At a pre-hearing meeting on 24 May 2022, with counsel for the applicant and the agencies it was agreed that a staff roster of certificated managers and evidence of the substantive food options are to be provided to the DLC to assist us decide whether this application could be granted on the papers or must be determined by way of a public hearing.

It is our view that substantive food must be well advertised and promoted, and available at all times. As we are informed in the applicant's memorandum although food sales are low there has been no significant reports of intoxication or anti-social behaviour stemming from these premises. That lessens our concerns somewhat.

We have been provided with an indicative roster for the 4 certificated managers and a COA certificated Crowd Controller employed at the premises.

Overall, I am satisfied that the applicant will comply with the provisions of the Act and that the sale, and supply of alcohol should be undertaken safely and responsibly.

Further, I am satisfied that this activity will not reduce the amenity and good order of the locality by more than a minor extent.

Public bars are high risk venues, and we are sure the regulatory agencies will conduct compliance inspections from time to time during this first "probationary year".

We agree with the Inspector's recommendation that the licensee must engage competent industry trainers on a regular basis to keep all staff abreast of the provisions of the Act.

Subject to the above, I deal with the matter on the papers.

DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **grants** an application by **TIMBER LAND INVESTMENTS LIMITED** for the grant of an ON Licence for premises situated at 42 Mannering Street, known as "**FOCAL POINT SPORT BAR**", subject to conditions.

Conditions:

The licence is subject to the conditions listed as follows:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours: **Sunday to Wednesday 9.00am to**
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10.00pm and Thursday to Saturday 9.00am to 1.00am the following day.

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.
3. The whole of the premises is designated as a **Supervised Area**;
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, 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.
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 of alcohol.
 - c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.

The licence is granted for 12 months from the date of issue.

DATED at TOKOROA this 31st day of May 2022

A handwritten signature in black ink, appearing to read 'Murray Clearwater', with a long, sweeping tail extending to the right.

Murray Clearwater
Chairperson/Commissioner
South Waikato District Licensing Committee
