

OTOROHANGA DISTRICT LICENSING COMMITTEE

Decision Number: 018/ON/002/16

**IN THE MATTER**  
Act 2012

of the Sale and Supply of Alcohol

**AND**

**IN THE MATTER**

of an application by RD Foods NZ Limited pursuant to s.100 of the Act for an onlicence.

**BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Cambridge on this 13th day of May 2016

**INTRODUCTION**

The Otorohanga District Licensing Committee has before it an application by pursuant to section 100 of the Act for an on licence.

Reports have been received from the Police, Medical Officer of Health and a Licensing Inspector. The application has been publically notified in accordance with the Act.

There are no objections to this application by reporting agencies or the public in respect to this application, and it is therefore determined on the papers by the Chairperson alone in accordance with section 191(2) of the Act.

**THE APPLICATION:**

An application for on licence was received by the Otorohanga District Licensing Agency on 8 April 2016. The application was in the correct form and accompanied by the correct fee.

**DECISIONS AND REASONS**

The criteria to which this committee must have regard are detailed in section 105 of the Act.

***"105 Criteria for issue of licences***

*(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*

- (a) the object of this Act;*
- (b) the suitability of the applicant;*
- (c) any relevant local alcohol policy;*
- (d) the days on which and the hours during which the applicant proposes to sell alcohol;*
- (e) the design and layout of any proposed premises;*

- (f) *whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:*
  - (g) *whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*
  - (h) *whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:*
  - (i) *whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—*
    - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
    - (ii) it is nevertheless desirable not to issue any further licences:*
  - (j) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
  - (k) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.*
- (2) *The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence”*

#### Suitability of the applicant:

The Police and the Licensing Inspector have enquired into the application. No information has been presented that questions their suitability to hold a licence. The applicant has not come to the attention of the inspector or the district licensing committee.

The business owner resides in Auckland and the restaurant will be managed locally. He also has a duty manager’s certificate so is aware of the requirements of the legislation.

The applicant has operated the premises for the past three months under temporary authority without incident.

#### Local Alcohol Policy:

The application does not meet the requirements of the proposed Otorohanga District Local Alcohol Policy but does meet the default hours as referred to in the Act.

#### Days and hours:

The applicant has proposed the following days and hours of operation of Sunday to Wednesday 7a.m. to 10p.m. and Thursday to Saturday 7a.m. to 1 a.m.

**The default hours, under the Act, only permits opening from 8a.m.** There is no issue regarding the proposed closing time. The applicant has been advised and agreed to a new opening hour of 8 a.m.

N.B. The *proposed* local alcohol policy will restrict opening from Monday to Sunday 9a.m. to midnight. This is likely to be effective at renewal time.

Design and Layout of the premise:

The premises are located at 91 Maniapoto Street, Otorohanga in the CBD. It is not sited near any sensitive sites or residences.

The floor plan and foot print is the same as the previous operator.

A picture of the frontage is attached as part of the application.

Sale of Goods and Services other than those related to alcohol

Not applicable

Reduction of amenity and good order

The premise is sited in the CBD of Otorohanga. There is ample off street parking and the frontage remains the same as the previous license holder.

Other than the public notification, there are no obvious signs that this is a new application.

It is envisaged the amenity and good order of the area will not be reduced by more than a minor extent by holding this on licence.

Systems, staff and training

The applicant employs two certificated managers and is aware of the requirements of section 231 in terms of notifications and appointments.

Manner in which the premises have been operated

Meets the requirements of the Legislation.

Issues raised by reporting agencies

Police notification, dated 18 April 2016, raised no objection to the application.

The Medical Officer of Health notification, dated 14 April 2016, raised no objection to the application.

Been satisfied as to the matters to which the Committee must have regard in s.105 of the Act the application is granted, subject to the following standard conditions:

### On Licences

- 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-
  - a. Residing on the premises; or
  - b. Present on the premises to dine.
- 2) Alcohol may be sold under the licence only on the following days and during the following hours:
  - Sunday to Wednesday 8a.m. to 10p.m. and Thursday to Saturday 8a.m. to 1 a.m the following day.
- 3) The following steps must be taken to promote the responsible consumption of alcohol:
  - a. Non-alcoholic beverages shall be available in accordance with section 51 of the Act;
  - b. Low alcoholic beverages shall be available in accordance with section 52 of the Act
  - c. Food must be available in accordance with section 53 of the Act
  - d. Transport information must be available in accordance with section 54 of the Act
- 4) The following steps must be taken to ensure that the provisions of the Act relating to the sales of alcohol to prohibited persons are observed:
  - a. Signage shall be installed advising that minors and intoxicated persons shall not be served.
- 5) The premises situated at are more precisely identified as outlined in photographs stamped as received by the Otorohanga District Licensing Committee 27/04/2016.
- 6) The entire premises are to be undesignated.
- 7) Drinking water must be freely available in the following places to customers at all times the premises are open for business: At all points of sale or supply of alcohol.
- 8) The holder of an on-licence must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—
  - (a) attached to the inside of the premises concerned; and
  - (b) so as to be easily read by people entering each principal entrance.
- 9) A certificated manager shall be on duty at all times as required by the Act.

**DATED** at Cambridge this 13th day of May 2016



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Chairperson  
**OTOROHANGA DISTRICT LICENSING COMMITTEE**