

LICENSING COMMITTEE

Application	018-0038
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u>	
<u>IN THE MATTER</u>	of an application by Weta Promotions Limited for renewal of an on-licence pursuant to 127 of the Act in respect of the premises at 57 Maniapoto Street, Otorohanga, known as Thirsty Weta Bar & Eatery

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The on-licence 018/ON/003/14 in respect of the premises situated at 57 Maniapoto Street, Otorohanga and known as Thirsty Weta Bar & Eatery is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The present conditions of the licence are replaced as follows:

(a) Alcohol may be sold only on the following days and during the following hours:

For the interior of the premises:

Monday to Sunday, from 9.00am to 2.00am the following day, EXCEPT THAT on the day before Good Friday, Easter Sunday, Christmas day and Anzac day alcohol may only be sold until 12.00 midnight.

For the exterior of the premises:

Monday to Sunday, 9.00am to 11.00pm

- (b) No alcohol may be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person other than any person who is present on the premises for the purpose of dining.
- (c) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Otorohanga District Licensing Committee on 19 September 2018 and no alcohol is to be taken out of this area.

- (d) The interior of the premises is designated as a supervised area (no persons under 18 can be in the area unless with their parent or legal guardian) and the outdoor dining area on the footpath is undesignated.
- (e) The holder of a manager's certificate or a properly notified manager must be on duty and on the premises at all times alcohol is sold.
- (f) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- (g) A Host Responsibility Policy must be maintained and displayed, and the licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- (h) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be displayed at every point of sale appropriate signs detailing these restrictions.
- (i) Drinking water must be freely available and this must be clear to customers, while the premises is open for the sale and supply of alcohol.
- (j) Food must be available for consumption on the premises at all times when open for the sale of alcohol. A minimum of four types of light meals must be available (excluding nuts, chips and the like). Menus and the availability should be clear to customers and food should be actively promoted.
- (k) A range of low-alcohol and non-alcoholic drinks must be available at all times when the premises are open for the sale of alcohol.
- (l) A telephone must be freely available for patrons to call for transport assistance and if requested staff must help to make these arrangements. Telephone numbers for alternative forms of transport from the premises are to be displayed.
- (m) The Licensee must ensure the following are displayed;
 - i) A sign to be seen from outside the principal entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.
 - ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
 - iii) A sign in a prominent place identifying the duty manager.

REASONS

1. This is an application by Weta Promotions Limited for renewal of an on-licence in respect of the premises situated at 57 Maniapoto Street, Otorohanga known as Thirsty Weta Bar & Eatery.
2. The application was advertised, and no public objections have been received. The Liquor Licensing Inspector and Police have provided reports and do not oppose the application. The Medical Officer of Health initially opposed the application due to flaws in the site plan and a lack of information about staff training. However, Weta Promotions Limited has provided further information satisfying these concerns, and the opposition has now been withdrawn. Accordingly, the matter is decided on the papers (section 134).

3. The purpose of the Sale and Supply of Alcohol Act 2012 is to put in place a new system of control over the sale and supply of alcohol (section 3). 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 (section 4).
4. In deciding whether to renew an on-licence the licensing committee must have regard to sections 105 and 131 of the Act. Therefore this committee must consider the following questions within the framework of the purpose and object of the Act:
 - a) Is the applicant suitable?
 - b) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
 - c) Is the design and layout of the premises suitable?
 - d) Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
 - e) Does the applicant have appropriate systems, staff and training to comply with the law?
 - f) Have the police, inspector and medical officer of health raised any relevant considerations?
 - g) Will the amenity and good order of the locality be increased by more than a minor extent by the effects of a refusal to renew the licence?
 - h) Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?
 - i) Does the application comply with the Otorohanga District Local Alcohol Policy?
5. Section 132 provides that the licensing committee may vary or cancel any conditions applying to the licence before its renewal.

Should the licence be renewed?

6. The licensing committee is satisfied that Weta Promotions Limited is a suitable applicant to hold an on-licence. The company has demonstrated compliance with the Sale and Supply of Alcohol Act 2012 and has extensive hospitality experience. The licensing committee is satisfied that Weta Promotions Limited has an appropriate Host Responsibility Policy and staff training programme. There are five Duty Managers employed to ensure that the sale of alcohol complies with the Sale and Supply of Alcohol Act 2012 and an additional two staff members are currently undergoing LCQ training with a view to applying for a manager's certificate. The licensing committee notes that records of all staff training conducted needs to be provided with each renewal application.
7. The licensing committee is satisfied that the current hours of operation are suitable and comply with the Otorohanga District Local Alcohol Policy.
8. The licensing committee is satisfied that suitable measures will be taken to ensure that alcohol is sold and supplied responsibly, and that harm caused by inappropriate or excessive consumption of alcohol is minimised.
9. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. It is well appointed and able to be monitored effectively by the staff of the premises and eight CCTV cameras. The interior of the premises is designated as supervised, which is appropriate for a tavern. There is an outdoor dining area on the footpath adjacent to Wahanui Crescent. The use of this area is permitted by the Otorohanga District Council from 7.00am to 11.00pm, pursuant to a 'Licence to Occupy' agreement. However, this area is only licensed from 9.00am because this is the earliest time permitted by the Otorohanga District Local Alcohol Policy. This area is undesignated, which is appropriate because members of the public, including minors can pass through this area. There is good visibility of the outdoor dining area from the bar through windows on the side of the building.

10. The licensing committee is satisfied that the renewal of the on-licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no reports of any nuisance or vandalism or noise problems associated with this premises in the past three years.
11. The licensing committee is satisfied that alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act.
12. The conditions for this licence have been replaced to ensure that they are consistent with licences issued since the commencement of the Sale and Supply of Alcohol Act 2012. The new conditions include information about the statutory obligations to display signage and the maintenance of a manager's register.

Conclusion

13. Therefore, the application for the renewal of the on-licence is granted.

Dated at this 8th day of November 2018

A handwritten signature in black ink, appearing to be 'S. Grayson', written in a cursive style.

Sara Grayson
Commissioner
Otorohanga District Licensing Committee