



**OTOROHANGA DISTRICT LICENSING COMMITTEE**

Decision Number: 018/OFF/001/15

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by WB & BJ Rogers Ltd for the renewal of an off licence.

**BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Cambridge on <sup>15</sup>18<sup>th</sup> day of May 2015

**INTRODUCTION**

The Otorohanga District Licensing Committee has before it an application by WB & BJ Rogers Ltd for the renewal of an OFF licence in respect to premises situated at 4370 State Highway 31, Oparau and known as The Oparau Roadhouse .

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, and it is therefore determined on the papers by the Chairperson alone in accordance with section 191(2) of the Act.

**THE APPLICATION:**

Application for the renewal of off licence number 018/OFF/3/02 was received by the Otorohanga District Licensing Committee on 30 January 2015 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was on time, in the correct form as detailed by section 127 of the Act, and was accompanied by the correct fee. The application included a statement in regard to fire safety and evacuation schemes as required by section 127(2)(e).

**DECISIONS AND REASONS**

The criteria to which this committee must have regard are detailed in section 131 of the Act.

**“131 Criteria for renewal**

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

*(a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):*

*(b) 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:*

*(c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*

*(d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*

(2) *The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.”*

The provisions of section 105 referred to above are highlighted in bold as follows:

**“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:

Both directors and the store have been part of the Oparau community for a number of years.

The applicant has not adversely come to the attention of the Inspector, Police, Medical Officer of Health or Committee. There have been no incidences or breaches of the Act and they have not failed any controlled purchase operations.

### Local Alcohol Policy:

The application has been assessed against the proposed Otorohanga District Local Alcohol Policy 2013 and is compliant.

### Days and hours:

The applicant is currently operating the default hours of 7 a.m. to 11 p.m. Monday to Sunday.

Their existing licence is from 6 a.m. to 11 p.m. and their proposed days and hours are from 7a.m. to 11p.m. Monday to Sunday inclusive.

The Otorohanga Provisional Local Alcohol Policy 2013 4.6.1 (a) limits the hours for an off licence to 7a.m. to 10p.m.

### Design and Layout of the premise:

The premises are located on the site at 4370 State Highway 31, Oparau.

The premises are laid out as a typical open plan general store. The alcohol chiller is located at the back of the store with alcohol display and shelving at right angles to the cash desk. This is to be the single area of the store. It is not immediately obvious to the customer where the alcohol display is. A locked cabinet is located across from the cash desk and the applicants have agreed to relocate the spirit display to the other display to meet sections 112, 113 and 114 of the Act.

The storage cabinet is currently being manufactured and is yet to be put in place.

The applicant has provided a floor plan date stamped 25 February 2015.

The applicant proposes no changes to the existing designation of unsupervised.

### Sale of Goods and Services other than those related to alcohol

Other goods sold on site include fresh and frozen food, snacks, soft drinks, grocery items, hardware, LPG and fuel. NZ Post and Lotto.

### Reduction of amenity and good order

The premises are sited rurally on state highway 31. It is 14 km from Kawhia and is used by both locals and tourists on route to the township.

No incidences have occurred in the neighbourhood which would be directly linked to these premises contributing to alcohol harm i.e. tagging/crime/violence/noise and vehicle accidents. There was no observed tagging at the time of the visit.

The store is not situated in an area where the Liquor Control Bylaw 2007 is in force between Christmas Eve and Waitangi Day.

#### Systems, staff and training

The applicant has 4 duty managers including the owners themselves. The owners are mostly on site and take an active role in the running of the store and restaurant/café (which is part of a separate application). They have the advantage of knowing the locals which is easier for them to thwart a sale to a prohibited person.

#### Manner in which the premises have been operated

Meets the requirements of the legislation.

#### Issues raised by reporting agencies

None

#### The public

None

#### CONCLUSION

Having been satisfied as to the matters to which the Committee must have regard in s.131 of the Act as detailed above, the application is **granted**.

A replacement licence and renewal notice can be issued immediately containing the compulsory conditions of section 116 offs and the conditions to which the existing licence is subject namely:

- 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:  
Monday to Sunday 7am to 11pm
- 3) 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.

- 4) The entire premises are to be undesignated
- 5) Drinking water must be freely available in the following places to customers at all times the premises are open for business:
  - a. In the body of the shop near where the samples are being provided.
- 6) The holder of an off-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.
- 7) The applicant has provided a floor plan which defines the single area where alcohol displays and promotions are confined to.

**DATED AT Cambridge THIS 15th DAY OF MAY 2015**



Chairperson  
**OTOROHANGA DISTRICT LICENCING COMMITTEE**