

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by MTN Hospitality Limited pursuant to s.99 of the Act for an On-Licence in respect of premises situated at 19 Goldfinch Street, Ohakune, known as "Ha Long Bistro".

BEFORE THE RUAPEHU DISTRICT LICENSING COMMITTEE

Commissioner: Ross Murphy

DECISION

1. This is an application by MTN Hospitality Limited pursuant to s.99 of the Act for an On-Licence in respect of premises situated at 19 Goldfinch Street, Ohakune, known as "Ha Long Bistro".
2. The application was required to be notified in accordance with s.101 of the Act. No objection has been received under s.102 of the Act.
3. Reports from the Police, Medical Officer of Health and an Inspector do not raise any matters in opposition to the application. Accordingly, the application is determined on the papers.
4. **In deciding whether to issue the licence the District Licensing Committee must have regard to the criteria in s.105 of the Act.** Therefore, this committee must consider the following questions within the framework of the purposes and object of the Act:
 - Is the object of the Act met or likely to be met?
 - Is the applicant suitable?
 - Are the requirements of any relevant local alcohol policy met?
 - Are the days on which and the hours during which the applicant proposes to sell alcohol reasonable?
 - Is the design and layout of the premises suitable?
 - Does the applicant engage 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?
 - Is the amenity and good order of the locality likely to be reduced by more than a minor extent if the licence is issued, and is it already so badly affected by the effects of existing licences that it would be unlikely to be reduced further other than a minor extent by the effects of the issue of this licence but it is nevertheless desirable not to issue any further licences?
 - Does the applicant have appropriate systems, staff and training to comply with the law?
 - Is the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol appropriate?
 - Have the Police, the Medical Officer of Health or an Inspector raised any relevant considerations?
5. **Is the object of the Act met or likely to be met?**

There is no opposition from the agencies and all documentation convinces the committee there are no concerns regarding the potential for alcohol related harm.

6. Is the applicant suitable?

The licensing committee is satisfied that MTN Hospitality Limited is a suitable entity to hold this licence. The director is of good character and has demonstrated the ability to comply with the Sale and Supply of Alcohol Act 2012.

7. Are the requirements of any relevant local alcohol policy met?

The licensing committee is satisfied there are not matters contrary to the Ruapehu local alcohol policy.

8. Are the days on which and the hours during which the applicant proposes to sell alcohol reasonable?

MTN Hospitality Limited proposes to operate the restaurant from 10.00 am to 12.00 midnight. The committee is satisfied that these hours are appropriate for this operation.

9. Is the design and layout of the premises suitable?

The licensing committee is satisfied that the restaurant has a suitable design and layout to meet the requirements of the act. It is well appointed and able to be monitored by the staff on duty. The entire premises is undesignated.

The licenced areas include the small downstairs restaurant and a mezzanine floor with the toilets on that upper floor. There is an outdoor area for patrons but that is not included in the licenced area at this stage. There is CCTV throughout.

10. Does the applicant engage 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?

MTN Hospitality Limited does not engage in the sale of goods or services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food.

11. Is the amenity and good order of the locality likely to be reduced by more than a minor extent if the licence is issued, and is it already so badly affected by the effects of existing licences that it would be unlikely to be reduced further other than a minor extent by the effects of the issue of this licence but it is nevertheless desirable not to issue any further licences?

There are a number of licensed premises in the area of a similar range. There are no sensitive sites that would be affected by the issue of this licence.

12. Does the applicant have appropriate systems, staff and training to comply with the law?

The licencing committee is satisfied that MTN Hospitality Limited has an appropriate Host Responsibility Policy. Regular training for all staff has been promised and the appropriate materials supplied to make this happen. The applicant proposes that there will be three managers appointed.

13. Have the Police, the Medical Officer of Health or an Inspector raised any relevant considerations?

The Police, Inspector or MOH have raised no issues regarding any of the above criteria and the Committee has no concerns.

14. The Licensing Committee is satisfied as to the matters to which must be regarded as set out in the Act and grant the application with the following conditions;

- a) Alcohol may only be sold or supplied while always trading as a restaurant.
- b) Alcohol may be sold and supplied only on the following days and during the following hours:
Monday to Sunday 10.00 am to 12.00 midnight.

- c) No alcohol may be sold or supplied on the premises from midnight for all of Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day, to any person unless they are present for the purpose of dining.
- d) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the District Licensing Committee on 19 July 2023 and no alcohol is to be taken out of this area.
- e) The entire premises is undesignated.
- f) A properly appointed certificated, acting or temporary manager must be on duty at all times when the premises are open for the sale and supply of alcohol. If such a manager is not present then there must be no alcohol sales and a notice displayed advising the public of this fact.
- g) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- h) A Host Responsibility Policy must be maintained and displayed at all points of sale and the Licensee must ensure all staff receives training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- i) 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.
- j) Drinking water must be freely available and this must be clear to customers, while the premises are open for the sale and supply of alcohol.
- k) Food must be available for consumption on the premises at all times when open for the sale of alcohol in accordance with the restaurant menu submitted with the application for this licence, or variations of a similar range and standard.
- l) 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.
- m) A telephone must be freely available for customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed.
- n) The Licensee must ensure the following are displayed;
 - i) A sign to be seen from outside the principle 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 principle entrance so persons entering can read it.
 - iii) A sign in a prominent place identifying the duty manager.

DATED this 1st day of February 2024



Ross Murphy
Commissioner
Ruapehu District Licensing Committee