

DECISION NUMBER

4372/2024

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **Sara
Jane Heke-I-Te-Rangi
Nikora** for a renewal of On-
licence pursuant to section
127 of the Supply of Alcohol
Act 2012.

BEFORE THE RUAPEHU DISTRICT LICENSING COMMITTEE

The application for renewal of On-licence (032/ON/4123/2023) was publically advertised in the Ruapehu Bulletin newspaper on 31 January 2024, along with a display notice attached to the premise in accordance with the Regulations, with no objections received.

As no matters of opposition were raised under section 102 and 103 reports; therefore the matter was considered by the Ruapehu District Licensing Commissioner on the papers contained in the full file provided by the secretary.

Commissioner: Stuart Hylton

DECISION OF THE RUAPEHU DISTRICT LICENSING COMMITTEE

1. Application

On the 23 January 2024, **Sara Jane Heke-I-Te-Rangi Nikora** on the prescribed form made application for renewal of an On-licence. This is the first renewal application by the licensee and the premises is assessed as low risk.

The application for renewal of On-licence is in relation to the premises known as '*Frank's Eatery & Bar*' situated at 2 Tyne Street, Ohakune.

The general nature of the business is that of a 'Restaurant Style On-licence'. The renewal application seeks to renew with the same conditions as currently exist.

The premise has not come to the notice of authorities in an adverse manner during the renewal period.

The complete file included –

- The application
- Fire evacuation compliance statement
- Host Responsibility Plan
- Food/Drinks list
- Floor plan
- Photo's
- Copy of draft public notice and public display
- Existing Licence
- Reports from Police, Medical Officer of Health and Inspector

2. Decision Making

In considering this application for On-Licence the licensing committee had regard to the criteria under section 131 and 105 of the Act. Section 105 assessments were made using the inspector's full report and own assessment. I accept the inspector's assessment and recommendations.

Key matters raised in complete file including the inspector's report were –

- The applicant is a sole trader who has operated this licence for a year and has previous industry experience. The applicant has named two managers for the licence which is seen as suitable given the nature and low risk of this type of premises.
- The premise has not come to the notice of authorities in an adverse manner during the renewal period.
- The applicant provided a host responsibility plan that if followed should ensure the object of the act is met.
- The applicant appears to have appropriate systems, staff and training to comply with the law.

- There were no reports questioning suitability and neither do I.
- The existing trading hours are:

Monday to Sunday, between 8.00am & 10.00pm.

The applicant has operated within the existing hours without any apparent issue and therefore there is no opposition to the proposed trading hours.

- Floor plan provided works well for the nature of the business held on the premises. The premises is located in an old villa and has an open plan layout. The licensed area also includes a small deck and outdoor courtyard areas. There have been no changes to the layout since the new On Licence was issued, therefore the site plan date stamped 17 January 2023 that was provided with the application remains valid. The premise will continue to be 'Undesignated' which is normal for a restaurant type ON-licence.
- No CPTED or amenity or good order issues raised with renewal. There is no reason to believe the amenity and good order of the locality would likely to be increased, more than a minor extent, by the effects of a refusal to renew the licence.
- The applicant has satisfactory systems for staff training and performance. The Inspector reports that a review of the supporting information demonstrates that the applicant has appropriate systems, staff and training to meet the requirements of the Act and the Ruapehu LAP.
- The application accords with the Ruapehu LAP.

3 Reporting Agencies

The following reports were received under section 103 of the Act and taken into account during the decision.

3.1 Police – Report received on 1 February 2024, of no opposition.

3.2 Medical Officer of Health – Report received on 22 February 2024, of no opposition.

3.3 Licensing Inspector – Full report dated 7 March 2024. The inspector has no opposition to the application and assessed the application against s.105 matters with no matters of opposition raised. The inspector concludes that the application is complete and recommends renewal of the licence with existing conditions.

4 Conclusion

Based on the evidence provided to me within the complete file, my assessment above of section 105 matters and the past operation of the premise/licensee, I conclude that the application by **Sara Jane Heke-I-Terangi Nikora** meets the statutory criteria to be granted a renewal of On-Licence under the Act for a period of three (3) years, from the expiry date of the previous licence.

The licence will be subject to the following conditions:

- (a) Alcohol may only be sold or supplied while always trading as a Café / Restaurant.**
- (b) Alcohol may be sold and supplied only on the following days and during the following hours:**

Monday to Sunday 8.00 am to 10.00 pm.
- (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 17 January 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 at 2 Tyne Street, Ohakune 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 at 2 Tyne Street, Ohakune so persons entering can read it.**
- (iii) A sign in a prominent place identifying the duty manager.**

5 Decision

Accordingly the application is **Approved** for issue immediately.

Dated at Ruapehu District this 10th day of March 2024.



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Stuart Hylton
Ruapehu District Licensing Commissioner