

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **4 Kings
Group Limited** 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/4370/2024) was publically advertised in the Ruapehu Bulletin newspaper on 7 and 14 February 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 8 March 2024, **4 Kings Group Limited** on the prescribed form made application for renewal of an On-licence. This is the eighth renewal application by the licensee since the original licence was issued in 2004.

The application for renewal of On-licence is in relation to the premises known as '*King's Burger Saloon*' situated at 3 Rimu Street, Ohakune.

The general nature of the business is that of a 'Restaurant Style On-licence'. The renewal application seeks to renew with a varied condition to extend the licensed area to include the grassed area in front of the premises. 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 private company who have operated this licence for many years. The applicant has named four managers for the licence which is viewed as suitable. The premises has a 'medium' risk rating.
- The applicant has sought variation to extend the licensed area to include the grassed area in front of the premises. This area is well utilised during pleasant weather and is popular with families as there are garden games out on occasion to enjoy. The Inspector notes that currently only a small grassed area is licensed and it can be challenging to ensure patrons do not stray over the small path to the inviting area with alcoholic beverages. Licensing the additional area will make patron and venue management easier, as well as more enjoyable for customers during the summer months. Variation is not opposed by anyone.
- The premise has not come to the notice of authorities in an adverse manner during the renewal period although the inspector is working with the applicant on building compliance updates and staff training record keeping.
- 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 that are sought to be renewed are:

Monday to Sunday, between 9.00am and 3.00am the following day.

These hours fall within the default national maximum trading hours allowable. The applicant has operated within the existing hours without any apparent issue.

- The updated floor plan date stamped 19 March 2024, shows the licensed footprint including increased area. Alcohol sales take place from the bar accessed via the main entry. The bar is the midpoint between the restaurant dining area and the TV dance floor area. The ‘bar’ is designated ‘supervised’ with the rest of the premises undesignated.
- 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 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 21 February 2024, of no opposition.

3.3 Licensing Inspector – Full report dated 20 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 suggested conditions subject to the changed licensed footprint applied for.

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 **4 Kings Group Limited** 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 must only be sold, supplied and consumed within the area marked on the plan submitted with the application date stamped as received by the Ruapehu District Licensing Committee on **19th March 2024**.
- b. The 'Bar' area as defined on the plan is designated as a **supervised** area with the rest of the licensed area **undesignated**.
- c. No alcohol is to be sold or supplied on the premises on **Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day** to any person who is not present on the premises to dine.
- d. Alcohol may only be sold or supplied on the following days and during the following hours when the premises are being operated as a **Hotel**:

Monday to Sunday, between 9:00 am and 3:00 am the following day

- e. the following steps must be taken to promote the responsible consumption of alcohol:
 - The licensee must implement and maintain the steps proposed in their host responsibility policy aimed at promoting the reasonable consumption of alcohol.
 - Drinking water must be freely available to customers on the premises while the premises are open for business.
 - At all times when the premises are open for the sale of alcohol, a reasonable range of non-alcoholic and low alcoholic beverages must be available.
 - Food must be available for consumption on the premises at all times when the premises are open for the sale of alcohol in accordance with the menu submitted with the application for a licence, or variations of that menu of a similar range and standard.
 - The licensee must ensure that signs are prominently displayed within the licensed premises detailing the availability of assistance and information regarding alternative forms of transport from the premises.

- f. The following steps must be taken by the licensee to ensure that the provisions of this Act relating to the sale and supply of alcohol to prohibited persons are observed:
- Display of appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
 - Display of an appropriate sign to be seen outside the principle entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.
 - Display of an appropriate sign adjacent to every point of sale detailing the food available for sale.
 - A copy of the licence with all the conditions, just inside the principle entrance so persons entering can see it.
 - 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 25th day of March 2024.



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Stuart Hylton
Ruapehu District Licensing Commissioner