

DECISION NUMBER

32/ON/4383/2024

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Avika Limited** for an On-licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 70 Clyde Street, Ohakune and known as 'Ohakune Tavern'.

BEFORE THE RUAPEHU DISTRICT LICENSING COMMITTEE

The application for a new On-licence was advertised in the Ruapehu Bulletin newspaper on 31 January and 7 February 2024; together with statutory signage on the building. No objections were received and no s. 103 reports noted any opposition.

Therefore the matter is considered by the Ruapehu District Licensing Commissioner on the papers contained in the full file provided by the secretary in accordance with the provisions of s.202 (1) and 191(2) of the Sale and Supply of Alcohol Act 2012.

Commissioner:Stuart Hylton

DECISION OF THE RUAPEHU DISTRICT LICENSING COMMITTEE

Application

- (1) The application was made on the 23 January 2024 on the prescribed form. This is a new licence application brought about by a change of ownership for an existing licensed premises. The premises are currently operating under a second Temporary Authority by the applicant.

The premises is at 70 Clyde Street, Ohakune, with the principal entrance accessed off Clyde Street. This is more precisely shown on floor plan date stamped as received by the DLC on 27 February 2024.

The general nature of the business will continue to be a Tavern/Restaurant Style On-licence. The licensed area includes a bar, restaurant dining area, gaming area, pool table area, an outdoor deck located at the rear of the premises and the alfresco dining area located on the footpath at the front of the premises.

- (2) The owners have given consent and tenure for the licensed operation. The floor plan provided with the application clearly shows the areas to be licensed which has the main bar designated 'supervised', the gaming room designated 'restricted' and the rest of the premises undesignated.

- (3) The applicant is an incorporated company with two directors and shareholders. The company has been operating this particular licensed premises under a Temporary Authority for around five months. The company also has a licence for and operates three other premises - one in Taumarunui, one in Taihape and one in Stratford. There are no known concerns about how these premises are run.
- (4) The premise will be known as the “**Ohakune Tavern**”.
- (5) The complete file that the District Licensing Committee received included evidence that the following was provided as part of the application –
 - The application
 - Certificate of incorporation
 - Floor plan
 - A s.100(f) RMA/ Building Act compliance letter from Council
 - Letter from applicant’s landlord agreeing to the application to be licensed.
 - Letter from landlord representative as having the necessary evacuation scheme
 - Copy of public notice on the building
 - Host Responsibility Policy
 - Full menu
 - Public Advert wording
 - Reports from Police, Medical Officer of Health and Inspector

Decision Making

- (6) In considering this application for On-Licence the District licensing Committee (here in after referred to as the ‘Committee’) had regard to the criteria specified under s. 105 of the Act.
- (7) **The object of this Act:**

This is a new license within an existing licensed premises for an experienced licensee. The premise is classified as medium risk. A Temporary Authority has been held by the applicant for this premises for around five months with no concerns noted.

The applicant provided a Host Responsibility Policy that shows how alcohol will be sold in a responsible manner under the licence. If followed this should ensure the object of the Act continues to be complied with.

- (8) **The suitability of the applicant:**

The applicant, **Avika Limited**, is an incorporated company with two directors and four shareholders. The applicant has supplied the name of six certified managers to oversee the licence which is seen as suitable for this type of licence.

- (9) The inspector and reporting agencies do not challenge suitability of the applicant and neither do I.

- (10) **Any relevant local alcohol policy:**

The Ruapehu LAP has been adopted. The inspector has noted that the application accords with the LAP.

(11) The days on which and the hours during which the applicant proposes to sell alcohol:

The applicant has applied for the following days and hours which are supported by the inspector – **Monday to Sunday - 9.00am to 2.00am the following day.**

The hours accord with the national default maximum trading hours. The applicant and inspector have one year to monitor whether they are suitable before possible renewal.

(12) The design and layout of any proposed premises:

The application included a floor plan dated 27 February 2024 that shows the area to be licensed. The licensed area has the main bar designated ‘supervised’, the gaming room designated ‘restricted’ and the rest of the premises undesignated.

(13) 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:

No

(14) 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:

Within the agency reports there are no concerns about the possible reduction in amenity and good order from any licence issued.

The premise is in an appropriately zoned area which should ensure the amenity and good order of the locality are not effected by more than a minor extent.

(15) 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:

No concerns raised.

(16) Whether the applicant has appropriate systems, staff, and training to comply with the law:

If the host responsibility policy is followed, the licence holder should have no problems with compliance. The applicant has taken their licensing responsibilities seriously and there is no reason to suggest this will not continue. Issues raised by the Inspector and MOH during inspections seem to have been taken seriously and rectified.

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”*.

Reporting Agencies

The following reports were received under section 103 of the Act.

- (17) **Police** – Report received on 30 January 2024, offering no opposition.
- (18) **Medical Officer of Health** - Report received 15 February 2024, offering no opposition. Matters were raised with the applicant following an inspection and largely rectified. The applicant needs to take notice of the MOH's concerns and instructions during the next licence period.

(19) Licensing Inspector

Full report dated 10 April 2024. The inspector provided a comprehensive report into the application and concluded that the application is complete, appears to meet the criteria for a new on-licence and therefore supports the grant of the application.

Committees Decision and Reason

- (20) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my assessment above, I conclude that the application meets the s. 105 criteria under the Act to be granted an On-licence for the premise situated at 70 Clyde Street, Ohakune and known as 'Ohakune Tavern'.

- (21) Accordingly the application is **approved** for issue for one year subject to the following conditions.

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

For the interior of the premises: Monday to Sunday 9.00 am to 2.00 am 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 9.00 am to 10.00 pm.

- (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 who is not on the premises to dine.
- (c) 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 27 February 2024 and no alcohol is to be taken out of this area.
- (d) The following designations shall apply and be clearly displayed:
- **Restricted Designation:** the gaming room
 - **Supervised Designation:** the alfresco area, the main bar and casual seating area
 - **Undesignated:** remainder of the premises
- (e) The holder of a manager's certificate or a properly notified manager shall 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 the Licensee must ensure all staff receives 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 are 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. If a la carte menu or buffet meals are not available then a minimum of four types of light meals must be available. Menus and their 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 customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed.
- (m) The Licensee must ensure the following are displayed;
 - (i) A sign to be seen from outside the principle entrance at 70 Clyde 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 70 Clyde Street, Ohakune so persons entering can read it.
 - (iii) A sign in a prominent place identifying the duty manager.

(17) Decision

Accordingly the application is **Approved** for issue from this date.

Dated at Ruapehu District this 11th day of April 2024.



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Stuart Hylton
Ruapehu District Licensing Commissioner