

# Matamata-Piako District Licensing Committee



## IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

## AND

## IN THE MATTER

of an application by **Austins Bar & Bistro Limited** for the renewal of an **on-licence** pursuant to section 127 of Act in respect of premises situated at 174 Whitaker Street, Te Aroha and known as Austins Bar and Bistro.



Licence Number: **13/ON/014/2020**  
Original Licence Number: 13/ON/004/2017  
File Number: 162.2016.1116.3

## BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

## DECISION ON THE PAPERS

This is an application by Austins Bar & Bistro Limited for renewal of their on-licence in respect of a premises situated at 174 Whitaker Street, Te Aroha known as the Austins Bar and Bistro. The general nature of the business is that of a Bar & Bistro.

The application was filed on 29 April 2020 and was advertised in accordance with the Act, in the Piako Post on 22 & 29 July 2020. No public objections were received.

Section 208 of the Act states

Where any person has neglected or omitted to do any act or thing in the precise manner or within the precise time pre-scribed by this Act, the licensing authority or (as the case may require) the licensing committee or the chairperson, if satisfied that the neglect or omission was not wilful, may waive the same on such terms as they think equitable.

The reason given for the non compliance falls within Section 208. The Piako Post was closed during the required time period due to Covid-19. When the Covid-19 period ended, the public notification was overlooked by the applicant. When the oversight was realised the notification was done.

The days and hours of operation set out in the application are:

**Monday to Sunday from 11.00am until 1.00 am the following day**  
**Outside Licensed Area**  
**Monday to Sunday from 11.00 am until 11.00 pm**

These days and hours are less than the existing licensed hours and comply with the requirements of Council's Provisional Local Alcohol Policy as it applies to this type of premises.

A handwritten signature in blue ink, appearing to be "AW", located to the right of the text block.

The application was referred to the Police, Medical Officer of Health and Inspector for comment. No matters in opposition have been raised in respect of the application. Accordingly the application is determined on the papers.

The applicant, in accordance with s.212 of the Act, has named two managers with a current certificate to manage the sale of alcohol from the premises.

In deciding whether to renew an on-licence the committee must have regard to the matters set out in s.105 and s.131 of the Act. These are:



**Section 105**

- (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:*
- (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*

**Section 131**

- (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.*

The object of the Act is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol should be minimised.

The Inspector has noted that he considers the applicant, Austins Bar & Bistro Limited, to be suitable to hold an on-licence. He has also noted that in his opinion the amenity and good order of the locality would be unlikely to be increased by more than a minor extent by the effects of a refusal to renew the licence.

I am satisfied as to those matters to which I must have regard and grant the renewal of the on-licence for a further three years.

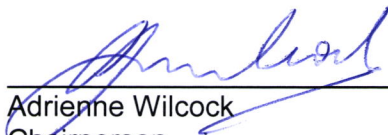


The renewal certificate can be issued immediately.

**Conditions**

- a) No alcohol is to 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—  
i) present on the premises to dine.
- b) Alcohol may be sold only on the following days and during the following hours:  
  
**Monday to Sunday from 11.00 am until 1.00 am the following day**  
**Outside Licensed Area**  
**Monday to Sunday 11.00 am until 11.00 pm**  
**(only when dining)**
- c) The licensee shall take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:  
i) All staff will be trained in their responsibilities under the Act.  
ii) Evidence of age documents will be requested from any person appearing to be under the age of 25.  
iii) A sign shall be prominently displayed inside the premises which identifies the name of the manager on duty or the person responsible for the management of the sale and supply of alcohol under the licence.  
iv) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons.  
v) Photo identification is required to be produced by the customer when staff are in doubt of age.
- d) The licensee shall have a reasonable range of food available for consumption on the premises at all times when alcohol may be sold under the licence. The food shall be of the range and types of food submitted with the application or alternately the range of food should include items such as paninis, pizza, lasagne, toasted or fresh sandwiches, wedges, pies, filled rolls and/or salads. Menus must be visible and food shall be actively promoted.
- e) The licensee shall have a reasonable range of low alcohol and non-alcoholic refreshments available for consumption on the premises at all times when alcohol may be sold under this licence.
- f) The licensee shall ensure that drinking water will be made readily available to all patrons at each table, free of charge.
- g) The whole premises is undesignated.

**Dated** at Te Aroha this 31<sup>st</sup> day of July 2020

  
\_\_\_\_\_  
Adrienne Wilcock  
Chairperson  
Matamata-Piako District Licensing Committee

