

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 **Anika & Co Limited** for the renewal of an **on-licence** pursuant to section 127 of Act in respect of premises situated at 81 Whitaker , Te Aroha and known as The Grand Tavern.



Licence Number: **13/ON/009/2020**
Original Licence Number: 13/ON/006/2019
File Number: 162.2019.1446.2

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

DECISION ON THE PAPERS

This is an application by Anika & Co Limited for renewal of their on-licence in respect of a premises situated at 81 Whitaker Street, Te Aroha known as the The Grand Tavern. The general nature of the business is that of a Hotel.

The application was filed on 5 March 2020 and was advertised in the Piako Post on 20 & 27 May 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 applicant was unaware of the requirement. There was no wilful neglect or omission. There was also a delay due to Covid-19 lockdown and no newspapers running.

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

Monday to Sunday from 7.00 am until 1.00 am the following day

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

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.

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The applicant, in accordance with s.212 of the Act, has named four 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, Anika & Co 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

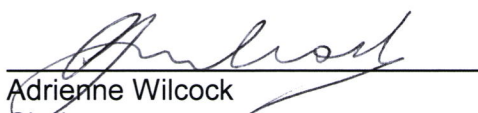
- a) No alcohol is to be sold on the premises on **Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day** to any person who is not-
- i) Residing or lodging on the premises, or
 - ii) Present on the premises to dine

- b) Alcohol may only be sold under the licence on the following days and hours.

Monday to Sunday from 7.00 am until 1.00 am the following day

- c) The licensee must 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.
- 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 food of a similar range and standard.
- 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 must ensure that drinking water will be made readily available to all attendees at each table, free of charge.
- g) The Gaming Lounge to be designated Restricted, the bar area Supervised, the remainder of the premises undesignated.
- h) The following steps shall be taken by the licensee to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
- i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the sale of alcohol to minors and the complete prohibition of sales to intoxicated persons, and
 - ii) Photo identification is required to be produced by the customer when staff are in doubt of their age.

Dated at Te Aroha this 10th day of June 2020


Adrienne Wilcock
Chairperson
Matamata-Piako District Licensing Committee

