

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 **Open Season Investments 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 known as The Duck and Cover.



Licence Number:	13/ON/012/2023
Original Licence Number:	13/ON/11/2022
File Number:	162.2022.1740.2

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Sue Whiting

DECISION ON THE PAPERS

This is an application by Open Season Investments Limited for renewal of their on-licence in respect of a premises situated at 174 Whitaker Street, Te Aroha known as the The Duck and Cover. The general nature of the business is that of a Restaurant/Bar.

The application was filed on 26 May 2023 and was advertised in accordance with the Act, in the Piako Post on 7 and 14 June 2023. No public objections were received.

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

Monday to Sunday from 8.00 am until 1.00 am the following day
Outside Licensed Area:
Monday to Sunday from 8.00 am until 11.00 pm (only when dining)

These days and hours 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.

The applicant, in accordance with s.212 of the Act, has named five 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*
- (h) *whether the applicant has appropriate systems, staff, and training to comply with the law*
- (i) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103*

Section 131

- (a) *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*
- (b) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129*
- (c) *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, Open Season Investments 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 8.00 am until 1.00 am the following day
Outside Licensed Area:
Monday to Sunday from 8.00 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
- 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 licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display 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
- h) The whole of the premises is undesignated
- i) The holder of a Manager's Certificate or a properly appointed manager shall be on duty and on the premises at all times alcohol is sold. If a duty manager is not present then there must be no alcohol sales and a notice displayed advertising the public of this fact
- j) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite
- k) The licensee must ensure the following are displayed:
- (i) A sign to be seen from outside the principle entrance stating the ordinary hours of business during which the premise will be open for the sale of alcohol
 - (ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
 - (iii) A sign in a prominent place identifying the duty manager.



- l) The area where alcohol is to be sold and consumed is described in the plan stamped and received by the District Licensing Committee on the 29th of May 2023 and no alcohol is to be taken out of that area. The outside area can only be used to consume alcohol when a current license to occupy is held.

Dated 24 July, 2023



Sue Whiting
Chairperson
Matamata-Piako District Licensing Committee

