

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 an **on-licence** pursuant to section 99 of the Sale and Supply of Alcohol Act 2012 known as The Duck and Cover.



Licence Number:
File Number:

13/ON/011/2022
162.2022.1740.1

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

DECISION ON THE PAPERS

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

The days and hours which the applicant proposes to sell alcohol are:

Monday to Sunday 8.00 am until 1.00 am the following day

Outside Licensed Area

**Monday to Sunday 8.00 am until 11.00 pm
(Only when dining)**

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

This application was lodged on 22 June 2022 and was advertised in accordance with s.101 of the Act, in the Piako Post on 22 June and 6 July 2022. No public objections were received.

The premises is currently trading pursuant to a temporary authority issued by this authority. This expires on 2 August 2022.

The application was referred to the Police, Medical Officer of Health and Inspector for comment as required by s.103. None of the reporting agencies have raised any matters in opposition to the application. The certificates required by s.100(d) and (f) have been received.

The criteria that must be considered in determining an on-licence are set out in s.105 of the Sale and Supply of Alcohol Act 2012. These are:

- (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 (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:*
- (i) *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:*
- (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*

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 the excessive or inappropriate consumption of alcohol should be minimised.

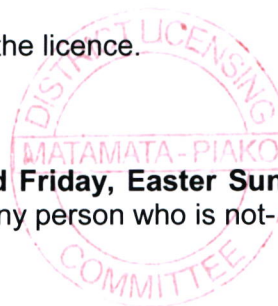
The Licensing Inspector has noted that in his opinion the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence. His recommendation is for the application to be granted subject to conditions.

I am satisfied as to those matters to which I must have regard and grant the applicant an on-licence for a period of 1 year pursuant to s104.

The applicant must comply with all conditions specified on the licence.

The licence will be subject to the following 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 be sold only on the following days and during the following hours:
Monday to Sunday 8.00 am until 1.00 am the following day

Outside Licensed Area

**Monday to Sunday 8.00 am until 11.00 pm
(Only when dining)**

- 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 have 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) Food must be available for consumption on the premises as follows:

A range of food choices must be readily available at all times that the premises is open. Menus must be visible and food must be actively promoted. A minimum of three types of food should be available. The range or style of food will be as shown on any menu submitted. Alternatively, the range of food should include such items as paninis, pizzas, lasagne, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.

- 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 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 notified 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) A 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 13th of July 2022 and no alcohol is to be taken out of that area. The outside area can only be used to consume alcohol when a current licence to occupy is held.

Dated at Te Aroha this 18th day of July 2022

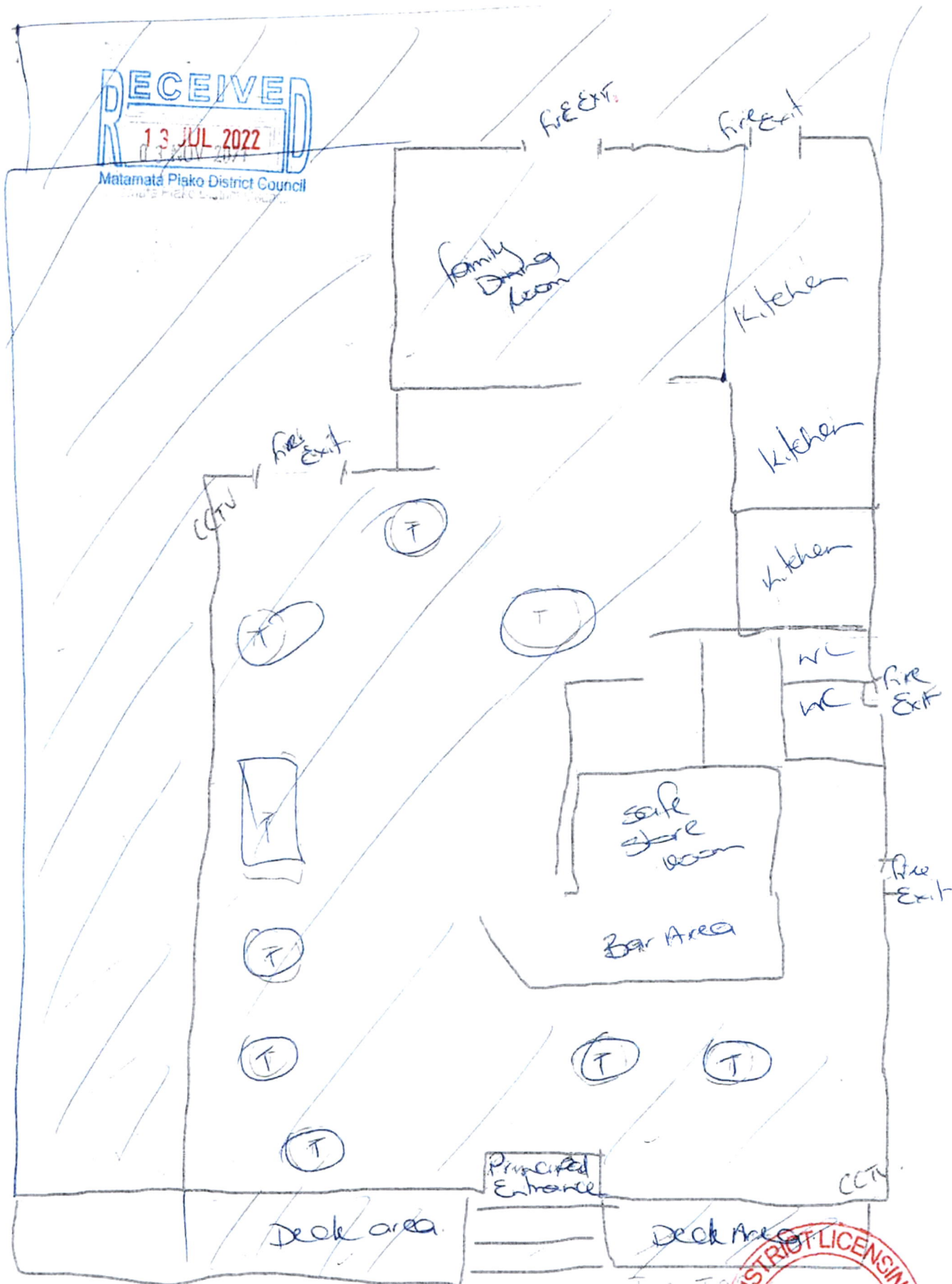


Adrienne Wilcock
Chairperson
Matamata-Piako District Licensing Committee



RECEIVED
13 JUL 2022

Matamata Piako District Council



T = AREA OF SALE OF ALCOHOL



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