

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 **Taj Indian Takeaways Limited** for the renewal of an **on-licence** pursuant to section 127 of Act in respect of premises situated at 120 Whitaker Street, Te Aroha and known as the Taj Indian Restaurant and Takeaways.



Licence Number: **13/ON/008/2022**
Original Licence Number: **13/ON/005/2019**
File Number: **162.2015.997.4**

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

DECISION ON THE PAPERS

This is an application by Taj Indian Takeaways Limited for renewal of their on-licence in respect of a premises situated at 120 Whitaker Street, Te Aroha known as the Taj Indian Restaurant and Takeaways. The general nature of the business is that of a Restaurant.

The application was filed on 24 February 2022 and was advertised in accordance with the Act, in the Te Aroha News on 24 March 2022. No public objections were received. Unfortunately, the hours in the original publication were incorrect; therefore, the applicant had to re-advertise.

This was done in the Te Aroha News on 19 May 2022 and no objections were received.

Section 37 (2)(b) of the Sale and Supply of Alcohol Regulations 2013 relates to the manner of publication of public notice of applications for renewals of licences for premises or conveyance in very low-risk or low-risk fees category if published in a newspaper, one publication is sufficient. This application falls within that category.

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

Monday to Sunday from 11.00 am until 10.00 pm.

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.

The applicant, in accordance with s.212 of the Act, has named two managers with current certificates 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*

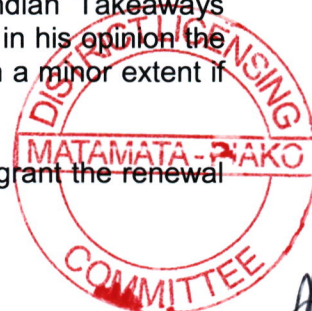
Section 131

- (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, Taj Indian Takeaways 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 will not improve by more than a minor extent if the licence was not renewed.

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 11.00am until 10.00pm
- 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) 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 are open. Menus must be visible and food should 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 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 premises is undesignated.
- (i) The holder of a Manger'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.

Dated at Te Aroha this 29th day of June 2022



Adrienne Wilcock
Chairperson
Matamata-Piako District Licensing Committee

