

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **PETER AND  
DEBRA MONK 2014 LIMITED** for an  
On- Licence pursuant to section 100 of  
the Sale and Supply of Alcohol Act  
2012, in respect of the premises situated  
at 3 High Street, Marton and known as  
“Sugar Plum Cafe”.

**BEFORE THE RANGITIKEI DISTRICT LICENSING COMMITTEE**

The application for a new On-Licence was advertised on the Council’s website from the 6<sup>th</sup> to the 22<sup>nd</sup> March 2018 with no objections received. A statutory notice was placed in the main entrance and viewed by the inspector.

No matters of opposition were raised under section 102 and 103 reports; therefore the matter was considered by the Rangitikei District Licensing Commissioner on the papers contained in the full file provided by the secretary in accordance with the provisions of s.202 (1) and 191(2) of the Sale and Supply of Alcohol Act 2012.

**Commissioner:        Stuart Hylton**

**RESERVED DECISION OF THE RANGITIKEI DISTRICT LICENSING  
COMMITTEE**

***Application***

(1) The application was made on the 28th February 2018 on the prescribed form. The application seeks to reestablish an existing café that was shut since a fire in 2013 damaged the building. The premise is a single floor building with 3 eating areas and previously held an on-licence which expired in 2013. The general nature of the premises will be that of a Restaurant/Café.

(2) The premise at 3 High Street, Marton, is owned by the applicant. The premise is within a commercial area with neighbouring retail business. The premises is within a liquor ban area and no additional consent requirements apply.

(3) The applicant is a private company incorporated in 2014. There are two directors who also are 50% shareholders. The applicant has named three managers to assist with management of the license and premises. The inspector does not challenge suitability.

(4) The premise is to be known as the ‘Sugar Plum Cafe’ and is seeking no ‘designation’. The principal entrance is off High Street and the hours applied for are –

- **Monday to Sunday 8am to 1am the following day.**

(5) The complete file that the District Licensing Committee received included –

- The application
- Floor plan
- A s. 100(f) RMA/ Building Act compliance letter from Council
- Letter from applicant attesting to owner having and maintaining an evacuation scheme
- Copy of public notice on the building
- Host Responsibility Policy
- 100(d)(i) Evacuation Scheme Statement from applicant
- Full menu
- Public Advert wording
- Premise photos
- Reports from Police, Medical Officer of Health and Inspector

### ***Decision Making***

(6) In considering this application for On-Licence the District licensing Committee (here in after referred to as the ‘Committee’) had regard to the criteria specified under s. 105 of the Act.

#### **(7) the object of this Act:**

With a new licensee it’s always difficult to predict the type of premise that will operate although with such an established premise and given its history and background it’s hard to envisage the licence operating much differently than stated.

The applicant provided a Host Responsibility Policy that shows how alcohol will be sold in a professional and responsible manner under the licence. If followed this should ensure the object of the Act continues to be complied with. The applicant has the initial first year to show that they can operate the licence in accordance with the Act and the licence conditions. The inspector has visited the premise to view compliance and suitability.

#### **(8) the suitability of the applicant:**

The applicant is a private company. The inspector has inspected the premise and talked to the applicant and has offered a report stating that the applicant is a suitable person to operate a licensed premises.

The applicant has named three certified managers for the licence. This is seen as adequate.

(9) The inspector and reporting agencies do not challenge suitability of the applicant and neither do I.

#### **(10) any relevant local alcohol policy:**

No local policy is currently in place.

#### **(11) the days on which and the hours during which the applicant proposes to sell alcohol:**

The applicant has applied for the following days and hours –

**Monday to Sunday, 8.00am to 1.00am the following day**

These hours are within the default national maximum trading hours and seem suitable for the type of premise, operation and risk.

**(12) the design and layout of any proposed premises:**

The application included a floor plan showing premise layout, principal entrance and area to be licensed. All areas to be undesignated.

**(13) 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:**

No

**(14) 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:**

This is an existing activity within an existing building and area. The premises is within Marton's commercial zone with neighbouring businesses being retail. The premise is within a 'liquor ban' area.

Within the agency reports there are no concerns raised about the possible reduction in amenity and good order from any licence issue.

**(15) 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:**

No concerns raised.

**(16) whether the applicant has appropriate systems, staff, and training to comply with the law:**

If the host responsibility policy is followed the licence holder should have no problems with compliance.

The Inspector has detailed appropriate systems etc discussed with the licensee to ensure the law is complied with.

***Reporting Agencies***

(17) The following reports were received under section 103 of the Act.

(18) **Police** – Report received 6th March 2018, offering no opposition.

(19) **Medical Officer of Health** - Report received on 19th March 2018, offering no opposition.

**(20) Licensing Inspector**

Full report dated 3rd April 2018. The inspector provided a comprehensive report into the application, has met the applicant and concluded that the application is complete, appears to meet the criteria for a new on-licence and therefore has no opposition to the application.

***Committees Decision and Reason***

(21) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my assessment above, I conclude that the application meets the s. 105 criteria under the Act to be granted an on-licence for the premise situated at 3 High Street, Marton, to be known as 'Sugar Plum Cafe'.

(22) Accordingly the application is **approved** for issue for one year subject to the following conditions and payment of any outstanding fees, if any.

(23) The licence will be subject to the following conditions:

- (a) The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol, at reasonable prices, a reasonable range of non-alcoholic drinks and low alcohol drinks.
- (b) The licensee must have free drinking water available for customers at each bar whilst open for business.
- (c) Liquor may only be sold only on the following days and during the following hours:

**Monday to Sunday, 8.00am to 1.00am the following day**

**EXCEPT THAT** on Good Friday, Easter Sunday, and Christmas Day, or before 1pm on Anzac Day, no alcohol is to be sold or supplied on the premises unless the buyer is a person who is present on the premises to dine or residing or lodging on the premise.

- (d) Food must be available for consumption on the premises at all times when the premises are open for the sale of alcohol in accordance with the menu submitted with the application, or variations of that menu of a similar range and standard.
- (e) The licensee must ensure that, at any time customers are lawfully on the premises,—
  - (i) there is readily available to the customers, free, comprehensive, and accurate information about the forms of transport from the premises that are available at that time; and
  - (ii) there are on the premises, and readily accessible to the customers, staff able to give them comprehensive and accurate information about the forms of transport from the premises that are available at that time; and
  - (iii) those staff will on demand give any customer appropriate advice free.
- (f) The licensee must ensure that for each principal entrance to the premises there is displayed at all times a sign attached to the inside or outside of the premises, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the premises are open for the sale of alcohol


- (g) The licensee must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—
  - (a) attached to the inside of the premises concerned; and
  - (b) so as to be easily read by people entering each principal entrance.
- (h) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (i) The licensee and managers on duty 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 liquor to minors and the complete prohibition on sales to intoxicated persons.
- (j) The whole of the licensed premises is ‘undesigned’.

### **3 Decision**

Accordingly the application is **Approved** for issue.

**Dated this 6th day of April 2018.**

**Signed**



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**Stuart Hylton**  
**Rangitikei District Licensing Commissioner**