

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by Frances Marie
Robertson for a renewal of an On
Licence pursuant to section 127 of
the Supply of Alcohol Act 2012.

BEFORE THE RANGITIKEI DISTRICT LICENSING COMMITTEE

The application for renewal of On Licence (037/ON/0010/2014) was publically advertised on the Council Website between the dates of the 3rd to the 24th November 2017 and a statutory notice placed on the front door. No objections were received.

As 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.

Commissioner: Stuart Hylton

RESERVED DECISION OF THE RANGITIKEI DISTRICT LICENSING COMMITTEE

1. Application

On the 2nd November 2017, Frances Marie Robertson on the prescribed form made application for renewal of their on-licence (type- restaurant).

The application for renewal of On Licence is in relation to the premises known as '*Le Café Telephonique*' situated at 8 Huia Street, Taihape.

The general nature of the business is that of an On-Licence Restaurant. The premises has been licensed under the current licensee for over 20 years. This renewal application seeks to renew with the same existing conditions.

The premises is located within the CBD area of Taihape and zoned commercial. The premise is within a liquor ban area.

The complete file included –

- The application
- Fire evacuation scheme compliance statement
- Host Responsibility Policy
- Menu
- List of non-alcoholic drinks
- Staff Training Plans
- Floor plan
- Location map
- Copy of draft public notice
- Evacuation Scheme Declaration by Owner
- Existing Licence
- Reports from Police, Medical Officer of Health and Inspector

2. Decision Making

In considering this application for On-Licence the licensing committee had regard to the criteria under section 131 and 105 of the Act. Section 105 assessments were made using the inspector's full report and own assessment. I accept the inspector's assessment and recommendations.

Key matters raised within the full application file including reports, were –

- The applicant is a natural person who has operated the premises for over 20 years. She is a certified manager on the premises along with four other named managers.
- This is a small to medium sized restaurant with one main room that has been operating successfully for a number of years now.
- The premises has not come to the notice of authorities in an adverse manner during the renewal period.
- There are no objections to the suitability of the applicant.
- The applicant provided a host responsibility policy that if followed should ensure the object of the act is met. The premises has complied with two inspections by authorities during the past two years.
- The premise is within the commercial zone of Taihape and located within an area of retail activities. The premise is within a liquor ban area.

- Five certified managers were put forward for the licence which is considered to be adequate. The applicant appears to have appropriate systems, staff and training to comply with the law.
- The renewal application is for 1 hour less at closing time i.e.

Monday to Sunday 9.00am to 1.00am the following day.

These hours appear quite extensive although the committee would assume they are not the norm but to cover exceptional trading circumstances.

- Floor plan provided shows the whole premise as being undesignated.
- No CPTED or amenity or good order issues raised with renewal. There is no reason to believe the amenity and good order of the locality would likely to be increased, more than a minor extent, by the effects of a refusal to renew the licence.
- The applicant has appropriate systems for staff training and performance.
- The applicant failed a CPO on 27 November 2017 and are awaiting a suspension decision by ARLA. There is no reports from the agencies suggesting this matter warrants further sanctioning at this time and it is hoped the applicant has learnt the lesson.

3 Reporting Agencies

The following reports were received under section 103 of the Act and taken into account during the decision.

3.1 Police – Report received on 7th December 2017, of no opposition.

3.2 Medical Officer of Health – Report received on 24th November 2017, of no opposition.

3.3 Licensing Inspector – Full report dated 15th January 2018. The inspector has no opposition to the application and assessed the application against s. 105 matters with no matters of opposition raised. The inspector concludes that the application appears to meet the criteria for grant of the licence renewal.

4 Conclusion

Based on the evidence provided to me within the complete file, my assessment above of section 105 matters and the past operation of the premise/licensee, I conclude that the application meets the statutory criteria to be granted a renewal of On-Licence under the Act for a period of three (3) years.

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) Alcohol may only be sold on such days and during such hours as the premises are being operated as a Restaurant but not other than on the following days and hours:
 - **Monday to Sunday, 9.00am to 1.00am, the following day.**
- (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 food list submitted with the application, or variations of that list of a similar range and standard.
- (e) The licensee must ensure that, at any time customers are lawfully on the premises,—
 - 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
 - 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
 - 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, together with a copy of the floor plan: 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 whole of the premise is to be undesignated.
- (j) 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.

5 Decision

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

Dated at Rangitikei District this 1st day of March 2018.

Signed



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Stuart Hylton
Rangitikei District Licensing Commissioner

