IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by HOLEY GUACAMOLE LIMITED for a Temporary Authority pursuant to s.136 of the Act in respect of premises situated at 79 THE STRAND, WHAKATĀNE and known as “WHAKATĀNE HOTEL”

BEFORE THE WHAKATĀNE DISTRICT LICENSING COMMITTEE

Commissioner: Russell Orr
Committee: Shona Browne
             Anita Moore
Secretary: Kara Dowthwaite

BACKGROUND

This is an application by HOLEY GUACAMOLE LIMITED for a Temporary Authority to continue trading under the terms of the current ON LICENCE 25A/ON/20002/2016 which expires on 6 MAY 2019 in respect of premises situated at 79 THE STRAND, WHAKATĀNE and known as “WHAKATĀNE HOTEL”.

This is the second application made by Holy Guacamole for a Temporary Authority to continue trading until a substantive licence is applied for. The applicant has cited difficulties with the landlord, illness and overseas travel as the reason why she has been unable to progress the application in the name of the new identity in a timely manner. There are also some building code matters which are being addressed which is creating some issues with the substantive licence. These matters also effect due diligence.

The following reports were received in respect of this application:
1. Licensing Inspector report
2. Original application with evidence of

We note that the New Zealand Police have been consulted and do not oppose the application.

The Licensing Inspector raises no matters in opposition to the application. The report and the evidence provided in the application are considered sufficient to inform a decision in this matter, accordingly the matter is dealt with on the papers.

DECISION

We are satisfied as to the matters to which we must have regard as set out in s.136 of the Act and we grant the applicant a Temporary Authority with a duration of 3 months authorising the sale and
supply of alcohol for consumption on the premises, to any person who is present on the premises for the hours authorised in the licence.

The licence will be issued immediately and effective from 2 December 2016.

Conditions:
A copy of the licence, and of the conditions of the licence, must be attached to the interior of the premises so as to be easily read by persons entering through the principal entrance;
The entrance from The Strand is designated as the principal entrance.

Conditions of ON LICENCE 25A/ON/20002/2016 continue to apply.

A substantive licence application must be lodged with the Whakatane District Licensing Committee before the expiry of this Temporary Authority.
The licensed hours are to remain as stated in ON LICENCE 25A/ON/20002/2016

Conditions of ON LICENCE 25A/ON/20002/2016

This licence is subject to the following conditions:

(a) Except in the case when the licensee also holds a special licence for the premises 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) 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: 8:00am to 2:00am the following day

(c) The following steps must be taken to promote the responsible consumption of alcohol:
   - The premises Host Responsibility Policy must be on display and being implemented at all times when alcohol is available for purchase.
   - Food must be available for consumption on the premises at all times the premises is open for the Sale and Supply of alcohol, in accordance with the sample menu supplied with the application or menu variations of a similar range or standard.
   - A reasonable range of low-alcohol (2.5% or less) and non-alcoholic refreshments must be available and promoted from each point of service.
   - Safe transport options must be actively promoted, and assistance with arranging safe transport freely provided.

(d) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
   - Staff must be trained in their responsibility to prevent intoxication on licenced premises.
   - Signs must be clearly displayed indicating that alcohol will not be served to minors or intoxicated people

(e) The premise is to be designated per the attached Premise Plan as follows:
(i) The outdoor area adjacent to the Craic Bar authorised in a permit to occupy issued by the Whakatāne District Council on 19 November 2010 is to be undesignated to allow public access.

The outdoor area is licensed to 10:00pm only.

(ii) The bar areas, including the Craic Bar and restaurant, and the Boiler Room, are to be designated as supervised as shown on the attached Premises Plan delineated by a red line.

(iii) The gaming area is to be designated as restricted.

(iv) The remainder of the Hotel, including accommodation, is to be designated as supervised as shown in the attached Premises Plan labelled Whakatane Hotel Accommodation.

(f) Drinking water must be freely available while the premises are open for business.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

PREMISES PLAN
DURATION

This Temporary Authority shall be valid from **2 December 2016** until a Substantive Licence Application in relation to this applicant is determined by the Whakatāne District Licensing Committee, or until **2 March 2017**, whichever is the sooner.

**DATED** at Whakatane this 01 day of December 2016

R Orr
COMMISSIONER
**WHAKATĀNE DISTRICT LICENSING COMMITTEE**