

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Anthony Robert Gamley** for the renewal an on licence pursuant to s.127 of the Act in respect of a conveyance called "**M V Waipapa**" based at the Town Basin, Whangarei

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

Chairman: Councillor John Williamson
Member: Lee Andrewes
Member: Mervyn Williams

DECISION (ON THE PAPERS)

This is an application for the renewal of an on licence (002/ON/1/2011) in respect of a conveyance called "**M V Waipapa**" based at the Town basin, Whangarei.

The premises

Pursuant to s.5 of the Act a conveyance is defined as follows:

"*Conveyance*" means any an aircraft, coach, ferry, hovercraft, ship, train, or other vehicle used for the transport of persons.

The "M.V. Waipapa" is a 14.2 metre passenger vessel which is surveyed to carry 68 passengers. The applicant operates the business as a tour vessel with hours to sell or allow consumption of alcohol between 10am and 12 midnight, seven days a week. The principal route of travel is from the Town Basin to Matakoho-Limestone Island. Alcohol is served from the small bar on the vessel. Patrons are able to consume alcohol on the rear deck, the lounge and the upper deck area.

Management of the premises

Anthony Robert Gamley (002/GM/128/2009) is the sole trader of the business called Whangarei Harbour Cruises and is the on-board duty manager for the business. He manages the sale of alcohol while other people skipper the vessel. Since the licence was issued in January 2010, the business has been operating in accordance with the object of the Act and its specific licensing conditions. The licensee has ensured that the business's "Host Responsibility Policy" is strictly adhered to by all staff.

Public notice

The Sale and Supply of Alcohol Act 2012 (section 101) requires that:

- a) within 10 working days after filing the application, ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site which the application relates; and
- b) within 10 working days of filing the application, give public notice of the application.

The applicant publically notified the application in accordance with the Act, by placing two adverts in the Whangarei Leader. The first notice was published on 12 December 2013 and the second on 19 December 2013. Notice of the application was also attached to the conveyance as required by the Act. No public objections were received.

Section 131 Criteria for the renewal of licences

In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

- (a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):*
- (b) 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:*
- (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*
- (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*

DECISION

The committee has received reports on the application from the Police, the Medical Officer of Health and the Licensing Inspector and none have raised matters in opposition. The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly we deal with the matters on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.131 of the Act and we renew the on licence for a further period of 3 years on the conditions presently attached to it but with a change required by section 110 of the Act relating to the provision of drinking water. The condition are as follows:

- (a) Alcohol may be sold only on the following days and during the following hours:
During the period of any charter but not other than on the following days and hours:
Monday to Sunday 10.00 am to 12.00 midnight
- (b) the following steps must be taken to promote the responsible consumption of alcohol:
 - (i) The licensee must have available for consumption on the conveyance at all times when the conveyance is open for the sale of alcohol, a reasonable range of non-alcoholic refreshments and low-alcohol beverages.
 - (ii) Food must be available for consumption on the conveyance at all times when the conveyance is authorised to be open for the sale of alcohol. Menus must be visible and food should be actively promoted. A minimum of three types of food should be available. The range and 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.
 - (iii) The licensee must ensure that signs are prominently displayed within the licensed conveyance detailing information regarding alternative forms of transport from the conveyance.
 - (iv) Drinking water must be freely available at the following places while the premises are open for business: At the bar.
 - (v) The licensee must implement and maintain the steps proposed in the Host Responsibility Policy supplied in support of the application.
- (c) 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:

- (i) The licence must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibitions of alcohol to minors and the complete prohibitions on sales to intoxicated persons.
- (ii) Managers must be on duty at all times and responsible for compliance.
- (iii) No sale to minors and intoxicated persons.
- (iv) Evidence of age documents must be requested when deemed necessary.

DATED at Whangarei this 20th day of May 2014

Chairman
Whangarei District Licensing Committee