

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **Buffet Star Limited**  
for an on licence pursuant to s.99 of the  
Act in respect of premises situated at **208  
Bank Street, Whangarei** known as **Tai  
Tong Restaurant**

**BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE**

Chairman: Councillor John Williamson  
Member: Mark Vincent  
Member: Paul Dimery

**DECISION (ON THE PAPERS)**

This is an application by **Buffet Star Limited** dated 11 August 2014, for an on licence in respect of premises situated at **208 Bank Street, Whangarei**, known as **Tai Tong Restaurant**. The general nature of the business is that of a restaurant

The application is due to a change of ownership where the applicant took over the business premises on 8 September 2014. The applicant proposes to continue to offer similar services to those provided by the previous licence holder and has made application for a restaurant-style on licence. The premises consist of a restaurant and takeaway outlet, with a large kitchen that services both. It is the restaurant that is subject to this on licence application. The takeaway outlet will not be licensed.

The applicant is a private company that was incorporated under the Companies Act 1993 on 17 July 2014. Caihong Lin is the sole director and shareholder of the applicant company. There are no matters which call into question the character and reputation of the director and shareholder of the applicant company.

A general on licence is sought by the applicant. This is the licence issued under the Act in respect of all types of premises where alcohol is sold and consumed on premises but there are specific requirements relating to premises dependant on the manner in which the premises operates, for example as a restaurant, tavern, hotel or bowling alley/billiards room. Section 14 of the Act defines a general on licence being:

*On any premises an on-licence (other than an on-licence endorsed under [section 37](#) is held for, the licensee -*

- (a) can sell and supply alcohol for consumption there; and*
- (b) can let people consume alcohol*

*Restaurants are defined under the Act as "premises that are not a conveyance; and are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises".*

**The premises**

The application relates to an existing on licensed premises that has operated at 208 Bank Street in Regent, Whangarei for many years under the name of "Tai Tong Restaurant and Takeaway".

The applicant is currently operating under temporary authority that is due to expire on 8 December 2014. The conditions of the on licence (002/ON/5/2013) issued to Tai Tong Co. Limited continue to apply.

### Hours of Trading

The applicant seeks the days and hours of Monday to Sunday 12.00 midday to 12.00 midnight.

### Public notice

The applicant placed two advertisements in the Northern Advocate with the first notice on 12 August 2014 and the second on 19 August 2014 as required section 101 (b) of the Act.

Notice of the application was displayed on the principal entrance of the building as required by the Act.

No public objections were received.

### Management of the premises

Michael James Lau is the Managing Director for the premises and the partner of Caihong Lin. He has over 36 years experience in the hospitality industry and is the holder of a manager's certificate – 02/CERT/167/2014. The applicant has employed Matthew Lau (02/CERT/171/2014) as an additional certificated duty manager to assist in managing alcohol sales and consumption.

There have been no questions as to the suitability of the applicant and duty managers to hold a licence raised by the Police.

### Resource Management Act and Building Code certificates.

The applicant has provided a certificate dated 1 September 2014 that the proposed use of the premises complies with the Resource Management Act 1991 in that it has an existing use right in accordance with section 10 of the Resource Management Act 1991.

The applicant has also provided a certificate dated 20 August 2014 from the Whangarei District Council confirming that the proposed use of the premises meets the building code.

### Section 105 Criteria for issue of licences

In deciding whether to issue a licence, the licensing committee concerned must have regard to the criteria as set in section 105 (1) of the Sale and Supply Act 2012 as follows:

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

*(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.*

## 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 the committee deals with the matters on the papers.

The committee is satisfied as to the matters to which it must have regard as set out in s.105 of the Act and it grants the applicant an on licence subject to the following conditions:

(except in the case of a licensed endorsed under section 38 of the Act or 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, and Christmas Day, or before 1pm on Anzac Day to any person who is not –

- (1) residing or lodging on the premises; or
- (2) present on the premises to dine.

(a) alcohol may be sold only on the following days and during the following hours:

**Monday to Sunday 12.00 midday to 12.00 midnight.**

(b) the following steps must be taken to promote the responsible consumption of alcohol:

- **The licensee must have available for consumption on the premises at all times when the premises are open for the sale of alcohol, a reasonable range of non-alcoholic refreshments and low-alcohol beverages.**
- **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 for a licence, or variations of that menu of a similar range and standard.**
- **The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.**
- **Free drinking water must be readily available at the bar counter and on each table where diners are seated.**
- **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:

- **This licence must exercise through a manager or managers appointed by the licensee in accordance with subpart 7 of the Act. Manager to be on duty at all times and responsible for compliance.**
- **The licensee 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 sale to intoxicated persons.**

- **No sale to minors and intoxicated persons.**
- **Evidence of age documents must be requested when deemed necessary.**

**DATED at Whangarei this 30<sup>th</sup> day of September 2014**

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Chairman  
**Whangarei District Licensing Committee**  
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