

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Crystal Hospitality Limited** for an on licence pursuant to s.99 of the Act in respect of premises situated at **361 Western Hills Drive, Whangarei** known as **Lodge Bordeaux**

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

Deputy Chairman: Councillor John Williamson
Member: Lee Andrews
Member: Mervyn Williams

DECISION (ON THE PAPERS)

This is an application by Crystal Hospitality Limited dated 16 December 2013, for an on licence in respect of premises situated at 361 Western Hills Drive, Whangarei, known as "Lodge Bordeaux" The general nature of the business is that of a motel.

The premises

The application is due to a change of ownership. The applicant has purchased the motel business from Avonmaur Investments Limited (002/ON/12/2007). Lodge Bordeaux provides high quality motel style accommodation and a range of alcohol is sold solely from minibars in each motel room. There are procedures in place, such as removal of alcohol from rooms, where rooms are occupied by young people who are minors. There is no restaurant on the premises but a range of frozen foods and meals such as lasagne are available in each room. The Lodge provides breakfasts where required by customers. A general on licence for a hotel is sought by the applicant.

A hotel is defined in the Act as a premises used or intended to be used in the course of business principally for providing to the public

- (a) Lodging; and
- (b) Alcohol, meals, and refreshments for consumption on the premises.

Public notice

The application was received on the 16 December 2013. The applicant placed two advertisements in the Northern Advocate with the first notice on 18 December 2013 and the second on 26 December 2013 as required section 101 (b) of the Act.

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

Management of the premises

The applicant is a private company incorporated on 3 September 2013. Leslie Brent Sawyers (002/GM/106/2013) and Lyn Felicity Sawyers (002/GM/105/2013) are both directors, owner operators of the business and certificated duty managers. There are no questions as to the suitability of the applicant to hold a licence.

Resource Management Act and Building Code certificates.

The applicant has provided the required certificates from the Territorial Authority in respect of the Resource Management Act 1991 and 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 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.105 of the Act and we grant the applicant an on licence subject to the following conditions.

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

On any day and at any time for guests lodging in the motel units.

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

- **The licensee must have available for consumption on the premises (in each minibar) 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 at all times when the premises are open for the sale of alcohol in each room in which a minibar is located in accordance with the menu submitted with the application for the 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.**
- **Drinking water is to be freely available to customers while the premises are open for business from a tap in each room containing a mini bar.**
- **The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.**

(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 in each room containing a mini bar detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sale to intoxicated persons.**

DATED at Whangarei this 25th day of March 2014

Chairman
Whangarei District Licensing Committee