

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012 ("the Act")

A N D

IN THE MATTER

of an application from **FULL DRAW
HOSPITALITY LIMITED** pursuant to
s100 of the Act for a new On-Licence
Decision 58/2015

BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE

Chairperson: Cr Ross Brannigan
Members: Mr Philip Comber
Mr Martyn Slade
Mr Roger Perring

HEARING at Levin on 23 July 2015.

APPEARANCES

- (a) Mr Brendan Murphy – for the Applicant
- (b) Ms Lisa Roiri, Liquor Licensing Inspector
- (c) Senior Constable Graeme Jarvis, NZ Police, Alcohol Harm Reduction Officer
- (d) Mr Gary Spelman, Resident - in opposition

DECISION OF THE DISTRICT LICENSING COMMITTEE

Introduction

This decision relates to an application by Full Draw Hospitality Ltd for an on-licence in respect of the premises trading as The Boardroom, incorporating a bar, restaurant and Event Centre.

The application was filed on 29 May 2015, with the hearing held on 23 July 2015.

A on-licence is sought for seven (7) days a week from 9.00 am to 1.00 am the following day.

Reporting agencies

None of the reporting agencies: NZ Police, Public Health or the Liquor Licensing Inspector, opposed the application.

There is an approved fire evacuation scheme in place.

Background

There has been a hotel operating from this site for many years under various names and licensees.

The company was incorporated on 29 May 2015, with a capital of 100 shares, with Brendan Murphy being the only shareholder and the sole director of the company.

Evidence

1. Mr Murphy appeared on his own behalf and spoke to the Committee in some depth in respect of the changes that had been made with the staff and procedures at the venue. He stressed that whilst he acknowledged that he had a lot to learn he was prepared to do so; he and his wife had already gained their Liquor Controllers Certificates, his wife had lodged her Manager's application, and the hotel had three (3) experience staff employed. Mr Murphy also stated that whilst he was currently working in Wellington, his intent was to work in the hotel at nights and on weekends to gain hands-on experience. Mr Murphy also stated that the old Molotov Bar would only be open for events and private functions.
2. The Liquor Licensing Inspector, Ms Lisa Roiri, advised that she and Senior Constable Jarvis had interviewed Mr Murphy in relation to the licence application. As a result, she had no objection to the licence; whilst Mr Murphy did not have a great deal of recent experience, he had shown a willingness to learn, as had his wife.
3. Senior Constable Graeme Jarvis, NZ Police, Alcohol Harm Reduction Officer, Levin, gave evidence, stating that in his opinion, and based on his years of experience, he believed Mr Murphy to be genuine and sincere. He was confident in Mr Murphy's ability to make changes to the management of the hotel. The Police had no objection to the licence.
4. One public objection had been received. Mr Gary Spelman gave evidence stating he had lived in the area for many years, only two blocks away from the hotel and that since the Molotov had operated there had been rubbish, people noise, and other objectionable behaviour.

Legal framework

5. The criteria the Committee must use in considering whether to issue this licence are set out in section 105 of the Act.

Committee's decision

Section 105 matters

6. *Object of the Act – s105(1)(a)*

The Committee has considered the object of the Act in reaching its decision on the application and is satisfied that the sale, supply and consumption of alcohol will be undertaken safely and responsibly, with harm caused by excessive or inappropriate alcohol consumption minimised.

7. *Suitability – s105(1)(b)*

The applicant is a limited liability company with the sole director being Mr Brendan Murphy. The Committee through the hearing process was able to clearly establish the vision that Mr Murphy had, take confidence in his commitment to the task at hand, and confidence in the management of the premises through employment of experienced managers. Accordingly it was believed that Mr Murphy had demonstrated his suitability.

8. *Any relevant local alcohol policy – s105(1)(c)*

There is no Local Alcohol Policy in force for the area.

9. *The days upon which the Applicant proposes to open – s105(1)(d)*

The hours proposed by the applicant are within the national maximum opening hours as set out in Act, as well as the guidelines within the Horowhenua District Council's Sale of Liquor Policy 2006, and are considered reasonable.

10. *The design and layout of the premises – s105(1)(e)*

There are no issues with the design and layout of the premises.

11. *Sale of goods and services other than those relating to alcohol and food – s105(1)f) & (g)*

There are no issue arising under this heading.

12. *Amenity and good order – s105(1) (h) & (i)*

The Act is concerned with effects of alcohol but also extends to people's enjoyment of their environment. A nearby neighbour has objected to litter, damage and unsanitary practices associated with the premises. It is believed these issues will be addressed by the reduction in the hours of sale from those that previously applied. The question the Committee must answer is whether the amenity and good order of the area would be likely to be reduced to more than a minor extent by the effects of the issue of the licence. The Committee does not believe there will be any effect.

13. *Appropriate systems, staff and training – s 105(1)(j)*

Mr Murphy appears to have taken appropriate steps.

14. *Reporting agencies – s105(1)(k)*

As noted at paragraphs 2 and 3 above. In addition there was no objection from the Medical Officer of Health..

15. *Manner of sale*

There are no issues associated with this matter.

Conclusion – renewal of licence

16. The Committee was impressed by the honesty of the applicant, Mr Brendan Murphy, and that he had established his suitability under the Act.
17. The evidence presented by the Police and the Liquor Licensing Inspector in support of the applicant was encouraging and the Committee, in coming to its decision on this matter, had taken full account of the reports and the evidence from these two parties.
18. Accordingly the decision of the Committee is to issue a new On-Licence from 28 July 2015 for a twelve month period expiring on 27 July 2016, subject to the standard conditions required by the Act, and two further conditions being:
 - When the Event Centre is used for any private function/event that a one way door policy will operate from midnight;

- That when the Event Centre is used for any private function/event, where attendance is over 100 people, a minimum of two (2) licensed security guards are to be in attendance.

DATED at LEVIN this 28th day of July 2015



R J Brannigan
Chairperson

