

IN THE MATTER

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

A N D

IN THE MATTER

of an application from **MANAKAU
HOTEL (2015) LIMITED** pursuant to
s100 of the Act for a new On-Licence
and new Off-Licence
Decision 81/2015

BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE

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

HEARING at Levin on 6 October 2015.

APPEARANCES

- (a) Mr Milton & Mrs Denise Steele for the Applicant
- (b) Ms Lisa Roiri, Liquor Licensing Inspector
- (c) Mr Mike Joy – resident in opposition
- (d) Ms Judy Webby – resident in opposition
- (e) Ms Helen Feek – resident in opposition.

DECISION OF THE DISTRICT LICENSING COMMITTEE

Introduction

This decision relates to an application by Manakau Hotel (2015) Ltd for an on-licence and off-licence in respect of the premises trading as the Manakau Hotel.

The application was filed on 19 August 2015, with the hearing held on 6 October 2015.

A on-licence is sought for seven (7) days a week from 9.00 am to 2.00 am the following day, and an off-licence is sought for seven (7) days a week from 9.00 am to 10.00 pm.

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 13 August 2015, with a capital of 100 shares, with Milton & Denise Steele being equal shareholders and the Directors of the company.

Evidence

1. Mr & Mrs Steele appeared on their own behalf and spoke to the Committee about their vision for the hotel, their experience of 35 years in the industry, and currently the venue "Sels Place

Limited", that they have successfully operated since 2003. In this time they have never personally been in breach of the Act.

They spoke also in respect of the fact that whilst they were applying for the on-licence to be until 2.00 am daily, this was to cover situations when these hours may be required, e.g. tangis, functions; however they thought it would be unlikely that the premises would be open to that time generally.

Mr & Mrs Steele acknowledged that they were aware of problems that had occurred under previous operators of the hotel, stressing that they were not like those past operators. In questions put to them, they acknowledged concerns relating to the previous issues in respect of noise (bass) and people smoking outside the hotel which also caused people noise, and undertook to look at these matters.

2. The Licensing Inspector, Ms Lisa Roiri, advised she had no objection to the applications and reiterated the fact that the applicants were very good licensees.
3. Six (6) public objections were received and evidence was heard from three (3) residents who lived in close proximity to the premises: Mr Mike Joy, Ms Judy Webby and Ms Helen Feek. When speaking to the Committee all outlined similar concerns, namely around the "bass" noise from the jukebox in the hotel; noise from patrons smoking and leaving the premises; and the proposed hours applied for in respect of the "on-licence". All speakers did acknowledge that these concerns were based on what has previously occurred at the hotel under various licensees.

Legal Framework

4. 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

5. *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.

6. *Suitability – s105(1)(b)*

The applicant is a limited liability company with the directors being Mr Milton & Mrs Denise Steele. The Committee through the hearing process was able to clearly establish the vision that the directors have for the premises and given the many years of their experience in the industry with no issues, believed that the applicants had demonstrated their suitability.

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

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

8. *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; however the Committee is mindful of the setting of the premises to neighbouring residential properties. Therefore hours are as follows:

- (a) On-Licence 9.00 am to 1.00 am, Sunday to Saturday;
- (b) Off-Licence 9.00 am to 10.00 pm, Sunday to Saturday.

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

There are no issues with the design and layout of the premises; however the Committee would encourage the applicant to relocate the smoking area.

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

There are no issues arising under this heading.

11. *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. Neighbours have raised concerns in respect of noise that has occurred in the past. 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; however suggests that the applicant consider the application of the principles of Crime Prevention Through Environmental Design.

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

There are no issues arising under this heading.

13. *Reporting agencies – s105(1)(k)*

There were no objections from any of the reporting agencies.

14. *Manner of sale*

There are no issues associated with this matter.

Conclusion – Renewal of Licence

15. The Committee was impressed by the applicants and was satisfied that they had established their suitability under the Act.

16. The evidence presented by the three public objectors has also been considered and as a consequence the one (1) hour reduction in closing time in respect of the On-Licence is considered appropriate.

17. Accordingly the decision of the Committee is to issue a new On-Licence and new Off-Licence from 12 October 2015 for a twelve month period expiring on 11 October 2016, subject to the standard conditions required by the Act.

DATED at LEVIN this 8th day of October 2015



R J Brannigan
Chairperson