

IN THE MATTER

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

A N D

IN THE MATTER

of an application from **Sahyadri
Holding Limited** pursuant to s100 of
the Act for a new On-Licence
Decision 172/2017

BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE

Chairperson: Cr Ross Brannigan
Members: Mr Craig Fleury
Mr Allen Little, QSM, JP

HEARING at Levin on 2 November 2017.

APPEARANCES

- (a) Mr Amarsingh Shinde – Applicant
- (b) Mrs Amy Maere, Liquor Licensing Inspector
- (c) Senior Constable Simon Carter, NZ Police

DECISION OF THE DISTRICT LICENSING COMMITTEE

Introduction

This decision relates to an application by Sahyadri Holding Limited for an on-licence in respect of the premises proposed to trade as The New Oxford Hotel, situated at 289-225 Oxford Street, Levin.

The application was filed on 7 September 2017, with the hearing held on 2 November 2017.

An on-licence is sought for seven (7) days a week from 9.00 am to 1:00am the following day. The proposed licensed area includes The Swan restaurant, the New Oxford bar (front), the middle bar and back function area.

Reporting Agencies

The Liquor Licensing Inspector and NZ Police raised no objections, however, they had some concerns in relation to the suitability of the applicant, based on Mr Shinde's lack of experience and proposed staff numbers.

There was no opposition from the Medical Officer of Health.

Fire and Emergency New Zealand advises that the premises only requires a procedure in terms of section 21A and 21B of the Fire Service Act 1975 which is operative.

Background

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

The company was incorporated on 22 June 2016 with a capital of 100 shares, the sole shareholder and director is Mr Amarsingh Shinde.

The applicant has been trading under a Temporary Authority, 40/TA/002/2017 that was granted by the Horowhenua District Licensing Committee on 3 July 2017.

Evidence

1. Mr Shinde presented members with a written statement outlining his vision for the running of the facility and described what he has done to upskill himself. This has included employing and learning from experienced staff and the direct mentoring of himself through Mr Chris Hence, Regional Manager with Hospitality New Zealand.
2. Mr Shinde advised the Committee that he has been the owner of the premises for some time and although he only recently took over the running of the hotel when the Temporary Authority was granted. He has introduced weekly meetings with all staff and daily catch ups with staff who were working the previous day. These meetings also focus on the importance of host responsibly in respect of the premises.
3. Mr Shinde addressed matters relating to the back bar, which had previously been known as The Molotov. Mr Shinde's intent is not to use this area as a night club and is going to focus on using the area for various functions and live events. He also gave an overview of the running of the recent Ardijah concert where there were 200-250 attendees.
4. In conclusion Mr Shinde stated his intention is to provide safe and responsible premises in the community for alcohol consumption and entertainment and also to contribute to the community in the future.
5. Council's Licensing Inspector, Mrs Amy Maere advised that after hearing the evidence her concerns were allayed and she had nothing further to add.
6. Senior Constable Simon Carter advised the Committee that he was satisfied with what he heard in the evidence presented and had no further questions.

Legal Framework

7. The criteria the Committee must use in considering whether to issue this licence are set out in section 105 of the Act. It is also noted that when forming an opinion in respect of effects on amenity and good order the committee must also consider section 106.

Committee's Decision

Section 105 matters

8. *Object of the Act – s105(1)(a)*

The Committee has considered the object of the Act and has reached 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.

The Committee were impressed by Mr Shinde's level of engagement with both the inspector and NZ Police.

9. *Suitability – s105(1)(b)*

The applicant is a limited liability company and it is for the applicant to demonstrate their suitability. In other words, the committee must make a suitable finding on the evidence put before it. There must be evidence that an applicant has the requisite, knowledge or willingness to carry out its duties. It was believed that Mr Shinde has demonstrated his suitability and this is based on the evidence presented around his own study to upskill, the skilled and qualified staff employed and the mentoring from Hospitality New Zealand.

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

There is no local alcohol policy in force for the district, however the Committee are aware that a provisional policy, although subject to appeal, exists.

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

The hours proposed are within the national maximum opening hours as set out in the Act and are consistent with the hours proposed in the provisional local alcohol policy. The hours are considered reasonable.

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

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

13. *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.

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

The Act is concerned with the effects of alcohol but also extends to people's enjoyment of their environment. The question the Committee must answer is whether the amenity and good order of the area would be likely to be reduced by more than a minor extent by the effects of the issue of this licence.

Mr Shinde had explained to the Committee the arrangements that would be in place for cleaning up of surrounding areas following activities in the function centre, he described what had been done after the recent Ardijah concert.

Consequently the Committee does not believe the issuing of the licence will have any effect on amenity and good order.

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

From the evidence presented, Mr Shinde clearly demonstrated the steps he intends to take and the systems that he has in place to gain a good understanding of the Act, and he was well

aware that he would be responsible to ensure that staff employed by him is appropriately trained.

The Committee were impressed by his level of engagement with both the Liquor Licensing Inspector and the Police.

18. *Reporting agencies – s105(1)(k)*

There were no objections.

19. *Manner of sale*

There are no issues associated with this matter.

Conclusion

20. The Committee was impressed by Mr Shinde's honesty and the presentation of his evidence, especially in relation to host responsibility.

21. The Committee have formed an opinion that the recent changes to the operational management of the hotel are positive.

22. Mr Shinde's evidence where he outlined the steps he has taken to upskill and the ongoing support in place to him clearly demonstrate his ability, and as a consequence he has satisfied the committee in the question of suitability.

23. The decision of this committee is to grant the application from Sahyadri Holding Limited for a new On-licence. The licence will be effective from 3 November 2017 for a 12 month period, expiring on 2 November 2018.

24. The licence will be subject to conditions required by the Act and the following additional conditions to apply when the function centre is in operation:

- The function centre is operated in accordance with an approved noise management plan
- A one way door policy applies from midnight
- A minimum of two licenced security guards are to be present where attendance is over 100 persons

DATED at LEVIN this 7th day of November 2017.

R J Brannigan
Chairperson