

IN THE MATTER

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

A N D

IN THE MATTER

of an application from **PVB Investments Limited** pursuant to s100 of the Act for a new On-Licence
Decision 98/2017

BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE

Chairperson: Cr Neville Gimblett
Members: Mr Craig Fleury
Mr Roger Perring

HEARING at Levin on 27 June 2017.

APPEARANCES

- (a) Mr Percy Burlace - Applicant
- (b) Ms Kathryn Pulley, Liquor Licencing Inspector

DECISION OF THE DISTRICT LICENSING COMMITTEE

Introduction

This decision relates to an application by PVB Investments Limited for an on-licence in respect of the premises trading as The Deer Museum and Café situated at 1076 State Highway 1, Manakau.

The application was filed on 27 April 2017, with the hearing held on 27 June 2017.

An on-licence is sought for seven (7) days a week from 10.00 am to 9.00 pm.

Reporting agencies

The Liquor Licencing Inspector opposed the application based on concerns regarding the suitability of the applicant, the design and layout of the premises, and amenity and good order of the locality.

NZ Police shared the concerns of the Liquor Licencing Inspector, and too opposed the application.

There was no opposition from the Medical Officer of Health.

There is an approved fire evacuation scheme in place.

Background

The company PVB Investments Limited was incorporated on 28 January 2009, and has one shareholder/director; Percy Vernon Burlace.

The company shareholder/director is a New Zealand citizen with residential premises in Manakau.

Evidence

1. Mr Burlace informed the Committee that the Deer Museum was targeted at tourists and guests that pass through the museum, for periods of an hour or so; and that he expected patrons to be 30 years or older.
2. Mr Burlace informed the Committee of his background in the hospitality industry dating back to 1981 with experience both in New Zealand and overseas; being the owner of tourist resorts in Thailand and Indonesia, and having been the owner of Kaipara Hotel and Northland Motor Inn in 1986. The applicant told the Committee he employs staff overseas to run his establishments and has been in New Zealand "off and on" for the past two years.
3. Mr Burlace advised the Committee that since making his application he has received advice from Denise and Milton Steele, who both hold Managers Certificates and who have experience in the hospitality industry. Mr Burlace confirmed that Denise and Milton Steele will be employed by the company along with another staff member who holds a Managers Certificate, Mr Burlace's wife who is currently gaining experience in a Hotel in Otaki, and their son.
4. Mr Burlace told the Committee that the concerns raised by NZ Police regarding the outside area have since been addressed, and confirmed to the Committee that there will be no drinking permitted in the smoking area. Mr Burlace said that Transit New Zealand approval was granted in January 2017 and that there will be no music or gaming area on the premises.
5. Mr Burlace stated that he had fulfilled all areas outlined by the Liquor Licencing Inspector as concerns. CCTV cameras and monitor will be installed covering the blind spots in the premises and that spotlights in the outside area light up a 50m² area. The applicant told the Committee that new access to the bar has been installed which is away from the main museum entrance. The applicant informed the Committee that all staff will be trained in Host Responsibility and that consideration was given to the applicant obtaining a Managers Certificate, and the employment of a security guard.
6. The District Licencing Inspector Ms Kathryn Pulley advised that after hearing the evidence to date, she was satisfied that most areas of concern had been addressed however still had some concern relating to the smoking area not being confined.

Legal framework

7. The criteria the Committee must use in considering whether to issue this licence is 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 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.

9. *Suitability – s105(1)(b)*

The applicant is PVB Investments Limited and the director is Mr Percy Burlace. The Committee considered the evidence to determine whether the applicant has the requisite experience, knowledge or willingness to carry out its duties. While Mr Burlace does not have any recent relevant experience in New Zealand, he demonstrated that he does have some previous experience in the liquor industry and will have certified, experienced managers on the premises. Mr Burlace also told the Committee that he and all staff will complete Host Responsibility training. Accordingly it was believed that Mr Percy Burlace had demonstrated his suitability.

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

There is no Local Alcohol Policy in force for the area, however the DLC are aware that a draft policy was recently consulted on. This application meets the draft requirements.

11. *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 consistent with the hours proposed in the Draft Local Alcohol Policy. The hours are considered reasonable.

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

The inspector raised a number of concerns regarding the design and layout of the premises with regards to the principles of Crime Prevention through Environmental Design (CTED). Mr Burlace provided evidence on how he intends to address those concerns, which the Committee were satisfied with.

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

The applicant will also operate a museum and shop on the premises. Mr Burlace provided evidence that there will be separate entrances for the museum/shop and the bar.

14. *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. 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.

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

From the evidence presented Mr Percy Burlace appears to have some understanding of the Sale and Supply of Alcohol Act 2012 and he intends to undergo further training. The applicant will have the support of experienced managers and was well aware that he would be responsible to ensure that staff employed by him is appropriately trained.

16. *Reporting agencies – s105(1)(k)*

There was no objection from the Medical Officer of Health, although concerns were raised by the Police and Council's Inspector. The Committee has considered those concerns.

17. *Manner of sale*

There are no issues associated with this matter.

Conclusion – Issue of licence

19. The Committee have formed the opinion that Mr Percy Burlace's previous experience in the liquor industry and his commitment to undergo further training satisfied the question of suitability.

The committee was encouraged to hear that Mr Burlace has experienced managers on the premises.

20. Accordingly the decision of the Committee is to issue a new On-Licence for a twelve month period from the date of issue of the licence, subject to the standard conditions required by the Act, and further discretionary conditions being:
- All staff who currently do not hold manager's certificates undergo Host Responsibility training before the expiry date of the licence.
 - Mr Percy Burlace completes the Licensed Controller's Qualification (LCQ) and applies for a manager's certificate before the expiry date of the licence.
 - The premises meets compliance with the principles of Crime Prevention through Environmental Design (CTED) by ensuring the following:
 - CCTV cameras are installed to monitor the premises and manage "blind spots" and lighting.
 - Separation of the smoking area from the carpark.
 - Lighting for the smoking area.
 - An inspection of the premises is carried out to ensure the condition relating to CPTED principles is met before the licence is issued.

DATED at LEVIN this 20th day of July 2017.

R Brannigan
Chairperson

