

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by for a
renewal of an On-licence
pursuant to section 127 of the
Supply of Alcohol Act 2012.

BEFORE THE RUAPEHU DISTRICT LICENSING COMMITTEE

The application for renewal of On-licence (032/ON/4398/2024) was publically advertised in the Tamarunui Bulletin newspaper on the 5 and 11 April 2024, along with a display notice attached to the premise in accordance with the Regulations, with no objections received.

As no matters of opposition were raised under section 102 and 103 reports; therefore the matter was considered by the Ruapehu District Licensing Commissioner on the papers contained in the full file provided by the secretary.

Commissioner: Stuart Hylton

DECISION OF THE RUAPEHU DISTRICT LICENSING COMMITTEE

1. Application

On the 20 March 2024, **Timber Trail Adventures Limited** on the prescribed form made application for renewal of an On-licence. This is the third renewal application by the current licensee.

The application for renewal of On-licence is in relation to the premises known as '*Timber Trail Lodge*' situated at Koromiko Road, Waimiha (in the area known as the Piropiro Flats).

The general nature of the business is that of a 'Hotel Style On-licence'. The renewal application seeks to renew with the same conditions as currently enjoyed. The premise has not come to the notice of authorities in an adverse manner during the renewal period. The premises is a lodge catering to visitors to the Pureora Forest Park and users of the Timber Trail Cycleway. Accommodation and meals are the principal purpose of the business with alcohol seen as complimentary to this.

The complete file included:

- The application
- Fire evacuation compliance statement
- Host Responsibility Plan
- Food/Drinks list
- Floor plan
- Photo's
- Copy of draft public notice and public display
- Existing Licence
- Reports from Police, Medical Officer of Health and Inspector

2. Decision Making

In considering this application for On-Licence the licensing committee had regard to the criteria under section 131 and 105 of the Act. Section 105 assessments were made using the inspector's full report and own assessment. I accept the inspector's assessment and recommendations.

Key matters raised in complete file including the inspector's report were –

- No public objections received.
- The applicant is a private company incorporated in 2013 with five directors and three shareholders.
- The applicant has operated this licence for the past seven years and has named three managers for the licence which is viewed as suitable. The premises has a 'medium' risk rating.
- The premise has not come to the notice of authorities in an adverse manner during the renewal period.

- The applicant provided a host responsibility plan that if followed should ensure the object of the act is met.
- The applicant appears to have appropriate systems, staff and training to comply with the law, with training records completed and available for viewing.
- There were no reports questioning suitability and neither do I.
- The existing trading hours that are sought to be renewed are:

Monday to Sunday, between 12.00 midday and 12.00 midnight.

These hours fall within the default national maximum trading hours allowable. The applicant has operated within the existing hours without any apparent issue.

- The floor plan date stamped 13 March 2021, shows the licensed footprint with the lodge building comprising of a central restaurant and dining area with accommodation wings located off each side. The bar is designated “supervised” with the remainder of the premise undesignated.
- No CPTED or amenity or good order issues raised with renewal. There is no reason to believe the amenity and good order of the locality would likely to be increased, more than a minor extent, by the effects of a refusal to renew the licence.
- The Inspector reports that a review of the supporting information demonstrates that the applicant has appropriate systems, staff and training to meet the requirements of the Act and the Ruapehu LAP.
- The application accords with the Ruapehu LAP.

3 Reporting Agencies

The following reports were received under section 103 of the Act and taken into account during the decision.

3.1 Police – Report received on 12 March 2024, of no opposition.

3.2 Medical Officer of Health – Report received on 27 March 2024, of no opposition.

3.3 Licensing Inspector – Full report dated 13 May 2024. The inspector has no opposition to the application and assessed the application against s. 105 matters with no matters of opposition raised. The inspector concludes that the application is complete and supports renewal of the licence with suggested conditions.

4 Conclusion

Based on the evidence provided to me within the complete file, my assessment above of section 105 matters and the past operation of the premise/licensee, I conclude that the application by **Timber Trail Adventures Limited** meets the statutory criteria to be granted a renewal of On-licence under the Act for a period of three (3) years, from the expiry date of the previous licence.

The licence will be subject to the following conditions:

- a. Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application date stamped as received by the Ruapehu District Licensing Committee on **13 March 2021**.
- b. The bar area is to be designated **supervised** with the rest of the licensed premises undesignated.
- c. Alcohol may only be sold or supplied on the following days and during the following hours when the premises are being operated for **accommodation**:
Monday to Sunday, between 12.00 midday and 12.00 midnight
- d. No alcohol is to be sold or supplied on the premises on **Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day** to any person who is not present on the premises to dine.
- e. A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- f. The Host Responsibility Policy must be maintained, complied with and be readily available if requested by any enforcement officer.
- g. The following steps must be taken to promote the responsible consumption of alcohol:
 - The licensee must implement and maintain the steps proposed in their host responsibility policy aimed at promoting the reasonable consumption of alcohol.
 - Drinking water must be freely available to customers on the premises while the premises are open for business.

- At all times when the premises are open for the sale of alcohol, a reasonable range of non-alcoholic and low alcoholic beverages must be available.
 - Food must be available for consumption on the premises at all times when the premises are open for the sale of alcohol in accordance with the menu submitted with the application for a 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 the availability of assistance and information regarding alternative forms of transport from the premises.
- h. The following steps must be taken by the licensee to ensure that the provisions of this Act relating to the sale and supply of alcohol to prohibited persons are observed:
- Display of appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
 - Display of an appropriate sign to be seen outside the principle entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.
 - Display of an appropriate signs adjacent to every point of sale detailing the food available for sale.
 - A copy of the licence with all the conditions, just inside the principle entrance so persons entering can see it.
 - A sign in a prominent place identifying the duty manager.

5 Decision

Accordingly the application is **Approved** for issue immediately.

Dated at Ruapehu District this 22nd day of May 2024.

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Stuart Hylton
Ruapehu District Licensing Commissioner