

DECISION NUMBER

4401/2024

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **Xuan
Tours Limited** 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/4143/2023) was publically advertised in the Tamarunui Bulletin newspaper on the 21 and 28 March 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; 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 12 March 2024, **Xuan Tours Limited** on the prescribed form made application for renewal of an On-licence. This is the second renewal application by the current licensee after the first renewal in 2023 resulted in a hearing following issues with management and language. The DLC renewed the application following the hearing for one year with truncated hours.

The application for renewal of On-licence is in relation to the premises known as '*Piper's Lodge and Tours*' situated at 18 Millar Street, National Park.

The general nature of the business is that of a ‘Lodge/Hotel Style On-licence’.

The renewal application seeks to renew with the same conditions as currently enjoyed, including truncated hours from previous renewal.

The premise has not come to the notice of authorities in an adverse manner during the renewal period. The Inspector in her report comments – *“The bar runs under the guidance of the General Manager, Akuila Vakaduadua Kula. Mr Kula is a certified manager and has implemented a training program for the premises. He is a responsive and proactive manager who has developed a good understanding of New Zealand alcohol laws since his arrival from Fiji in 2023. I believe that the applicant, Xuan Tours Limited, is suitable to operate a licensed premises.”*

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 who have two directors/shareholders.
- The applicant has operated this licence for the past two years and has named one certified manager for the licence which is viewed as suitable for this type of premises. The Inspector in her report makes the following pertinent points on this matter – *“Given the infrequency of the bars operation and the fact Mr Kula lives onsite I consider this to be acceptable. There are several new employees at the premises and one of them may be*

considered for a manager's certificate application once they have gained sufficient experience". 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.
- 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 4.00pm and 10.00pm.

These hours fall within the default national maximum trading hours allowable. The applicant has operated within these hours since the hearing decision of the previous renewal, without any apparent issue.

- The floor plan date stamped 15 February 2022, shows the licensed footprint which is open plan and can be viewed from the main bar. The bar service area is designated as a 'supervised area'. The rest of the premises is 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 14 March 2024, of no opposition.

3.2 Medical Officer of Health – Report received on 3 April 2024, of no opposition.

3.3 Licensing Inspector – Full report dated 1 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 **Xuan Tours 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 existing conditions.

5 Decision

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

Dated at Ruapehu District this 3rd day of May 2024.



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Stuart Hylton
Ruapehu District Licensing Commissioner