

IN THE MATTER of the Sale and Supply
of Alcohol Act 2012

AND

IN THE MATTER of an application by
MANANUI PTY LTD for
On and Off Licences
in respect of premises
known as The Corner Bar & Café
situated at 2A Lewis Street,
Christchurch.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: Mr R.J.Wilson

Members: Mr A.J.Lawn
Mr P.R.Rogers

HEARING at Christchurch on the 25th June 2015

APPEARANCES

Ms Leanne Proctor, applicant for Mananui Pty Ltd
Mr M.Ferguson, Senior Alcohol Licensing Inspector
Sgt J.Harris, NZ Police
Mrs J.Anderson, Hearings Adviser,CCC

Introduction

We are dealing with an application by Mananui Pty Ltd for On and Off Licences for premises known as The Corner Bar and Café situated at 2A Lewis Street, Christchurch. Originally we were also to hear an application by the same applicant for a licence for premises known as "On the Rock". Both premises have been trading under Temporary Authorities. We have now been advised that "On the Rocks" has been sold and as a result the application in respect of that business does not need to proceed.

The background to this matter is that the Inspectors dealing with the two premises have had difficulty progressing the licence applications because of certain administrative failings on the part of the applicant. Neither Inspector was comfortable that the applicant was able to manage two different premises on different sides of the city. The position becomes more straightforward with the sale of the "On the Rocks" business but the Inspector is still of the view that the applicant should make her case for a licence personally to the Committee even though he does not formally oppose it. The Committee is happy to proceed on that basis.

Evidence of Applicant

Ms Leanne Proctor told the Committee that she now understood that she had taken on too much at once. She now realised she did not have the resources to manage two premises at a distance from each other. She had to rely on others and at times had been let down. However she has received some training and is now getting things done. She also understands that she is able to seek advice from the Inspectors rather than allowing problems to develop.

Ms Proctor explained that she had been in Australia for the last ten years working in administration in a family building business. The hospitality industry is new to her but she has learnt a lot in a relatively short time. The Corner Bar and Café is a small business and when she first took it over everything fell into place and she could manage it on her own without the need for assistance from other people. She then bought the second business and this was when problems developed. It was larger and had more staff and consequently proved more difficult to manage. She realises now that she was too ambitious and frankly is relieved to have disposed of "On the Rocks".

Questions by Alcohol Licencing Inspector

Mr Ferguson asked about a failed controlled purchase operation at "On the Rocks" and what she had learnt from this. Ms Proctor responded that she had learnt the necessity of having a duty manager supervising at all times. She said she now holds a weekly training session with staff when such matters are gone through. She now has three Duty Managers and there are no other staff at the bar. When asked about the delays in dealing with various administrative requirements she explained that the prospective purchaser of "On the Rocks" had proved difficult to deal with and the whole process had become untidy. The Inspector then asked about her understanding of the Object of the Act to which she responded that it was to permit the sale of alcohol without harming coming to people. She was able to describe the signs of intoxication.

The Police had no questions.

Questions by the Committee

To the Chairperson Ms Proctor explained the layout of the premises and how it was possible for one person to exercise oversight of all areas. From behind the bar all areas can be seen except the gaming room which is monitored by camera. With just one staff member on duty at a time

it is not difficult to monitor the drinking of each customer. During the day it was mainly coffee and food that was served but the sole staff member working in the food preparation area could still supervise the bar as it was clearly visible through a hatch.

Mr Lawn asked a number of questions about the Host Responsibility Policy, the Intoxication Assessment Tool, the training of managers and the process for appointing temporary Managers. Ms Proctor answered these satisfactorily. She also, after a little prompting, was able to describe the steps she has taken to ensure alcohol is not sold to minors. She confirmed that the manager involved in the failed controlled purchase operation had resigned after a long discussion with her.

Mr Rogers asked questions about the financial stability of the business explaining that if the business was in financial difficulty other issues could arise. Ms Proctor admitted that the purchase of the second business had put a strain on finances and she had needed to seek assistance from her husband's building business. Now that "On the Rocks" had been sold the remaining business is manageable. She confirmed she did have a mortgage.

Closing Statements

Neither the Alcohol Licencing Inspector nor the Police had any closing comments to make. For her part Ms Proctor said that she was confident that she was now better organised and expected to make a much better job of meeting the administrative requirements of the Act in the future. She appreciated the assistance she had received from the Inspectors.

The Chairperson said that the Committee considered it had been entirely appropriate to require the applicant to appear before the Committee. It was clear that managing two business had been too much for her. Ms Proctor's situation was now considerably improved but she would still need to ensure that she met all requirements because should the Committee decide to grant the licences then it would only be for one year in the first instance. Further satisfactory reports would be required if she was to be able to continue. The decision was reserved.

Discussion

The Inspector did not oppose the granting of On and Off Licences to the applicant. He was however concerned that since the business had been operating under Temporary Authorities there had been undue delays in attending to administrative requirements and a certain amount of confusion about intentions and responsibilities. He considered that in the circumstances the applicant should make her case for licences directly to the Committee. As we have said we entirely agree with that procedure and believe it has been a useful exercise in bringing home to the applicant her various responsibilities under the Act.

Decision

The application was duly advertised and no public objection or notice of desire to be heard has been received. A waiver has been sought and is granted pursuant to s208 with respect to certain breaches of required timelines. No matters have been raised in opposition in any reports required under s141 other than those discussed already. We are satisfied as to the

matters to which we must have regard as set out in s105 of the Act and we grant the applicant On and Off Licences for a period of one year.

The licences will not issue until all relevant clearances have been obtained and all fees paid.

The applicant's attention is drawn to s259 of the Act which makes it an offence to not comply with certain requirements and restrictions imposed by or under this Act.

On Licence

The licence will be subject to the following conditions:

Compulsory Conditions- s110(2)

The following conditions are compulsory:

- (a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day or before 1 pm on Anzac Day to any person who is not on the premises to dine.
- (b) Alcohol may only be sold on the following days and during the following hours:
 - Monday to Sunday 8 am to 11 pm
- (c) Water must be freely available to customers from the bar while the premises are open for business.

Discretionary Conditions

- (a) The following steps must be taken to ensure that the provisions of the Act relating to the sale 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.
- (b) The following steps must be taken to ensure that the provisions of the Act relating to the management of the premises are observed:
 - Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application.
- (c) The following steps must be taken to promote the responsible consumption of alcohol:
 - The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the reasonable consumption of alcohol.
- (d) The whole of the premises is designated a supervised area.

Other restrictions and requirements to be noted on the licence

s50 One way door restriction in local alcohol policy to be complied with

s51 Non alcoholic drinks to be available

s52 Low alcoholic drinks to be available

s53 Food to be available

s54 Help with information about transport to be available

s56 Display of signs

s57 Display of licences

s214 Manager to be on duty at all times and responsible for compliance

Off Licence

The licence will be subject to the following conditions:

Compulsory Conditions-s116(2)

The following conditions are compulsory:

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day or before 1 pm on Anzac Day.
- (b) Alcohol may only be sold or delivered on the following days and during the following hours:
 - From any bottlestore and across the bar
 - Monday to Sunday 8 am to 11 pm
- (c) Drinking water must be freely available on the premises to customers while alcohol is being supplied free as a sample.

Discretionary Conditions-s116(1)

- (a) The following steps must be taken to ensure that the provisions of the Act relating to the sale 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.
- (b) The following steps must be taken to ensure that the provisions of the Act relating to the management of the premises are observed:
 - Alcohol must only be sold and supplied within the area marked on the plan submitted with the application.
- (c) The whole of the premises is designated a supervised area.

Other restrictions and requirements to be noted on the licence

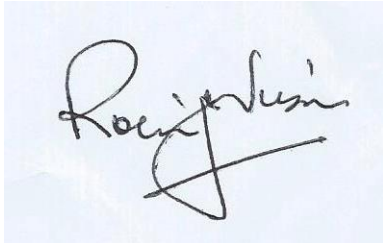
s56 Display of signs

s57 Display of licences

s59 Requirements relating to remote sales by holders of off licences

s214 Manager to be on duty at all times and responsible for compliance

DATED at Christchurch this 2nd day of July 2015

A handwritten signature in black ink on a light blue background. The signature is cursive and appears to read 'R.J. Wilson'. There is a large, stylized flourish at the end of the signature.

R.J. Wilson
Chairperson
Christchurch District Licensing Committee