

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

AND

IN THE MATTER of an application by **Club Hotel Limited** for
Renewal of On Licence pursuant to s.127 of the Sale
and Supply of Alcohol Act 2012 in respect of premises
situated at 100 Tasman Street Opunake Trading as
"Club Hotel"

AND

IN THE MATTER of an application by **Club Hotel Limited** for
Renewal of Off Licence pursuant to s.127 of the Sale
and Supply of Alcohol Act 2012 in respect of premises
situated at 100 Tasman Street Opunake Trading as
"Club Hotel"

BEFORE THE SOUTH TARANAKI DISTRICT LICENSING COMMITTEE AT HAWERA

Chairperson: Cr. I.J. Wards

Members: Cr. K.V. Bourke
Cr. S. Mackay

HEARING at Hawera on the Ninth day of December 2016

APPEARANCES:

Mr James Dodunski - Director of the applicant Company

Mrs Chantelle Denton – South Taranaki District Licensing Inspector – To assist

Mr A Cotter – Fire Risk Management Officer, New Zealand Fire Service and Mr Stewart, Fire Service – In opposition

OBJECTIONS:

There were no public objections to the Renewal of the On or Off Licences

RESERVED DECISION OF THE DISTRICT LICENSING COMMITTEE

Introduction:

- [1] Before the Committee are applications for Renewal of an On-Licence and an Off Licence in respect of premises situated at 100 Tasman Street Opunake trading as "Club Hotel" The Days and hours sought being Monday to Sunday 7.00 a.m. to 2.00 a.m. the following day for the On Licence and Monday to Sunday 7.00 am to 11.00 pm for the Off Licence. In the absence of concerns from the reporting agencies, (other than Fire Service) or the applicant requesting a change to conditions we are dealing with the On and Off licence together.
- [2] The applications are dated 31st October 2016. The applications must be considered under the Sale and Supply of Alcohol Act 2012 and in accordance with the criteria set forth in s. 131 of the Act.
- [3] **REPORTING AGENCIES**
- [4] No opposition or concerns have been raised by the reporting agencies Medical Officer of Health, Police, or the Licensing Inspector.
- [5] **Objection**
- [6] The New Zealand Fire Service have objected to the applications on the grounds that the owner of the premises does not have or maintain an evacuation scheme as required by the Act
- [7] The Matter in contention is that raised by the District Licensing Inspector and the New Zealand Fire Service Officer that the application for Renewal does not comply with s. 127 (2) (e) (i) of the Act specifically compliance with s.21B of the Fire Service Act 1975
- [8] **Applicant Evidence:**
- [9] Mr Dodunski stated that he believed that the Club Hotel now complied with the requirements of Fire Service Act. As far as he was aware his contractors (ADT and Chubb) would be aware of the requirements and advise him of any non-compliance issues.
- [10] In response to questioning Mr Dodunski stated that the matter had taken a long time due to the misplacement of some forms and some of the evacuations had not been completed on time

[11] NZ Fire Service Evidence

[12] Mr Andrew Cotter and Mr Stewart of the New Zealand Fire Service jointly presented evidence of their communications with Mr Dodunski. Mr Cotter stated that they had contacted the building owner on 24 different occasions relating to failures in building control and licensing requirements to provide for and maintain an evacuation scheme

[13] Mr Cotter advised that the applicant had submitted a further application to the NZ Fire Service but it was of the same unacceptable standard as the previous ones

[14] Mr Cotter further stated that the Fire Service welcomed the applicants attempt to forestall a complete failure and that he looked forward to assisting Mr Dodunski to complete the application once they had held an initial review.

[15] Mr Cotter stated that the NZ Fire Service was seeking a six month conditional Licence to ensure that trial evacuations from a successfully approved evacuation scheme can be witnessed

District Licensing Inspector

[16] Mrs Dentons Report was "taken as read" by the committee. Mrs Denton stated that she had nothing further to add to her report

[17] Mrs Dentons Report stated that the application complied with all s. 131 matters and offered no opposition to the application for Renewal of the Licences other than her concerns regarding non-compliance with the Fire Service Act 1975

District Licensing Committee Decision and Reasons

[18] We are satisfied that the Club Hotel is operating in compliance with the licence conditions and meets the s. 131 criteria

[19] The applicants failure to comply with the Fire Service Act could be due to a blasé attitude, or wilful non – compliance. Having been contacted 24 times by the Fire Service in relation to failures in building control, or licensing requirements to provide for and maintain an evacuation scheme we are drawn to the conclusion that non-compliance has been in part due to an over reliance on others to advise, and partly to wilful neglect of a licensees responsibility.

[20] We are willing to renew both the On and Off licences conditional on the Inspector receiving confirmation from the Fire Service that compliance with the Fire Service Act 1975 has been achieved within six (6) months of this decision.

[21] The issue of these renewals must be accompanied with a warning that any further failures in regard to Fire Service requirements will likely bring into question the applicants suitability to hold a Liquor licence

[22] **The application by Club Hotel Limited for Renewal of both On and Of Licences pursuant to s.127 of the Sale and Supply of Alcohol Act 2012 in respect of premises situated at 100 Tasman Street Opunake Trading as "Club Hotel" are granted for a period of three (3) years conditional upon:**

Confirmation from the Fire Service that compliance with the Fire Service Act 1975 has been achieved within six (6) months of this decision.

All other conditions remain unchanged from the original Licences

I.J. Wards

Chairperson

South Taranaki District Licensing Committee