

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

AND

IN THE MATTER of application by Robert Kenneth Gamble for renewal of **Off Licence** pursuant to s.127 of the Act in respect to premises at 2 The Crescent, Taupiri, known as Taupiri Tavern

### AGENDA

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### Sale and Supply of Alcohol Act 2012

ra aa Takiwaa o Waikato	The Secretary Waikato	District Licensing	Committee	
From:	Clare Sturzaker, Licensing Inspector			
Date:	1 August 2023     Application No:     LicRen33/2022			
Applicant:	Robert Kenneth Gamble			
Premises:	Taupiri Tavern, 2 The Crescent TAUPIRI			
Licence Number:	14/0FF/03/2020	Expiry Date:	24 September 2022	

### Inspector's Report on Application for Renewal of Off-Licence

### 1 Introduction

Application is made for renewal of an off-licence pursuant to Section 127 of the Sale and Supply of Alcohol Act 2012. The general nature of the premises is that of a tavern.

The fees category of the premises is medium.

The application was received prior to the expiry date of the licence and was accompanied by the correct fee and the statement required by section 127(2)(e) relating to fire evacuation requirements of the Fire and Emergency New Zealand Act 2017.

### 2 Ability to Hold an Off-Licence

### 2.1 Renewal of Off-Licences

Section 125 provides that an off-licence must not be renewed unless the premises are premises for which an off-licence can be issued under sections 32. This provision is to ensure that the operation of the premises continues to meet the requirements of the Act in respect of off-licences.

I am satisfied that the premises, operating as a tavern – across the bar sales is one for which an off-licence may be issued under section 32(1)(a).

### 3 Public Notification and Objections

### 3.1 Public Notification

Section 127(3) requires the application to be publicly notified in accordance with section 101 within 10 working days after filing the application.

The application was first notified on the Waikato District Council's public website on the 1 September 2022, and it remained online for 30 days. The objection close date was 22 September 2022.

### 3.2 Objections

No objections to the renewal of the licence have been received.

### 4 Criteria for Renewal of Licence

Section 131 of the Act details the matters to which the Licensing Committee must have regard when deciding whether to renew a licence. These include matters set out in paragraphs (a) to (g), (j) and (k) of section 105(1) relating to criteria for the issue of a licence.

### 4.1 The object of the Act

The object of the Act is that –

- (a) The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- (b) The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

As discussed in consideration of the criteria below and the overall assessment of the application I consider that the applicant has demonstrated suitable measures to ensure responsible sales, supply and consumption of alcohol and that harm will be minimised.

### 4.2 The suitability of the applicant

The applicant, Robert Kenneth Gamble, is a natural person who has attained the age of 20 years and complies with the requirements of section 28 relating to who can hold an offlicence.

The applicant has owned and operated the premises since 2003. Robert Gamble is a fulltime manager and holds a current manager's certificate.

We have no adverse reports concerning the suitability of the licensee.

No criminal convictions have been recorded against the applicant and the police report does not identify any matters of concern with respect to the applicant's suitability.

The applicant failed a Controlled Purchase Operation on the 5 November 2022; however, the Police had made a section 280 and section 285 application to the Alcohol Regulatory and Licensing Authority.

The Police are still waiting for the applications to be heard.

### 4.3 Any relevant local alcohol policy

The Waikato district local alcohol policy came into force on 1 January 2017 with the maximum trading hours provisions coming into force on 1 April 2017.

Section 133(1) provides that the Committee cannot consider any inconsistency between the local alcohol policy and the renewal of the licence or consequences of its renewal.

The licence complies with the provisions of section 5 of the policy relating to off-licence policies.

### 4.4 The days on which and the hours during which the applicant proposes to sell alcohol

The licence currently allows the licensee to sell alcohol across the bar on the following days and hours.

### Monday to Sunday 9.00am to 10.00pm

These hours are within those permitted by clause 5.6.1 of the local alcohol policy.

The hours are consistent with other licensed premises of a similar nature in the Waikato District, and I consider them to be appropriate.

### 4.5 The design and layout of the premises

The existing design and layout of the premises is not proposed to change.

An assessment of the premises has been made by the applicant in respect of Crime Prevention through Environmental Design (CPTED) guidelines. I have reviewed the assessment and am satisfied that the design and layout of the premises is appropriate.

I have assessed the premises, on the 16 September 2022, using CPTED principles and note no issues regarding the design and layout of the premises.

# 4.6 Whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods

The applicant does not engage in the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food.

4.7 Whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services

The applicant does not engage in services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food.

## 4.8 Whether the applicant has appropriate systems, staff, and training to comply with the law

The applicant has a range of systems in place to ensure compliance with the law including a host responsibility policy, staff training and monitoring systems for minors and intoxication.

There is a security camera monitoring system installed at the premises.

There are a total of five staff employed according to the 2022 training records. Two of these hold a current manager's certificate. All staff undergo training programme undertaken by the applicant annually. Regular team meetings/training sessions are held.

I consider the systems, staff and training are sufficient to enable compliance with the law.

## 4.9 Any matters dealt with in any report from the Police or Medical Officer of Health made under section 129

A report from the Police, 19 September 2022, has raised no matters in opposition to the application.

A report from the Medical Officer of Health, 30 November 2022, has raised matters in opposition for the application as follows.

• Section 105(1)(j) whether the applicant has appropriate staff, systems, and training to comply with the law

The applicant failed a Controlled Purchase Operation by selling liquor to a minor on 5<sup>th</sup> November 2022. During an inspection on 22<sup>nd</sup> November 2022 following the Controlled Purchase Operation, training records were not available. The documents supplied with the application do not stipulate who has provided the training or evidence of training documentation. The Host Responsibility Policy included in the application was not on display.

- Section 131(1)(d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol The applicant has a "Spin the Wheel" promotion on a Friday night which provides patrons with a chance to win a free or half price handle once they have purchased a handle of beer. In our opinion, this is a breach of section 237(1)(a), (b)(i), (c)(i), and (e).
- 4.10 Whether the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence

Taupiri Tavern is an established old country tavern, that has been operating at the site for over 50 years.

There have been no issues with noise complaints, vandalism attributed to the premises or from people using, congregating around the premises.

The tavern is supported by the local community and the tavern, in return, supports community events, such as fishing and pig hunting competitions, and a venue for special occasions like funerals.

I therefore do not consider that the amenity and good order of the locality would be likely to be increased by more than a minor extent if the renewal of the licence was refused.

## 4.11 The manner in which the applicant has sold (or sold and supplied), displayed, advertised, or promoted alcohol

We have no adverse reports on the way the applicant has sold (and supplied), displayed or promoted alcohol.

An inspection of the premises has been undertaken on 16 September 2022 and no issues were found.

I am not aware of any advertising or promotion undertaken by the applicant in contravention of section 237.

### 5 Conclusion

There have been no objections received to the renewal of the licence and no matters in opposition have been raised by the Police.

Having inquired into the application I have no objection to the grant of the application.

Having regard to the opposition from the Medical Officer of Health the application is required to be determined by the District Licensing Committee at a public hearing.

### 6 Conditions

If granted I consider the existing conditions appropriate.

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day.
- (b) Alcohol may be sold under the licence only on the following days and during the following hours:

### Across the Bar Sales

Monday to Sunday 9.00am to 10.00pm

- (c) Drinking water must be freely available to customers at the following places while alcohol is being supplied free as a sample on the premises: At the lounge and public bars' serveries.
- (d) The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
  - (i) Display 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.
- (l) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
  - (i) All staff will be trained in their responsibilities under the Act.
  - (ii) A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty responsible for the management of the sale and supply of alcohol under the licence.
- (m) The sale or delivery of alcohol is authorised on the premises generally. The premises situated at 2 The Crescent, Taupiri are more precisely identified in a plan date stamped as received by the Waikato District Licensing Committee on 8 November 2016.

Clare Sturzaker Licensing Inspector



Hamilton | Cambridge | Paeroa www.harknesshenry.co.nz

11 August 2022

The Secretary District Licensing Committee Waikato District Council Private Bag 544 NGARUAWAHIA 3742 Account No Email Direct Dial Address 573871-4 jay.rajendram@harkness.co.nz +64 7 838 2399 Private Bag 3077, Hamilton 3240 New Zealand, DX GP 20015

#### Application for Renewal of On- & Off-Licence - R K Gamble t/a "Taupiri Tavern"

- 1. We act for Robert Kenneth Gamble (**Applicant**).
- 2. We submit these two applications together with payment of the combined filing fee of \$1,813.00 (filing fee = \$1,633.00 + public notice fee = \$180.00). We have assessed the premises as falling within the medium risk/cost category.
- 3. In support of the applications we also enclose:
  - (a) Detailed floor plan of premises;
  - (b) Location plan;
  - (c) Locality assessment report;
  - (d) Host Responsibility Policies;
  - (e) Duty manager's certificates;
  - (f) Evidence of staff training;
  - (g) Menu (food and drink);
  - (h) Breakdown of sales revenue for the last 12 months; and
  - (i) Authority to act.

#### Training

4. The Applicant regularly holds informal training sessions, at least twice yearly, where it discusses with staff the conditions of its licence, its host responsibility policies, the intoxication assessment guidelines, its age verification systems and any other topics raised in the HPA booklets *The Bar Code* and *Creating a Responsible Drinking Environment.* 

#### Assessment of amenity and good order

5. The premises are located in Taupiri, a small township on the eastern bank of the Waikato River overlooked by Taupiri mountain and 7km further east of Ngaruawahia.



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- 6. Taupiri Tavern was first established in the late nineteenth century on a site where the Mangawara Stream meets the river. The present-day tavern was rebuilt following a fire in 1911.
- 7. The premises are located near a main railway line and within the mainly residential area of the township. The site is surrounded by The Crescent, which separates the premises from nearby residential properties, and is proximate to several other non-residential activities, including early childhood education and light industry.
- 8. Given the application relates to an existing use which is not changing in character, intensity or scale, the Applicant proffers that the refusal to grant the applications will not increase, by more than a minor extent, the amenity and good order of the locality.

#### **Public Notices**

9. We will attend to advertising the public notices using Council's public notices services. A site notice will be displayed at the premises.

#### Payment of the application fee

10. The application of \$1,813.00 has been paid by bank transfer to Waikato District Council's bank account with the following reference details:

Particulars: *Licensing* Code: *Renewal* Reference: *RK Gamble* 

11. Please advise if any further information is required. Otherwise we look forward to receiving the outcome of the Committee's consideration in due course.

#### Harkness Henry

SPECIALIST LAWYERS

JAY RAJENDRAM Solicitor





**District Office** 15 Galileo Street Private Bag 544 Ngaruawahia 3742 Huntly Area Office 142 Main Street 0800 492 452 Raglan Area Office 7 Bow Street 07 825 8129 Tuakau Area Office 2 Dominion Road 0800 492 452

Telephone (all hours) Call Free Fax

07 824 8633 0800 492 452 07 824 8091

email: css@waidc.govt.nz www.waikatodistrict.govt.nz

**Received Waikato District Council Community Safety Support** Date: 11/8/2022

## Application for Renewal of Off-Licence

Section 127(2), Sale and Supply of Alcohol Act 2012

То:	The Secretary District Licensing Comm		e <u>due with application:</u>	\$816.50
	Waikato District Council Private Bag 544			\$632.50
	NGARUAWAHIA 3742			
Applicati	ion for renewal of an Off-L	icence is made in accordance with	n the details set out below	V:
Detail	s of Application			
Type of	application (tick box that a	pplies):		
🗌 New	v Off-Licence	✓ Renewal of Off-Licence	Variation of Off-Lice	ence
ls a licer	nce already held for the pr	emises or conveyance concerned?		
✓ Yes	🗌 No			
lf Yes, s	tate kind of licence and lice	ence number: 14/OFF/03/20	20	

#### Endorsements

Type of endorsement sought or sought to be renewed (tick all appropriate boxes):

Auctioneer Remote sales

### **Details of Applicant**

Full legal name or names to be on licence: <u>Robert Kenneth Gamble</u>	
Contact person: <u>Jay Rajendram, Solicitor</u> Daytime phone: <u>Daytime phone</u> :	07 959 3018
Postal Address for service of documents: <u>c/- Harkness Henry Lawyers, Private Bag</u>	3077
Town: Hamilton Post Code: 3240	
Status of applicant:	
✓ Natural person	npany
Partnership   Limited partnership   Trustee	

Other (state) Body corporate, board, organisation or other body; Licensing Trust;	
Government department or other instrument of the Crown; Local Authority; Trustee;	
Manager under the Protection of Personal and Property Rights Act 1988	

For an applicant that is a natural person or pers	ons (complete for each applica	nt):
Full legal name: Robert Kenneth Gamble		✓Male  Female
Also known as: <u>Bob Gamble</u>		
Residential address: <u>C/- Taupiri Tavern, 2 The Crescer</u>	nt	
Town: Taupiri	Post Code: 3721	
Occupation: Business Owner		
Date of Birth:05/11/1955	Place of Birth: New Zealand	
Phone: 027 474 6886	Email: r.gamble@xtra.co.nz	
Preferred mode of contact: <u>Phone</u>		
FutNegal name:		🗌 Male 🔄 Female
Also known as:		
Residential address:		
Town:		
Occupation:		
Date of Birth:	Place of Birth:	
Phone:	Email:	
Preferred mode of contact:		
Full legal name:		🗌 Male 🔲 Female
Also known as:		
Residential address:		
Town:		
Occupation:		
Date of Birth:		
Phone:		
Preferred mode of contact:		
Business details: (describe principal business and any other bus	(accession)	
Tavern and bottle store	,	
Criminal convictions (state all criminal convictions other than 1998 not contained in Part 6, and offences to which the Criminal		
None		
For a body corporate, authority under which incorpora	ated:	
Tor a body corporace; additioney under which incorpora		

Give full details of each direc	tor: (Use an additional sheet of paper if	necessary)					
Name		ldress	Date of	Birth	Place of Birt	th	Designation
				······			
	ull details of each person who hold						
Name	Ac	ldress	Date of	Birth	Place of Birt	:h	Designation
Private Company Only:	Authorised Capital \$		Paid-up Ca	pital \$			
Give full details of each person w	ho holds any shares issued by the	company:					
Name	Addres	s	Date of Birth	Place	of Birth	Designation	Face value of share held

Further Details Where App (attach a copy of the partnership agreem				
Give full details of each partner: (	Use an additional sheet of paper if necessary)			
Name	Address	Date of Birth	Place of Birth	Designation
				······

Details of Premises
Address of premises: <u>2, The Crescent</u>
Taupiri 3721
Proposed trading name: Taupiri Tavern
Does the applicant own the proposed licensed premises? $\checkmark$ Yes $\Box$ No
If No, what is the full name and address of the owner:
Full Name:
Address:
Town: Post Code:
Tenure: (freehold, unit title, leasehold or under licence, including term)
Is the licence conditional on completion of building work? 🗌 Yes 🗸 No
If Yes, please state details:
Details of Managers
If more than four bar managers are to be employed, give details on a separate sheet of paper
Full name and address: <u>Robert Kenneth Gamble</u>

Manager's certificate number	: 14/CERT/145/2016	Expiry date:	24/09/2022
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Full name and address: Chloe Serena Smith-Hall

Manager's certificate number: 14/CERT/024/2022

Expiry date: 30/03/2022 – (Applicant has applied for renewal of manager's certificate with Waikato DC)

Full name and address:	
Manager's certificate number:	Expiry date:
Full name and address:	
Manager's certificate number:	Expiry date:

### **Business Details**

What is the general nature of the business to be conducted by the applicant if the licence is granted? (eg hotel, tavern, supermarket, grocery store, retail shop (other than grocery or supermarket), internet sales:

Tavern and bottle store

Is the sale of liquor intended to be the principal purpose of the business? ✓Yes □ No If NO, what is intended to be the principal purpose of the business?
food, or in the provision of any services other than those directly related to the sale or supply of alcohol and food? □Yes ✓No
If Yes, what are those other goods and services?
On which days and during which hours does the applicant intend to sell liquor under the licence?          Monday to Sunday 9:00am to 10:00pm
<ul> <li>What part (if any) of the premises does the applicant intend should be designated as:</li> <li>(i) A supervised area</li> <li>Entire premises</li> </ul>
(ii) A restricted area
Conditions
What is the experience and training of the applicant? <u>The Applicant has operated the premises as a licensed</u> premises since 2003 without any issues or concerns. The Applicant is a responsible operator and holds a current managers certificate.
What steps are proposed to be taken to prevent the sale and supply of alcohol to prohibited people? Customers who appear under 25 years of age are required to produce acceptable evidence of age before alcohol is supplied. Intoxication levels are assessed using the HPA tool. If a patron is intoxicated then they are refused service and required to leave.

Describe any other steps proposed to promote the responsible consumption of alcohol: <u>Alcohol is reasonably</u> priced and never subject to discounts relating to the quantity purchased. The premises displays appropriate signage and displays the host responsibility policy. The premises has 9 CCTV cameras onsite.

What other systems (including training systems) and staff are in place (or are to be in place) for compliance with the Act? <u>The licensee trains new staff by discussing the conditions of the licence and Host Responsibility</u> Policy requirements. Ongoing training (at least twice yearly) includes discussing topics relating to host responsibility, age verification and the intoxication assessment guidelines.

Signature		
Dated at: <u>Hamilton</u>		Date: <u>11/08/2022</u>
Signature of applicant /agent	PP: Jay Rajendram	

### Notes

1 This application must be accompanied by the prescribed fee (see information below).

2 Within 20 working days after filing this application with the District Licensing Committee (or 10 working days if it is an application for renewal), the applicant must give public notice of it in form 7. The notice must be given in compliance with regulation 36, 37 or 38 of the Sale and Supply of Alcohol Regulations 2013 (whichever applies to this application).

3 Except in the case of a conveyance, within 10 working days after filing this application with the District Licensing Committee, the applicant must ensure that notice of this application in form 7 is attached in a conspicuous place on or adjacent to the site to which the application relates (unless the Secretary of the District Licensing Committee agrees that it is impracticable or unreasonable to do so).

### APPLICATION FOR LICENCE ISSUED UNDER THE PROVISIONS OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012

#### IMPORTANT

### THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR LICENCE APPLICATION

To enable the District Licensing Committee to process your licence application it must be accompanied by a statement that either:

- I The building in which the premises are situated has an evacuation scheme for public safety which meets the requirements of the Fire and Emergency New Zealand Act 2017; or
- 2 The building, by reason of its current use, does not require such a scheme, or that the building is exempt from having to meet the requirements for such a scheme.

STATEMENT TO BE COMPLETED BY APPLICANT		
Premises:	Taupiri Tavern	
Applicant:	Robert Kenneth Gamble	
<b>Statement</b> (either):		
The building in which the premises are situated has an evacuation scheme for public safety which meets the requirements of the Fire and Emergency New Zealand Act 2017; or		
<b>U</b> , 1	of its current use, does not require such a scheme, or the building is exempt requirements for such a scheme.	
	(Cross out option that does not apply)	
Signed:PP: Jay R	RajendramII/08/2022	
Position:Jay Rajendram, as Agent		
Alternatively the applicar	nt may attach a statement or letter from Fire and Emergency New Zealand.	

## CPTED checklist for off-licensed premises

Windows			
There is at least 50% transparency in the front of the premises	√Yes	🗌 No	🗌 N/A
There is good visibility to and from the premises and the street	√Yes	🗌 No	□ N/A
Lighting			
Internal lighting inside the premises is suitable s	√Yes	∏ No	∏ N/A
Lighting allows customers to be seen as they enter the premises	✓ Yes		N/A
Lighting allows staff to check IDs etc	√Yes		N/A
Lighting outside the premises is suitable	√Yes		N/A
Lighting outside the premises discourages loitering	√Yes		□ N/A
Car parks and loading bays are well lit	∏Yes	 ∏ No	√N/A
Street lighting is outside the premises and is working properly	√Yes	 □ No	□ N/A
Internal Layout			
	√Yes		∏ N/A
The cash register is positioned near the main entrance The cash register area is raised to improve visibility	V Tes	<mark>∏</mark> No ✓ No	N/A
Safe is out of public view	✓ Yes		N/A
No stock displays are greater than 1.3 metres	✓ Yes		N/A
The entire premises can be seen by the cashier	√Yes		N/A
There is good visibility into cold stores			✓ N/A
Where there may be blind spots, mirrors or CCTV are installed	✓ Yes		□ N/A
Security			
	()		
Doors and windows are reinforced	✓Yes		
Nothing encourages loitering outside the premises (eg notice boards etc)	√Yes		
There are no recessed entrances to the premises Intruder alarm is installed	Yes √Yes	✓ No	N/A N/A
Alarm is monitored by monitoring centre	✓ Yes		
Panic buttons are linked to intruder alarm			✓ N/A
	163		
CCTV			
CCTV is installed	√Yes	🗌 No	□ N/A
CCTV is positioned to monitor vulnerable areas	√Yes	□ No	□ N/A
Customers are aware of the CCTV system	√Yes	□ No	□ N/A
Staff understand its operation	√Yes	□ No	□ N/A
Staff Security			
There are sufficient numbers of staff to ensure control of the premises	√Yes	🗌 No	□N/A
Two or more workers are on duty after dark	√Yes	🗌 No	□N/A

Staff are visible to customers upon entering the store	√Yes	🗌 No	□ N/A
Staff greet/acknowledge customers entering the store	√Yes	No No	🗌 N/A
A door buzzer notifies staff of customers entering the store	Yes	🗌 No	✓ N/A

#### Fees

Fees are based on a "cost/risk rating" of each premises and take into account the type of premises, hours of operation and any enforcement actions in the previous 18 months. A weighting for each of these will produce the rating for the premises as shown below.

Type of premises (off licences)	Weighting
Supermarket, grocery store, bottle store	15
Hotel or tavern with off licence	10
Remote sale premises, other premises not specified elsewhere	5
Winery cellar doors	2

Latest trading time allowed by off licence	Weighting
10pm or earlier	0
Any time after 10pm	3

Number of enforcements in last 18 months	Weighting
None	0
1	10
2 or more	20

The "cost/risk rating" is the combined total of the weightings for each of the three parameters. To determine the cost/risk rating for your premises add the three weightings applicable to your premises.

There are 5 fee categories depending on the total rating:

Cost/Risk rating	Fee Category	Application fee		Application fee Annual fee		ial fee
		GST Excl	GST Incl	GST Excl	GST Incl	
0-2	Very low	\$320	\$368	\$140	\$161	
3-5	Low	\$530	\$609.50	\$340	\$391	
6-15	Medium	\$710	\$816.50	\$550	\$632.50	
16-25	High	\$890	\$1023.50	\$900	\$1035.00	
26+	Very high	\$1050	\$1207.50	\$1250	\$1437.50	

**Note:** The application fee must be paid at the time of application. For a new licence application, if the application is granted, the annual fee must be paid before the licence will be issued. An invoice will be issued once the decision is made. For a renewal application the annual fee is invoiced at the same time as the application and is payable by the anniversary date of the licence. The final determination of the fee category for the premises is made by the Council.

### DECLARATION

The New Zealand Police are required by the Sale and Supply of Alcohol Act 2012 to make inquiries into the suitability of the applicant. This will involve informing the District Licensing Committee and the Alcohol Regulatory and Licensing Authority of any convictions or concerns involving the applicant. Should there be any concerns, the applicant will also be informed.

I consent to the release of this info
---------------------------------------

I hereby state that the above particulars in the application are true and correct

I understand that my application will not be lodged with Council until the application fee is paid and all required documents are supplied. Incomplete applications will be returned.

14-6- 622

Signature

Robert - GAMble

Date

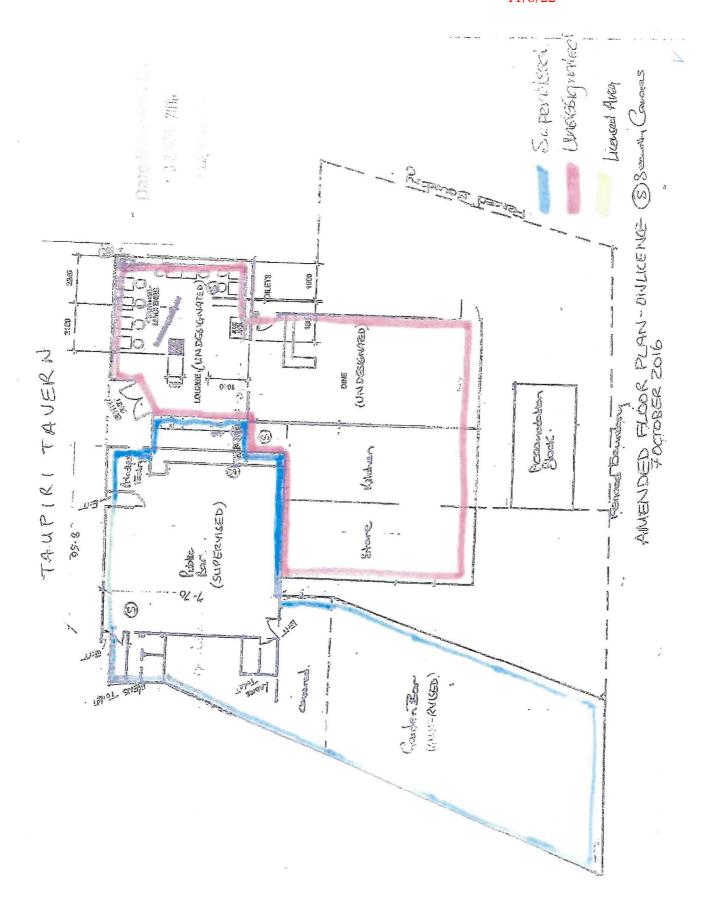
OUNER

Name

Designation

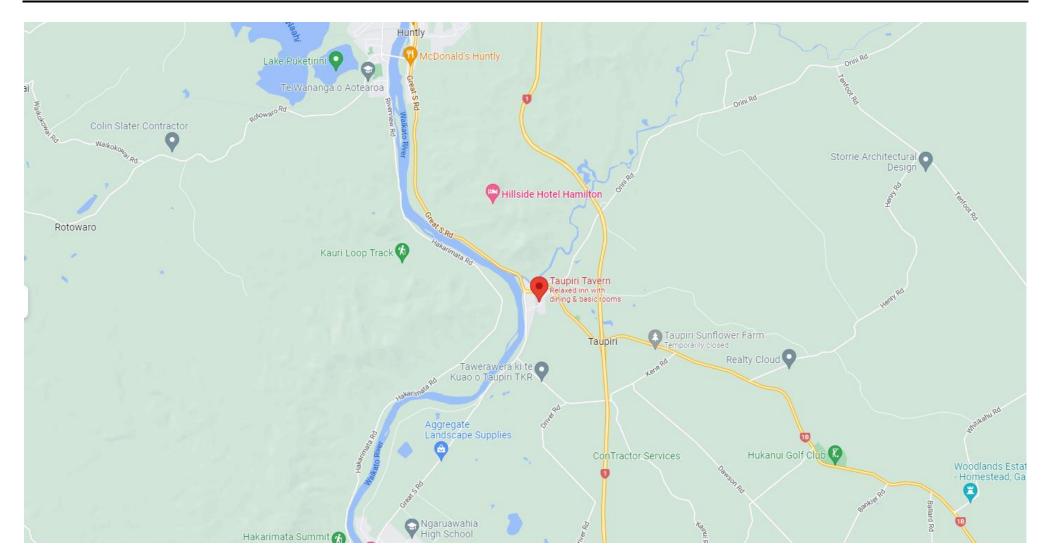
Contact us: Phone 0800 492 452 or 07 8248633 (Community Safety Support, alcohol licensing) email <u>css@waidc.govt.nz</u>

Received Waikato District Council Community Safety Support Date: 11/8/22



## Location Plan – Taupiri Tavern

2 The Crescent, Taupiri



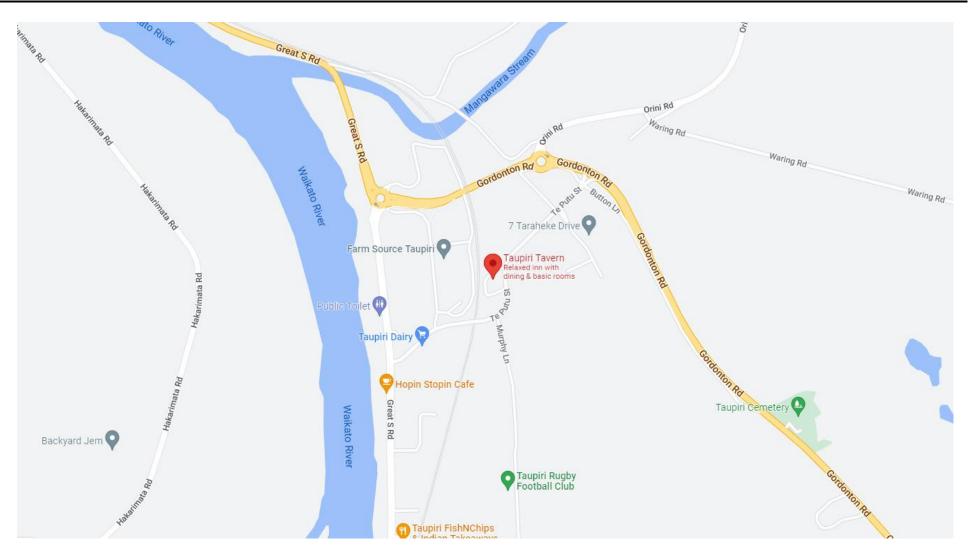


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## Location Plan – Taupiri Tavern

2 The Crescent, Taupiri



## Location Plan – Taupiri Tavern

2 The Crescent, Taupiri



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## Harkness Henry

SPECIALIST LAWYERS

Hamilton | Cambridge | Paeroa www.harknesshenry.co.nz

11 August 2022

The Secretary District Licensing Committee Waikato District Council Private Bag 544 NGARUAWAHIA 3742 Email Direct Dial jay.rajendram@harkness.co.nz +64 7 838 2399

573871-3

Account No

#### Locality assessment report - R K Gamble t/a "Taupiri Tavern"

 Taupiri Tavern is an old country tavern ("premises") that has existed for over fifty years. Mr Gamble ("Applicant") has been the licensee since 2003. This premises is situated in Taupiri adjacent to the North Island Main Trunk Line.

#### Locality assessment

- The premises is well supported by the community and the premises supports community projects such as pig hunting competition and fishing. It provides a community venue for events.
- The Applicant is an experienced operator and has managed his premises well since the grant of the licences in 2003.

## Steps to mitigate risk and negative impact on the amenity and good order of the locality

- 4. The Applicant's business does not pose any noise, nuisance or vandalism issues for the locality. Minors and intoxicated people are not allowed inside the premises. The Applicant displays the Intoxication Assessment Tool for its staff. Staff monitor customers to ensure that they do not become intoxicated. If any customer shows signs of influence of alcohol, staff will approach that customer and recommend that they order more food or switch to non-alcoholic beverages. The Applicant does not allow stockpiling of drinks.
- In terms of sensitive areas such as schools, churches and childcare centre, Taupiri Play Centre is across the Main Trunk Line (500m from the premises). Taupiri School is in the close proximity but more than 500m from the premises (see Figure 1 below).



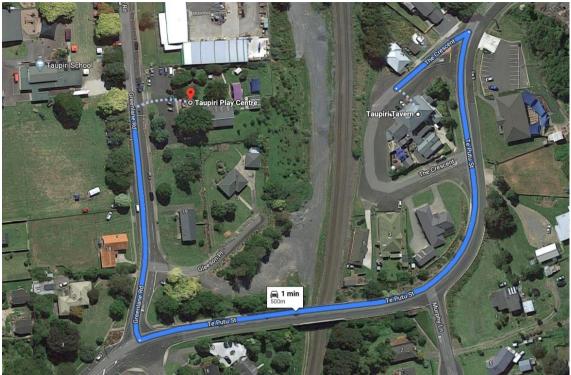


Figure 1

6. Educare Taupiri is approximately 70m east of the premises (see Figure 2).

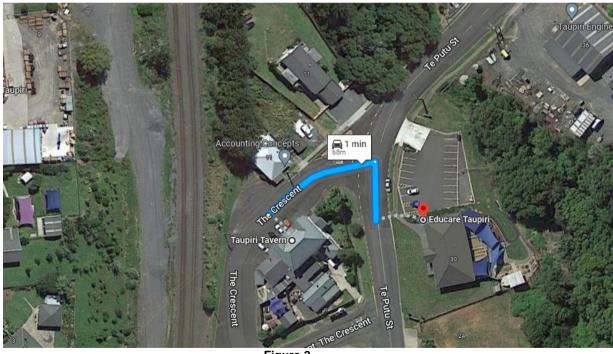


Figure 2

### Local Alcohol Policy

- 7. As the premises is an existing premises, it complies with provisions of the Waikato Local Alcohol Policy.
- 8. On- and Off-licence hours are in line with the hours allowed within the LAP.



JSR-573871-4-5-1:jsr

#### Other licensed premises in close proximity

- 9. There are no other licensed premises in close proximity to the premises.
- 10. Please feel free to contact the undersigned should you require any further information.

Yours faithfully Harkness Henry SPECIALIST LAWYERS

P

JAY RAJENDRAM Solicitor



# Taupiri Tavern (Off-Licence) Host Responsibility Policy

## **OUR LICENCE**

We are able to sell and supply alcohol during **Monday to Sunday 9:00am** to 10:00pm.

Any alcohol purchased from our store must be consumed **away** from the premises.

The entire premises is designated as a **<u>supervised area</u>**. This means that persons under 18 cannot enter the premises unless they are accompanied by a parent or a legal guardian.

## **INTOXICATION**

Intoxicated people are not permitted inside the store. By law we cannot serve intoxicated person. We can refuse to serve alcohol to any person that we suspect is intoxicated.

### Intoxicated people will be required to leave.

## **MINORS**

A current NZ driver's licence, passport, Hospitality NZ 18+ card, or Kiwi Access card are the only types of ID that we can accept.

### If you look under 25, you may need to prove your age.

## **STAFF TRAINING**

We maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.

Please do not hesitate to discuss any concerns you may have with the duty manager. We also encourage you to suggest any ideas that you think will make our store a more enjoyable place.

# Notice of Renewal of Manager's Certificate

Section 226, Sale and Supply of Alcohol Act 2012



0800 492 452 · www.waikatodistrict.govt.nz

#### Certificate No: 14/CERT/145/2016

### **To: Robert Kenneth Gamble**

Your manager's cerificate is renewed.

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate expires on 24 September 2022, unless again renewed.

Dated at Ngaruawahia on 20 August 2019



**Tony Pipe** 

Secretary Waikato District Licensing Committee



Section 217, Sale and Supply of Alcohol Act 2012



Certificate No: 14/CERT/024/2021

Pursuant to the Sale and Supply of Alcohol Act 2012

### Chloe Serena Smith-Hall

is authorised to manage any licensed premises in respect of which a licence is in force.

Subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate shall continue in force -

- (a) until its expiry date detailed below; OR
- (b) if an application for the renewal of the certificate is duly made before the certificate expires, until the close of the period 3 years after the expiry date.

DATED at Ngaruawahia on 30 March 2021

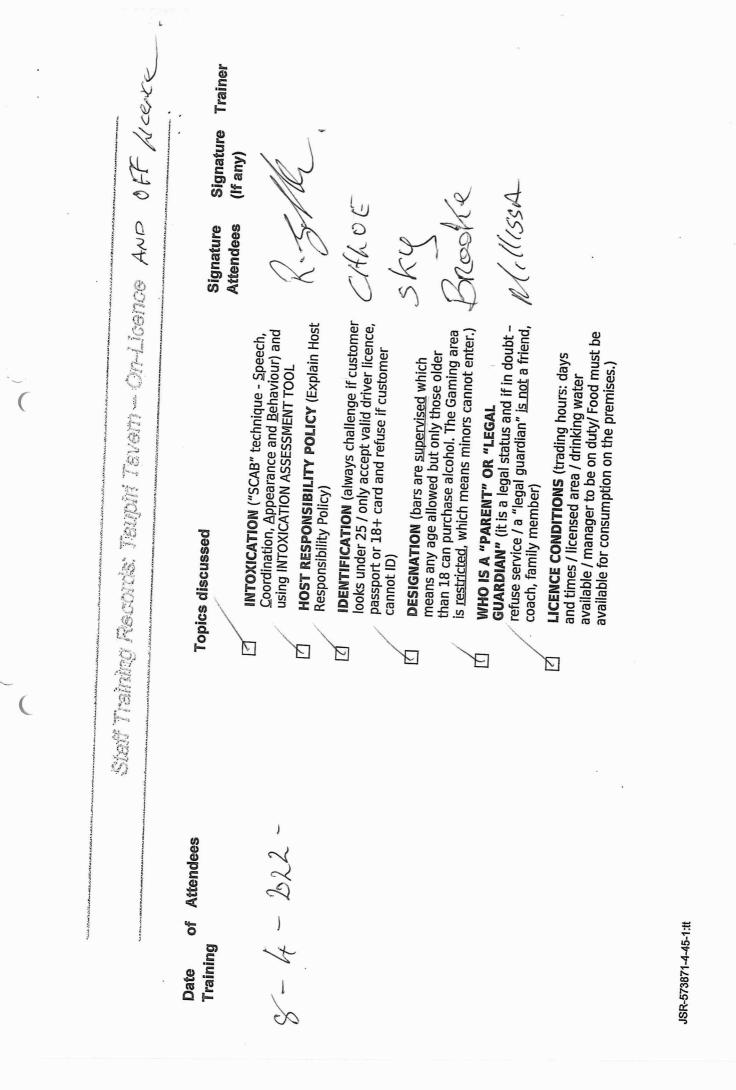


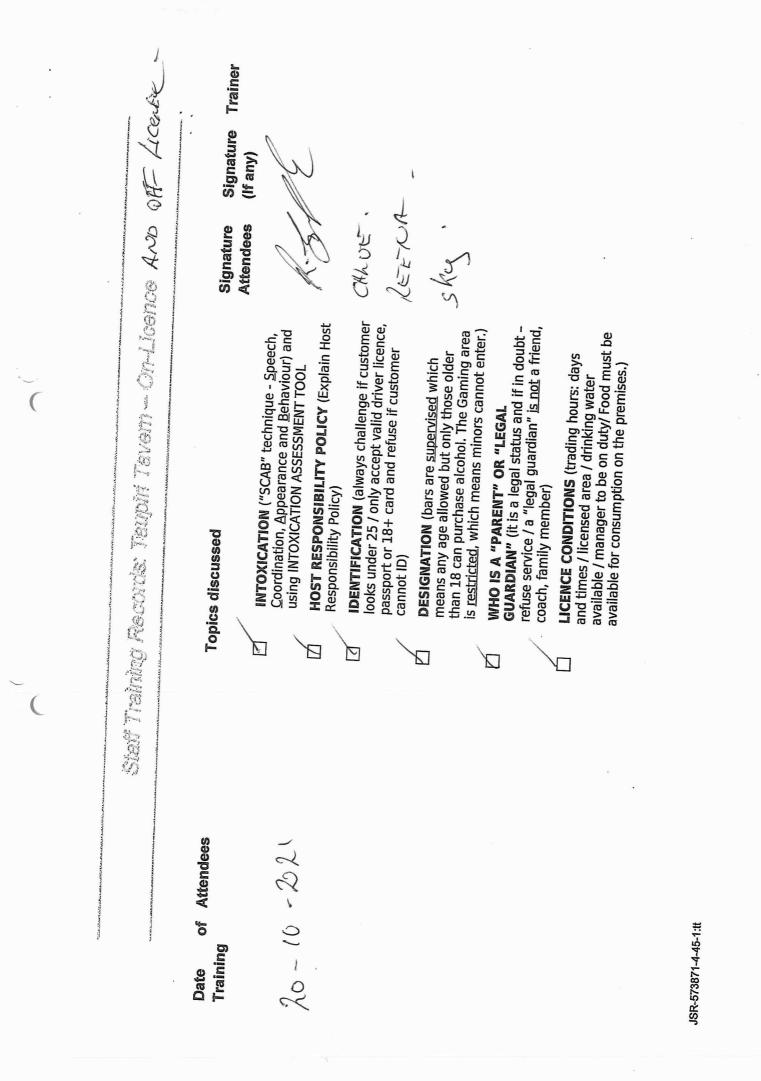
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Sarah Bourke Secretary Waikato District Licensing Committee

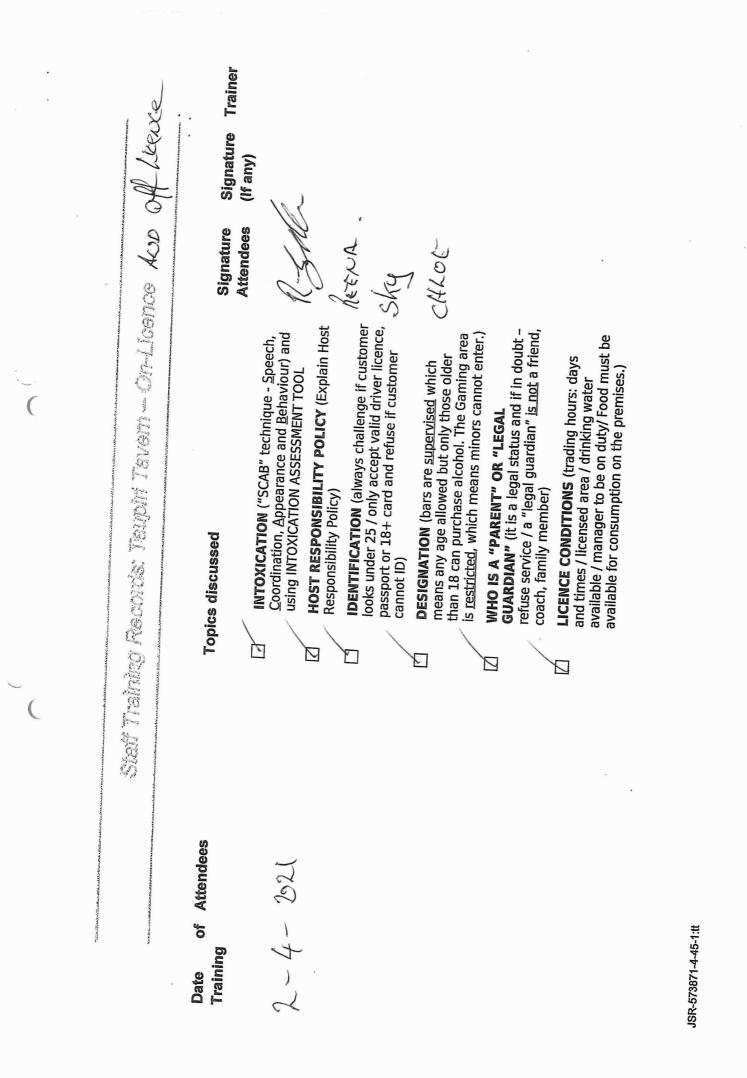
Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate expires on 30 March 2022.

15 Galileo Street Private Bag 544 Ngaruawahia

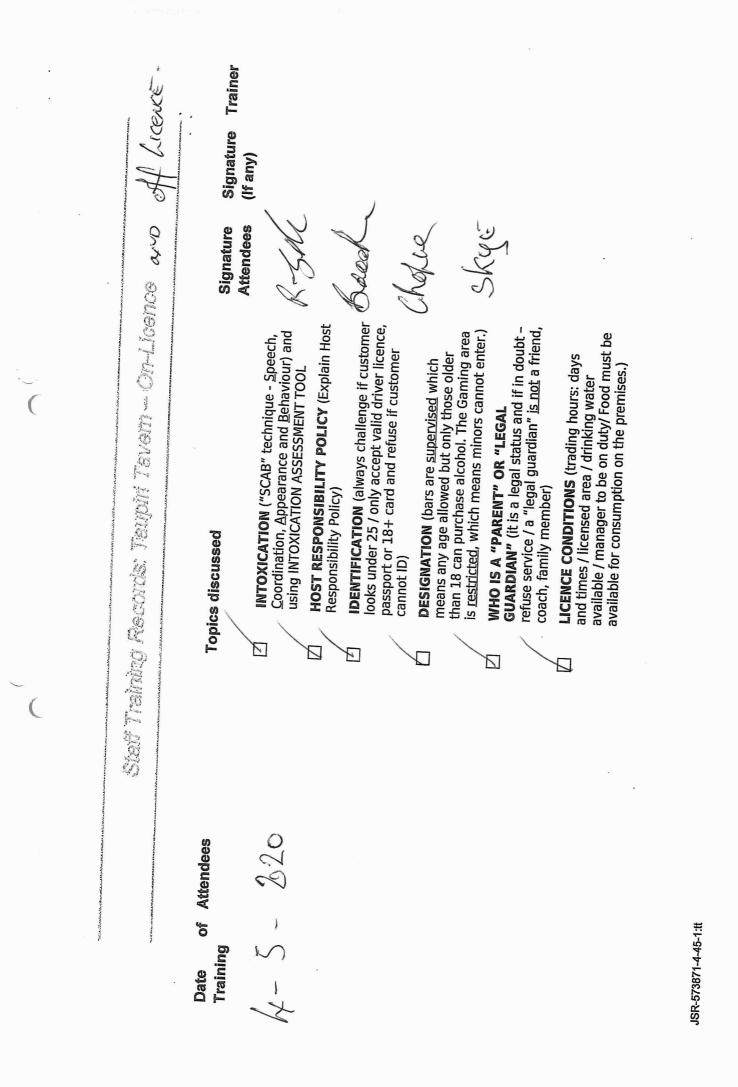


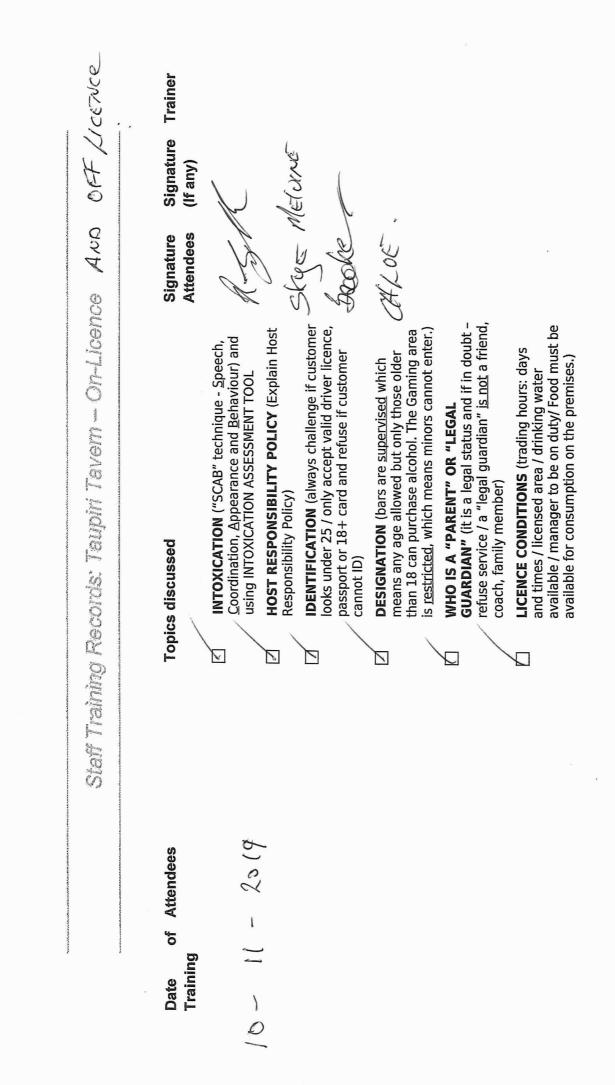


Document Set ID: 3050666 Version: 1, Version Date: 15/08/2022



	Staff Training Records: Taupin Tevem - On-Licence	ice Area all C	•
Date of Attendees Training	Topics discussed	Jnature	5
20-11 - 220	<ul> <li>INTOXICATION ("SCAB" technique - Speech, Coordination, Appearance and Behaviour) and using INTOXICATION ASSESSMENT TOOL</li> <li>HOST RESPONSIBILITY POLICY (Explain Host Responsibility Policy)</li> </ul>	Rode (nany)	
	IDENTIFICATION (always challenge if customer looks under 25 / only accept valid driver licence, passport or 18+ card and refuse if customer cannot ID)	Shore .	
	<b>DESIGNATION</b> (bars are <u>supervised</u> which means any age allowed but only those older than 18 can purchase alcohol. The Gaming area is <u>restricted</u> , which means minors cannot enter.)	CHUS	
	<b>GUARDIAN</b> " (it is a legal status and if in doubt – refuse service / a "legal guardian" <u>is not</u> a friend, coach, family member)		×
	LICENCE CONDITIONS (trading hours: days and times / licensed area / drinking water available / manager to be on duty/ Food must be available for consumption on the premises.)	·	
JSR-573871-4-45-1:tt			





JSR-573871-4-45-1:tt



### Food ítems

Chips	\$6.00
Wedges	\$8.00
Pizza and chips	\$15.00
Burger and chips	\$14.00
Beef/bacon/chicken or fish burgers	\$14.00
Seafood basket	\$22.00
Fish Meal	\$20.00
Steak Meal	\$25.00
Hot chicken salad	\$18.00

Menu

### Drínks

Speights Mid Ale	\$7.00 per handle
Steinlager Light	\$5.00 per handle
Waikato draught	\$6.00 per handle
Lion Red	\$6.00 per handle

### A range of:

Fruit juices, soft drinks, water and tea/coffee also available.

Page 36 of 43

#### Authority to Act as Agent

I, Robert Kenneth Gamble, appoint Harkness Henry Lawyers, as my agent for all alcohol licensing matters.

I authorise and request that the District Licensing Committee (or the Alcohol Regulatory Licensing Authority or any other associated body) forwards all alcohol licensing correspondence to them at the following postal address:

Harkness Henry Lawyers Private Bag 3077 Hamilton 3240

Signature of Robert Kenneth Gamble

Dated this 14 day of JUNE 2022



4



### PLANNING CERTIFICATE TO MEET THE REQUIREMENTS OF THE SALE OF LIQUOR ACT 1989

FILE NUMBERS:	1005328, RMA 2683
Applicant:	Robert Kenneth Gamble (Taupiri Tavern)
Proposal:	To undertake a change of ownership of the Taupiri Tavern but retain the same opening hours of 9.00 am to 2.00 am Monday to Sunday.
LOCATION:	The Crescent, Taupiri
LEGAL DESCRIPTION:	Lots 1 and 2 DPS 77274
Zoning:	Business Zone – Waikato District Plan

This is to certify that the use proposed meets the requirements of the Resource Management Act 1991 pursuant to Section 31 of the Sale of Liquor Act 1989.

The use described above:

Has existing use rights under section 10 of the Resource Management Act 1991 as set out in the Certificate of Compliance issued by the Waikato District Council on 15 November 1990 and as permitted under the Waikato District Plan by way of a Land Use Consent for a discretionary activity relating to car parking (see 4412/127).

......

J F McRae ACTING ENVIRONMENTAL SERVICES GROUP MANAGER

2003 Date

District Office 15 Galileo Street Private Bag 544 Ngaruawahia New Zealand Ph 07 824 8633 Fax 07 824 8091 Call free 0800 492 452 Area Offices Huntly 07 828 7551 Raglan 07 825 8129 waikatodistrict.govt.nz



## BUILDING CERTIFICATE TO MEET THE REQUIREMENTS OF THE SALE OF LIQUOR ACT 1989

To The Secretary Waikato District Licensing Agency NGARUAWAHIA

This letter serves as a Certificate for the purposes of section 55(1)(E) of the Sale of Liquor Act 1989.

Applicant Robert Kenneth Gamble

Location The Crescent, Taupiri

Legal Description Lots 1 & 2 DPS 77274

This is to certify that the proposed use of the premises meets the requirements of the New Zealand Building Code to the extent required by the Building Act 1991 and as per section 8.

Dated 20 August 2003.

Signed for and on behalf of Council

P. Untr.

**BUILDING CONTROL OFFICER** 

J:/SECRETARY\APK\3082001L

Ngaruawahia Office



Company<br/>Attentionliquorlicensing@police.govt.nz<br/>NGARUAWAHIA POLICESenderShelly WilsonSubjectLIQUOR LICENSINGInspectorClare Sturzaker<br/>LicRen33/2022Date31/8/2022No. of PagesInspector

District Office 15 Galileo St, Private Bag 544 Ngaruawahia New Zealand Ph 07 824 8633 Fax 07 824 8091 Call free 0800 492 452 www.waikatodistrict.govt.nz

Please provide a report under the Sale and Supply of Alcohol Act 2012 for the following application: (copy of application attached).

### Application for Renewal of Off Licence – Robert Kenneth Gamble – Taupiri Tavern

Date of Birth:

Police have no objection to this application or

□ Police object to this application – please attach report

Signed .

Thanks Shelly COMMUNITY SAFETY SUPPORT TEAM Email: <u>css@waidc.govt.nz</u>

027 224 3831

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30/11/2022



The Secretary Waikato District Licensing Committee Waikato District Council Private Bag 544 Ngaruawahia 3742

Dear Sir/Madam,

### Application(s) for Renewal Off licence

Please receive the following recommendations under the provisions of the Sale and Supply of Alcohol Act 2012.

2022ALC-2791
LicRen33/2022
Robert Kenneth Gamble
Taupiri Tavern
2 The Crescent, Taupiri

Recommendation: Opposed

We raise the following matters in opposition to the application.

## Section 105(k) any matters dealt with in any report from the Police, and inspector, or a Medical Officer of Health made under section 103.

## Section 105(j) whether the applicant has appropriate staff, systems, and training to comply with the law

The applicant has failed a Controlled Purchase Operation by selling liquor to a minor on 5th November 2022. During an inspection on 22nd November 2022 following the Controlled Purchase Operation, training records were not available. The documents supplied with the application do not stipulate who has provided the training or evidence of training documentation. The Host Responsibility Policy included in the application was not on display.

## Section 131(1)(d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol

The applicant has a "Spin the Wheel" promotion on a Friday night which provides patrons with a chance to win a free or half price handle once they have purchased a handle of beer. In our opinion, this is a breach of s237(1)(a), s237(1)(b)(i), s237(1)(c)(i), s237(1)(e).

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Yours faithfully,

Document Set ID: 82696<mark>82</mark> Version: 1, Version Date: 07/08/2022

Ashleigh Mail For Medical Officer of Health

TeWhatuOra.govt.nz Private Bag 3200, Hamilton 3204 07 838 2569 **Te Kāwanatanga o Aotearoa** New Zealand Government



1 September 2022

Shelly Wilson Community Safety Support Officer Private Bag 544 Ngaruawahia 3742

**Liquor Licence Issue/Renewal** – Fire and Emergency New Zealand Act 2017 section 75-77, Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018

### Applicant – Taupiri Tavern – 2 The Crescent, Taupiri

Dear Shelly

Section 76 and 77 of the Fire and Emergency New Zealand Act 2017 requires Fire and Emergency approved Evacuation Schemes for "Relevant" buildings.

A "Relevant" building can be defined by having 100 or more people gathered, 10 staff or more, 5 persons or more sleeping and/or any of the other definitions outlined in Section 75 of this Act.

The Evacuation of Premises Declaration in this instance has indicated one of the below is applicable:



The <u>owner</u> of the building in which the premises are situated provides and maintains an evacuation scheme as required by sections 75 - 77 of the Fire and Emergency New Zealand Act; or

Because of the buildings current use, its <u>owner</u> is not required to provide and maintain such a scheme; or Because of the nature of the building, its <u>owner</u> is exempt from the requirement to provide and maintain such a scheme.

In this instance, Fire and Emergency New Zealand:

Х	На	s no objection to the issue/renewal of the Liquor Licence for the above address.
	Ob	jects to the issue/renewal of this licence based on:
		The Property is required to have an approved Evacuation Scheme by Fire and Emergency; or
		The Evacuation Scheme has not been maintained as required, through trial evacuation or training programme; or
		The current scheme is old and no longer relevant and requires renewal.

All information required to complete an Evacuation Scheme application or maintain a scheme can be found on the Fire and Emergency Website – <u>www.fireandemergency.nz</u>

Yours faithfully,

*Frankie Noble* Advisor Risk Reduction

# Application for Renewal of OFF Licence -Robert Kenneth Gamble - Taupiri Tavern

01 September 2022



Sale and Supply of Alcohol Act 2012

Robert Kenneth Gamble, 2 The Crescent, Taupiri 3721, private individual has made application to the District Licensing Committee at Ngaruawahia for an off licence in respect of the premises situated at 2 The Crescent, Taupiri 3721 and known as Taupiri Tavern.

The general nature of the business to be conducted under the licence is: Tavern and Bottle Store.

The days on which and the hours during which alcohol is intended to be sold under the licence are: Monday to Sunday 9.00am to 10.00pm

The application may be inspected during ordinary office hours at the office of the Waikato District Council, 15 Galileo Street, Ngaruawahia.

Any person who is entitled to object and who wishes to object to the issue of the licence may, not later than 15 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee at Waikato District Council, Private Bag 544, Ngaruawahia, 3742. No objections to the issue of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012.