



Decision No. 2021-216
Record No: ON0711
Licence No: 44/ON/027/2021

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Mala Limited** for an
on-licence renewal pursuant to s.99 of
the Act in respect of premises situated at
9 Kitchener Street, Martinborough
known as "**Cafe Medici**".

BEFORE THE South Wairarapa District Licensing Committee

Commissioner: Angela Yeoman

DECISION

This is an application by **Mala Limited** for an on-licence renewal in respect of premises situated at **9 Kitchener Street, Martinborough**, known as "**Cafe Medici**".

The general nature of the business to be undertaken is that of a **restaurant and caterer**.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly we deal with the matter on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant a renewal of on-licence authorising the sale and supply of liquor for consumption on the premises, to any person who is present on the premises, subject to the conditions below.

REASON FOR DECISION:

I have considered this application on the basis of the reports received from the Alcohol Licensing Inspector, the Police and the Medical Officer of Health, who do not oppose the issue of the licence. In addition, the District Licensing Committee has received no objections from the community.

I am satisfied as to the matters to which the Committee must have regard as set out in s.105 of the Act and I grant the applicant a renewal of on-licence authorising the sale and supply of liquor for consumption on the premises, to any person who is present on the premises.

The District Licensing Committee Chair, acting pursuant to s127 of the Act, is satisfied all criteria has been met and, therefore, accordingly grants **Mala Limited**, trading as "**Café Medici**", the on-licence renewal subject to the following conditions of licence.

CONDITIONS:

It is recommended that the licence be issued subject to following conditions:

- (a) The whole of the premises is designated as '**undesignated**'.
- (b) No alcohol is to be sold, supplied or consumed on Good Friday, Easter Sunday, Christmas Day or before 1:00 pm on Anzac Day to any person unless: **they are people who are present on the premises to dine**.
- (c) Alcohol may only be available for sale, supply or consumption on the following days and during the following hours: **Monday to Sunday between 9:00 am to 11:00 pm**.
- (d) Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises at all times that alcohol is available for sale, supply, and consumption.
- (e) Food must be available for consumption on the premises at all times the premises are open for the sale, supply, and consumption of alcohol, in accordance with the menu supplied with the

application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted.

- (f) The following steps must be taken to promote the responsible consumption of alcohol:
- Implement and maintain the Host Responsibility Policy submitted with the application for the licence.
 - At all times when the premises are open for the sale, supply or consumption of alcohol, a reasonable range of non-alcoholic refreshments and low-alcohol options are available.
 - 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.
 - The licensee must implement and maintain steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (g) 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:
- A restriction of sale or supply of alcohol to persons under the age of 18 years of age.
 - 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.
- (h) The licensee must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed at the principal entrance so as to be easily read by people using the premises.
- (i) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is available for sale, supply, and consumption.
- (j) A telephone must be freely available for customers to call for transport & staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed.

Endorsement: Section 38 of the Act applies to this licence; and the licensee is authorised to deliver alcohol from the premises and sell it on any other premises for consumption on those other premises by people attending a reception, function or other social gathering promoted by a person or association of people other than the licensee.

The applicant's attention is drawn to ss.56, 57 and 214 (3) of the Act obliging the holder of an on-licence to display:

1. At each principal entrance to the premises a sign attached to the inside or outside of the premises, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol; AND
2. A copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance; AND
3. A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.

THE LICENSED PREMISES

The premises, situated at **9 Kitchener Street, Martinborough** are more precisely identified in a plan received by the South Wairarapa District Licensing Committee on **6th September 2021**.

DATED at Martinborough this **29th day of November 2021**



Angela Yeoman
Commissioner
South Wairarapa District Licensing Committee

ON-LICENCE
(for premises)

Sections 14 to 16 and 64, Sale and Supply of Alcohol Act 2012

PURSUANT to the Sale and Supply of Alcohol Act 2012 (The Act), **Mala Limited** is authorised to sell and supply liquor on the premises situated at **9 Kitchener Street, Martinborough** and known as "**Cafe Medici**", to any person for consumption on the premises and to let people consume alcohol there.

The general nature of the business conducted under the licence is a **restaurant and caterer**

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with with subpart 7 of part 2 of the Act.

CONDITIONS

This licence is subject to the following conditions:

Endorsement

Section 38 of the Act applies to this licence; and the licensee is authorised to deliver alcohol from the premises and sell it on any other premises for consumption on those other premises by people attending a reception, function or other social gathering promoted by a person or association of people other than the licensee.

(a) No alcohol is to be sold, supplied or consumed on Good Friday, Easter Sunday, Christmas Day or before 1:00 pm on Anzac Day to any person unless:

- they are people who are present on the premises to dine

(b) Alcohol may only be available for sale, supply or consumption on the following days and during the following hours:

Monday to Sunday between 9:00 am to 11:00 pm

(c) Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises at all times that alcohol is available for sale, supply, and consumption.

(d) Food must be available for consumption on the premises at all times the premises are open for the sale, supply, and consumption of alcohol, in accordance with the menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted.

(e) The following steps must be taken to promote the responsible consumption of alcohol:

- Implement and maintain the Host Responsibility Policy submitted with the application for the licence.
- At all times when the premises are open for the sale, supply or consumption of alcohol, a reasonable range of non-alcoholic refreshments and low-alcohol options are available.
- 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.
- The licensee must implement and maintain steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.

(f) 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:

- A restriction of sale or supply of alcohol to persons under the age of 18 years of age.
- 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.

(g) the whole of the premises is designated as an 'undesignated' area.

(h) The licensee must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed at the principal entrance so as to be easily read by people using the premises.

(i) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is available for sale, supply, and consumption.

(j) A telephone must be freely available for customers to call for transport & staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed.

THE LICENCED PREMISES

The premises, situated at **9 Kitchener Street, Martinborough**, are more precisely identified as outlined in a plan received by the South Wairarapa District Licensing Committee on **6th September 2021**.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

A copy of this licence must be displayed at the principal entrance to the premises. The entrance from **9 Kitchener Street, Martinborough** is designated as the principal entrance.

DURATION

Subject to the requirements of the Act relating to the payment of fees, and to the provision of the Act relating to the suspension and cancellation of licences, this licence continues in force –

(a) Either –

- Until the close of the period for which it was last renewed; or
- If it has never been renewed, until the close of the period of 12 months after the day it was issued; but

(b) If an application for the renewal of the licence is duly made before the licence would otherwise expire, either –

- Until the close of the period of 3 years after the period for which it was last renewed; or

If it has never been renewed, until the close of the period of 4 years after the day it was issued.

DATED at Martinborough this **26th day of November 2021**



Harry Wilson
Secretary
South Wairarapa 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 licences, the licence expires on:

18 September 2024

