

Decision Number: 048/2024/HCDLC/380(2)

**IN THE MATTER**

of sections 105, 131, 132 and 135 of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Bowland Limited trading as Strike Entertainment Centre, for a Renewal of an On-Licence, situated at 399 Hutt Road, Lower Hutt.

**BEFORE THE LOWER HUTT DISTRICT LICENSING COMMITTEE**

Chair: Cr Simon Edwards

Members: Cr Brady Dyer  
Noeline Matthews

**HEARING**

held at Hutt City Council Chambers, 30 Laings Road, Lower Hutt on 16 September 2024.

**APPEARANCES**

Applicant:

Regan Wood

Applicant and Co-Director of Bowland Holdings Limited which is a 100% shareholder of Bowland Limited

Sarah Thompson

Applicant's Representative from Innovative Hospitality

Reporting Agencies:

NZ Police:

Sergeant Benjamin Jones

NZ Police

Hutt City Council:

Tracy Gibson

Dipal Dhanani

Alcohol Team Lead, Hutt City Council

Environmental Health Officer, (reporting Licensing Inspector), Hutt City Council

**IN ATTENDANCE**

Miranda Dunn

Jack Kilty

Heather Clegg

Solicitor, Hutt City Council

Democracy Advisor, Hutt City Council

Minute Taker, Hutt City Council

## AMENDED DECISION OF THE DISTRICT LICENSING COMMITTEE

### **Decision**

- [1] The Lower Hutt District Licensing Committee (the Committee) acting pursuant to the Sale and Supply of Alcohol Act 2012 **GRANTS** a Truncated Renewal of an On-Licence for Bowland Limited, trading as Strike Entertainment Centre, situated at 399 Hutt Road, Lower Hutt, for a period of 12 months until 23 October 2025.

### **Introduction**

- [2] Bowland Limited, trading as Strike Entertainment Centre, applied to renew the On-Licence for the premises located at 399 Hutt Road, Lower Hutt. The application was lodged on 15 September 2023. No changes to the details of the On-Licence were requested. The existing licence had an expiry date of 4 December 2023.
- [3] The Strike Entertainment Centre is located within a General Business zoned area in a two-storied building. It is sandwiched between SH2, Hutt Road and the railway line, and surrounded by other commercial operations. Off-street customer parking is provided in front of the building. As detailed in the Licensing Inspector's report, the main reception of the premises is in the central foyer on the ground floor, with arcade games and a restricted Gaming Room to the right and ten-pin bowling to the left. Laser strike is located at the rear of the premises, and an outdoor deck can be accessed from the ground floor. On the first floor are more ten-pin bowling lanes and an open-plan dining/bar area. The premises have a maximum occupancy of 400 people.
- [4] Two of the Committee members did not undertake a site visit, as they were familiar with the location and layout of the premises. A third Committee member made a site visit during the week before the day of the hearing.
- [5] An objection from the New Zealand Police (NZ Police) was lodged to the application. During the hearing, the Licensing Inspector advised of their opposition to the renewal application.
- [6] The Medical Officer of Health advised that they did not have an objection to this application having been served notice in the required form and within time.

### **The Applicant**

#### *The Applicant's Statements of Evidence and Oral Submissions at Hearing*

- [7] Mr Wood attended the hearing, elaborated on his statement of evidence and answered questions from the Committee. His main points were:
- The signage advising of trading hours had been renewed, with a more permanent laminated sign on the entry door detailing all opening hours installed. He reiterated that he was fully aware of the requirement to display trading hours and advised that the wind had blown away the previous one.
  - Staff training had been carried out on 12 February 2024 and 5 August 2024 for all staff employed. His statement of evidence detailed the items covered at the training session, with an undertaking that would be repeated every six months.

Members were impressed with the detailed training manual he advised he used for the 2024 training sessions.

- Mr. Wood explained he co-owned several licensed establishments throughout the Wellington region, that all had received renewal licences without incident or objection, and that there had been no failed Control Purchase Operations (CPO) at those other establishments.
- Mr Wood advised that since the failed CPO of 20 May 2022, a new policy had been introduced that all patrons wishing to buy alcohol had to have their identification checked, regardless of whether they looked under 25 years old..
- When questioned by the members on apparent inconsistencies in the premise's identification checking protocols, Mr Wood explained that the policy for checking identification had previously been to ask for identification if a patron looked 25 years or younger. He said that one employee, [REDACTED] had been incorrect when he advised the Licensing Inspector that the policy was 21 years of age when he was interviewed on 30 January 2024. He maintained [REDACTED] was perhaps a bit "disingenuous". He maintained that their systems had been good before this year, and that now they were even better.
- Mr Wood accepted and took responsibility for all failed CPOs and informed members that the staff members involved no longer worked for the company.
- When questioned, Mr Wood advised that for groups, often wristbands were issued to either those patrons of legal age to purchase alcohol or those who were not (dependent on which was the higher number of group members). He said this helped the bar staff identify which patrons could not purchase or consume alcohol.
- When questioned by NZ Police, Mr Wood reiterated Bowland Limited did not have a systemic problem with selling alcohol to minors and advised there had been no call outs to the premises for disorderly behaviour.
- Mr Wood advised that the alcohol sales aspect of the business was less than the food and activity sales. He said that the licence was to enable adults to have the option of having a drink while they took part in activities at the establishment.

[8] Ms Thompson advised Mr Wood throughout the hearing, and provided additional comments regarding the age checking tool the establishment used. She agreed the tool could be confusing and that not everyone could use it. She added that it was one of a number of tools that could be employed to check whether a patron was of legal age to be purchasing alcohol.

[9] In his final right of reply, Mr Wood assured the members he would do everything he could to ensure the premises acted in full compliance with the requirements of the Act.

[10] *Committee's Overall Finding of the Applicant's evidence:*

- Credible.
- Some concerns with the management of all staff and the ability of all staff to strictly follow the policy for selling alcohol to any individual.
- Some concern that documentation was not dated.

- Acceptance of the seriousness of CPO failures and of the requirement to do better in future.

### Reporting Agencies

[11] The application was referred to the Medical Officer of Health, the Licensing Inspector and NZ Police for comment in accordance with the Alcohol Regulatory Licensing Authority (ARLA) Practice Directions and Statement issued on 26 November 2013. No objections from the Medical Officer of Health had been received. The report from the Licensing Inspector advised that Fire and Emergency New Zealand (FENZ) had no objections to the application due to the approved evacuation scheme for the establishment.

#### *District Licensing Inspector*

[12] Members received a detailed written report from the Environmental Health Officer (the reporting Licensing Inspector), which provided a good background to the application. The written report concluded that due to their concerns regarding the suitability of the applicant, in particular, that the licensee did not understand their obligations under the Act, and the objections received from the NZ Police, they recommended a hearing be held. They provided case law relating to the suitability of the applicant.<sup>1</sup>

[13] Over the course of the hearing, the Licensing Inspector advised that they did not support the On-Licence renewal application.

[14] The Licensing Inspector's report also stated that all required systems, staff and training processes now complied with the requirements of the Act, including:

- having a relevant and up-to-date Security Plan and suitably situated CCTV cameras;
- having a current Staff Training and Development Plan;
- having appropriate Monitoring Systems for Minors and Intoxicated Patrons;
- having a relevant Host Responsibility Policy, however, the Licensing Inspector noted a different Policy was displayed at the entrance of the premises;
- having a Noise Management Plan;
- having a Food Control Plan (which members note expired during the period between this On-Licence application being lodged and the hearing by the Committee); and
- having a valid Certificate of Use confirming the premise met the requirements and provisions of the Resource Management Act 1991 (RMA) and Section 17 of the Buildings Act 2004.

[15] Members noted that there was some confusion during the hearing as to whether adequate staff training and management registers were kept over the years the premises had held an On-Licence, in particular over the past three years (with the

---

<sup>1</sup> [2019] NZARLA 75

[2018] NZHC 1123 CIV-2017-485-506

[2015] NZARLA PH 284-285

applicant assuring the hearing that they were, and the Licensing Inspector advising Council held records of the licensee being advised the documents required updating). Members further note that the documents supplied with the application were not dated. However, members accept the Licensing Inspector's findings that these documents are currently up to date.

- [16] The Licensing Inspector's report concluded that the visual amenities of the premises and surrounds were clean and tidy, with no visible evidence of graffiti or vandalism at the time of the inspection associated with the application.
- [17] The Licensing Inspector's report advised that there was no history of any noise issues and that no changes to the style or operation were proposed under the current application. The applicant informed members that an area within the building footprint had been converted to an arcade games area in the past 18 months.
- [18] The Licensing Inspector's report advised that the first On-Licence issued for the establishment was in 2007. Since 2011, members were informed the establishment had failed a total of five CPOs for selling alcohol to a minor, with two having occurred in the last three years. There was also an ARLA one-day suspension for the unauthorised sale of alcohol outside the terms of the On-Licence on 1 September 2012. Due to confusion at the hearing, members outlined the CPO history of the venue since 2011 in the following table.

[19] TABLE 1 - HISTORY OF CPO AND COMPLIANCE CHECKS

<b>Date</b>	<b>Time</b>	<b>CPO/Compliance Check</b>	<b>Findings</b>
25 March 2011		CPO - alcohol sale to a minor	ARLA 31 May 2011 24 hr suspension of On-Licence.
11 May 2012		CPO - alcohol sale to a minor	ARLA 2 Nov 2012 3-day suspension of On-Licence.
1 Sept 2012		Sale of alcohol at event outside of terms of On-Licence	ARLA 29 April 2013 24 hr suspension of On-Licence.
18 May 2019		CPO - alcohol sale to a minor	ARLA 4 October 2019 3 day suspension of On-Licence.
8 April 2021	7.32pm	CPO - alcohol sale to a minor	28-day suspension of Duty Manager for selling alcohol to a

			minor. No On-Licence suspension sought due to Covid situation. Licensing Inspector noted no staff training had occurred since October 2019.
14 April 2022	5.56pm	CPO	Passed
20 May 2022	8.35pm	CPO - alcohol sale to a minor	No identification requested, alcohol sold to a minor, Manager's register and Training records required updating, duty manager signage required to be displayed. ARLA held the matter 9 February 2023, with decision still pending.
17 February 2023	9.22pm	CPO	Passed, however agency representative aged under 25 (22yrs old) was sold alcohol without identification requested.
5 May 2023	7.50pm	Compliance Check	Manager's register and Incident Log required updating. Training records were available.
9 November 2023	7.55pm	Compliance Check	No issues.

- [20] At the hearing, the Licensing Inspector advised that there was no presumption under the Act that a renewal application would be granted<sup>2</sup>, and that the applicant does have an evidential burden to show why the evidence supplied by those opposing an application, should be overturned.<sup>3</sup> The Licensing Inspector provided case law that highlighted the seriousness of a failed CPO.<sup>4</sup>
- [21] In response to questions from members, the Licensing Inspector advised case law showed that three CPO failures within the duration of a three year licence were cause for ARLA to cancel the licence. She added that ARLA viewed the overall history of the site, especially when there was a pattern of CPO failures established.
- [22] The Licensing Inspector also informed members that the ARLA decision for the latest failed CPO (20 May 2022) had yet to be received (the hearing was held in February 2023), which should have no bearing on this hearing for a renewal of the licence. Members were informed that ARLA was currently dealing with a backlog of cases and that it was unclear when a decision for the May 2022 failed CPO would be released.
- [23] The Licensing Inspector explained her use of the word “adequate” when she described the knowledge of the Duty Manager at the standard interview conducted for all licence renewal applications (this one was conducted on 30 January 2024). She confirmed there were three tiers of understanding that the Licensing Inspectors use – adequate, good and excellent. She noted that at the interview, the Duty Manager did not have the opening hours of the premises displayed, did not know of the policy to check the identification of everyone wishing to purchase alcohol, and there were no available staff training records, and no incident log was presented. The Licensing Inspector concluded that the Duty Manager’s knowledge was, therefore, “adequate”.
- [24] The Licensing Inspector advised that the legislation did not consider whether the sale of alcohol to a minor occurred at an On-Licence or Off-Licence, and that it treated both occurrences with equal seriousness.
- [25] In response to questions from the applicant, the Licensing Inspector acknowledged that records show that in previous visits to the premises (eg 5 May 2023, 9 November 2023), the relevant documentation was sighted by the Licensing Inspector carrying out the compliance check (members noted that was not the current Licensing Inspector) and that whilst the applicant assured the hearing the documentation was available at the 30 January 2024 interview, she herself had requested it, and it had not presented to her.
- [26] In her right of reply, the Licensing Inspector summarised their opposition as being based on the history of failed CPOs and the failure to provide adequate staff systems

---

<sup>2</sup> CIV-2017-485-506 [2018]NZHC 1123 at [46]

<sup>3</sup> [2019]NZARLA 75 at [228]

<sup>4</sup> [2015] NZARLA PH 541-543 at [18]

and training. She urged the members to consider sections 103, 105, and 131 of the Act and decline the application.

[27] *Committee's overall finding of the Licensing Inspector's evidence:*

- The report was useful and credible.

*NZ Police*

[28] Sergeant Benjamin Jones gave evidence, stressing the previous failed CPOs and questioning the suitability of the applicant to hold a licence, given the history of the operation of the premises.

[29] Sergeant Jones's evidence stated the NZ Police's stance as having a "serious problem with this premises selling alcohol to minors". He maintained that the venue was a family entertainment venue where minors were regularly present. He said it was the NZ Police's view that it was highly likely the premises had supplied alcohol to minors who were not part of a CPO operation.

[30] It was the view of NZ Police that the granting of a renewal of the On-Licence would not result in the reduction or the minimisation of alcohol harm and would therefore not be in keeping with the object of the Act. Sergeant Jones, therefore, requested that due to the premises' continuous history of breaches, especially in relation to selling alcohol to minors, the application be declined.

[31] In response to questions from the committee, Sergeant Jones explained that NZ Police do not target recidivist offending premises. He confirmed that if a CPO was scheduled for an area that contained repeat CPO offending premises, these premises would likely be visited again as part of a CPO. He advised that the number of CPO in any given year was entirely dependent on resources – staff and the availability of minor volunteers.

[32] Sergeant Jones confirmed the establishment had no history of disorderly behaviour problems and did concur the premises had passed several CPOs.

[33] *Committee's Overall Finding of the NZ Police Evidence:*

- The report was useful and credible.



## Legislation

### *Sale and Supply of Alcohol Act 2012*

#### *Section 3*

[34] The general purpose of the Act is for the benefit of the community as a whole and is to put in place a new system of control over the sale and supply of alcohol.<sup>5</sup>

#### *Section 4*

[35] The object of the Act is to ensure that alcohol is sold and supplied safely and responsibly and that any harm caused by the excessive or inappropriate consumption of alcohol is minimised.<sup>6</sup>

#### *Section 131*

[36] Section 131 details the Criteria for Renewal. They are as follows:

1. *In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
  - a) *The matters set out in paragraphs (a) to (g), (j) and (k) of section 105(1);*
  - b) *Whether (in its opinion) 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 license;*
  - c) *Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129;*
  - d) *The manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*
2. *The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.*

#### *Section 105*

[37] Section 105(1) Criteria for Issue of Licences:

1. *In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
  - a. *The object of the Act;*
  - b. *The suitability of the applicant;*
  - c. *Any relevant local alcohol policy;*
  - d. *The days on which and the hours during which the applicant proposed to sell alcohol;*
  - e. *The design and layout of any proposed premises;*
  - f. *Whether the applicant is engaged in, or proposed 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;*

---

<sup>5</sup> Sale and Supply of Alcohol Act 2012 (the Act), s 3

<sup>6</sup> As above, s 4(1)

- g. *Whether the applicant is engaged in, or proposed 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;*
- h. *Whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence;*
- i. *Whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that –*
  - i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
  - ii.) it is nevertheless desirable not to issue any further licences;}*
- j. *Whether the applicant has appropriate systems, staff and training to comply with the law;*
- k. *Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.*

#### Case Law

- [38] The following case law has been provided to the Committee to assist in considering its decision.
- [39] *[2015]NZARLA PH 466-467 McCarthy Enterprises Ltd*, in which two failed CPOs in two years resulted in an On-Licence being suspended for a period of 21 days, due to the lack of systems in place to prevent selling of alcohol to minors.
- [40] *[2015] NZARLA PH 284-285 Hong Shen and Yening Wang*, in which the Off-Licence was suspended for one month and a Duty Manager's Certificate was suspended for four months due to a fourth failed CPO in six years.
- [41] *Lion Liquor Retail Ltd (2018) High Court*<sup>7</sup>  
 [45] *The statutory provisions must be applied in a way that promotes the twin statutory objects which are that the sale, supply and consumption of alcohol should be undertaken safely and responsibly and that alcohol-related harm should be minimised. The aim of minimisation requires alcohol-related harm to be reduced to the smallest amount, extent or degree.*  
 [46] *...There is no presumption that an application for a licence will be granted or that a licence will be renewed.*
- [42] *Eau De Vie Ltd (2015) NZARLA*<sup>8</sup>  
 [18] *There can be no doubt that the sale and supply to a person under purchase age is one of the more serious offences (s.289) of the 2012 Act. This was also the case under the previous Sale of Liquor Act 1989 9s.155).*
- [22] *Sections 288 to 294 of the Act introduce what is commonly known as the "three strikes" provisions. If three negative holdings have been made within three years an application must*

<sup>7</sup> [2018] NZHC 1123 CIV-2017-485-506

<sup>8</sup> [2015] NZARLA PH 541-543

*be made by a constable or Inspector for an order cancelling the licence or certificate. A negative holding arises in terms of s.288 (1) where the licensee or manager has sold or supplied alcohol on or from the premises to a person who is under the purchase age.*

[43] *Bowland (2019) NZARLA* <sup>9</sup>

*[30] It is also recognised that as a controlled purchase operation, no actual alcohol-related harm occurred. This, however, may very well not have been the case on another day.*

*[31] The Authority is satisfied that the respondents all take this breach seriously and they have all expressed remorse.*

*[40]...If the licence has not already been cancelled, three negative holdings incurred within a three year period will result in an application to the Authority for cancellation of the licence.*

### **District Licensing Committee Discussion, Findings, Decision and Reasons**

[44] Members note that this is not an application for removal/suspension of a Duty Manager's certificate (under s285 (1)), as that action can only be achieved by an application from an inspector or constable to ARLA. Members noted this action could be possible for ██████████ under s285 (3)(a), due to his failure to convey a good understanding of his requirements and obligations under the Act. Members further note ██████████ was not involved in any failed CPO. However, he was involved in selling alcohol to a person of legal age without checking their identification (a company policy breach but not a breach of the Act).

[45] Members note that Mr Wood advised that those members of staff involved in the previous failed CPO were no longer employed by the establishment.

[46] Members are cognisant of the fact that the establishment has failed two CPOs in two years, with a third occurring in the previous three-year licence period, and that there is an ARLA decision pending for the latest failure. Members concur that the two failed CPOs constitute two negative holdings and that the Act regards the selling of alcohol to a minor as a serious offence (s239).

[47] Members acknowledge this is a family-orientated business, at which minors are often present, albeit usually in the presence of adults. Members expect such an establishment to have a high bar regarding alcohol sales. Members note the assurances of Mr Wood that the sale of alcohol is secondary to food and entertainment sales.

#### *Section 105 criteria*

[48] As articulated by Heath J in *Re Venus NZ Ltd*,<sup>10</sup> while the object of the Act is stated as one of the criteria to be considered under s105, the remaining factors must be weighed against the "object" of the Act. Consequently, after having regard to the criteria in s105, a licensing committee is then required to consider whether the granting of an On-Licence is consistent with the object of the Act. This also applies to

---

<sup>9</sup> [2019] NZARLA 192-194

<sup>10</sup> *Re Venus NZ Ltd* [2015] NZHC 1377

an application for renewal and the criteria for renewal in s131 and this overlaps with s105.

- [49] Members find that the establishment is operating according to the object of the Act, as detailed in the following paragraphs.
- [50] With regard to s(105)(1)(b), members listened with interest to the assertions of both the Licensing Inspector and the NZ Police, that despite repeated assurances from Mr Wood to upgrade systems, there had been recurrent failed CPOs and concerns relating to incorrect or absent documentation. Mr Wood gave evidence that his systems had been upgraded, including a substantial staff training regime that involved the NZ Police. Members believe Mr Wood was aware his establishment was operating on very “thin ground” in that the failures to comply with the Act were becoming problematic.
- [51] Members acknowledge the measures Mr Wood has put in place since the last failed CPO of May 2022:
- No longer employing personnel who were involved in failed CPOs;
  - Extensive six monthly staff training programme;
  - Involvement of NZ Police in staff training;
  - Support from Innovative Hospitality to review policies and practices;
  - Whiteboard age prompt above the point of sale;
  - Identification checks for all patrons approaching the bar wishing to purchase alcohol;
  - Staff also use the Intoxication Assessment Tool devised by Alcohol.org Amohia Te Waioira;
  - Staff sign a document acknowledging the importance of checking the day, month, year and validity of identifications; and
  - Staff Induction Manual being created.
- [52] Members note there have been no failed CPO in the past two years, which would indicate that in the main, apart from the premise’s policy lapse of the Duty Manager in January 2024, the measures described above are proving effective.
- [53] Members are satisfied Mr Wood is constantly reviewing the premises practices and consider the steps outlined by Mr Wood and repeated above will go a significant way to ensure that Bowland Limited’s practices will continue to improve.
- [54] Members note that in the past, the establishment appeared not to have all the appropriate, up-to-date documentation available to Inspectors. Members commend Mr Wood on the measures he has implemented to ensure this will not occur again. Members were disappointed and concerned with the lapse of judgement shown by a Duty Manager, however, do not believe this on its own constituted sufficient evidence to cancel the suitability of the applicant.
- [55] The applicant has demonstrated to members through the hearing process that they are suitable to hold an On-Licence. Members consider that the issues identified

throughout the course of the hearing and as raised by the Licensing Inspector and the NZ Police did raise concerns around the suitability of Mr Wood to hold an On-Licence. Members consider that, with compliance to the attached conditions, granting a truncated renewal for one year is appropriate. Members expect the Licensing Inspector to keep a close eye on the operation of the establishment. Members, therefore, find that Mr Wood is suitable to hold an On-Licence.

- [56] Turning to s105(1)(c), members noted there is a Local Alcohol Policy (LAP) in place for Lower Hutt City. Members believe the proposal is in accordance with the LAP and note no comments or objections to the contrary were received.
- [57] Turning to s105(1)(d), members noted that the application did not request a change to the hours of operation. It was noted, however, that the applicant offered that reduced closing hours would be acceptable, as the venue did not remain open until 2am and was rarely open past 11pm.
- [58] Members find that a more suitable closing time of 12am, with no alcohol being sold after 11pm, to be more appropriate and better reflected the actual operation of the establishment.
- [59] Turning to s105(1)(e), members note that the premises have the approval from the landlord to sell and supply alcohol from the premises. The information accompanying the application explained that the premises consisted of two areas of ten-pin bowling lanes, an area for arcade games, a central reception foyer, Laser Strike, a restricted Gaming Room and an outdoor deck area. The Licensing Inspector's report concluded there were no issues or concerns with the design and layout of the premises, and members concur with that view. Members also note that the layout and design were not proposed to be altered from the existing licence plans. In the absence of evidence to the contrary, members find that the design and layout of the premises are suitable.
- [60] Turning to s105(1)(f), members were presented with no formal objections or evidence to the contrary that there were sales of items other than alcohol, low and non-alcoholic refreshments and food on the premises. Accordingly, members find that only such items are offered for sale. Members note the establishment operates under a Food Control Plan. However, the Licensing Inspector's report advised that this Plan expired on 9 June 2024. Members hope a renewal has been applied for and issued. Members further note that the Licensing Inspector's report stated that food was actively promoted, with menus prominently displayed.
- [61] With respect to s105(1)(g), members were advised ten-pin bowling, Laser Strike, and arcade and video games were other services offered at the establishment, in addition to the supply of food, alcoholic, low and non-alcoholic refreshments. Members note that there is a restricted Gaming Room operating within a separate room within the establishment. In the absence of evidence presented to the contrary, members find that the restricted Gaming Room was operating according to the relevant law.

- [62] Turning to s105(j), members note the Licensing Inspector did raise an issue that a staff member (Duty Manager) spoken to on a site visit on 30 January 2024 did not have the opening hours of the premises displayed, was unaware of the policy to check the identification of everyone wishing to purchase alcohol, did not have staff training records available and did not present an incident log. This was later rectified by Mr Wood, who explained that the staff member was perhaps acting disingenuously. Members are alarmed to hear this and recommend that this staff member undertake a refresher course (eg Servewise) before operating as a Duty Manager again. The duty to act in accordance with the requirements of the Act is paramount and should not be left to chance. Members find that, on balance, the applicant now has the appropriate systems, staff and training in place to comply with the requirements of the Act.
- [63] Finally, members turned to s105(k), the matters raised in the Reporting Agencies reports. Members have dealt with the concerns raised by the Licensing Inspector and the NZ Police above.

#### *Section 131 Criteria*

- [64] Regarding s131(a), the matters set out in s105 have been described above.
- [65] Regarding s131(b), amenity and good order, the Licensing Inspector and applicant agreed there were no issues relating to the amenity of the area, and the NZ Police also confirmed that there was no history of disorderly behaviour emanating from the venue. Considering this, members find the amenity and good order of the locality would be unlikely to change by the effects of a refusal to renew the licence.
- [66] With reference to s131(c), members have dealt with the reports submitted by the NZ Police and the Licensing Inspector above.
- [67] With reference to s131(d) and how the applicant has sold, displayed, advertised or promoted alcohol, members note that there were no issues in this regard raised by the Licensing Inspector or NZ Police over the past three years, apart from the failed CPO, which members have dealt with in this decision. Members heard from the Licensing Inspector that all staff were trained in identifying intoxicated persons. In the absence of evidence to the contrary, members therefore, find that there are no issues with how the establishment has sold, displayed, advertised or promoted alcohol and that the operation complies with the Act.

#### *Section 4 of the Act*

- [68] After considering the application and evidence provided against the purpose and object of the Act in ss3 and 4 and the criteria for renewal in s131 and s105 of the Act, members grant the application for the renewal of an On-Licence. Members find that the sale, supply and consumption of alcohol will be undertaken safely and responsibly if the licensee complies with all conditions of the truncated licence. Members further find that the harm caused by excessive or inappropriate consumption of alcohol should be minimised if the licensee complies with all conditions of the truncated licence.

**Conclusion**

[69] Having considered the application and relevant criteria under ss105 and 131 of the Act, and the purpose and object of the Act, the Committee are satisfied that the considerations fall to **GRANT** a Truncated Renewal of an On-Licence to Bowland Limited, trading as Strike Entertainment Centre, situated at 399 Hutt Road, Lower Hutt, (until 23 October 2025) subject to the attached conditions of consent.

Date at Lower Hutt this 23<sup>rd</sup> day of October 2024

Signed

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Cr Simon Edwards  
Chair, Lower Hutt District Licensing Committee

**CONDITIONS OF TRUNCATED CONSENT FOR AN ON LICENCE TO BOWLAND LIMITED, TRADING AS STRIKE ENTERTAINMENT CENTRE, SITUATED AT 399 HUTT ROAD, LOWER HUTT (Licence valid from 23 October 2024 to 23 October 2025)**

1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:  
  
Indoor: Monday to Sunday from 8am until 11pm.  
Outdoor: Monday to Sunday 10am to 11pm.
2. The Whiteboard age prompt must be displayed for staff at each point of sale and must be updated daily.
3. A daily sheet of paper must be attached to the registers at each point of sale, with the daily correct age for legal purchase of alcohol.
4. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
5. The licensee must have available a reasonable range of non-alcoholic and low-alcohol beverages for consumption on the premises at all times when the premises are open for the sale and supply of alcohol.
6. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample 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.
7. A properly appointed certificated or acting or temporary manager must be on duty at all times when the premises are open for the sale and supply of alcohol, and their full name must be on a sign prominently displayed in the premises.
8. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
9. The licensee must display:
  - at every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
  - at the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale and supply of alcohol, and the contact details for compliments/complaints to be directed to;
  - a copy of the licence attached to the premises so as to be easily read by persons attending the premises.

The premises are as set out on the plan submitted with the application and date stamped [15.09.2023]. A note to this effect is to be made on the licence.



**ADDITIONAL NOTES:**

*The District Licensing Committee strongly recommends that Duty Manager [REDACTED] undergo additional Seroveise training sessions, to ensure he is fully cognisant of his duties as a Duty Manager, prior to him being employed as a Duty Manager at the establishment again.*

*The District Licensing Committee requests that in future, when the Licensing Inspector's report includes tables detailing the compliance history or otherwise of a premises, that all history be included, for ease of reference.*

*The District Licensing Committee requests that the Licensing Inspectorate is to keep a close eye on this premises over the next 12months, to ensure compliance with the requirements of the Act and of this truncated licence. Members also draw attention to the assurances of the licensee, and to the establishment policy that all staff are aware of, that ALL patrons will have their identification checked before being able to purchase alcohol. Compliance or otherwise of this self-imposed policy will be taken into account at the next consideration of an On-Licence application.*