

International Gambling Conference

*When a tavern is not a tavern,
but a mini pokie-casino*

Lizz Crawford and
Dr Grant Hewison



Sale and Supply of Alcohol Act

- Unlike the Gambling Act, the Sale and Supply of Alcohol Act allows objections to be made to new alcohol licences and renewals of alcohol licences
- Objections can be made by any person who has an interest greater than the public generally
- If you live within 1-2km, or are a community organisation, you can object

Application and Public Notice

- A licensee must apply for a new licence
- If granted, every three years, the licensee must renew their licence
- Public notice must be given in local newspapers as well as a notice on the premises (and are often made on-line)
- Objections must be made within 15 working days to the District Licensing Committee

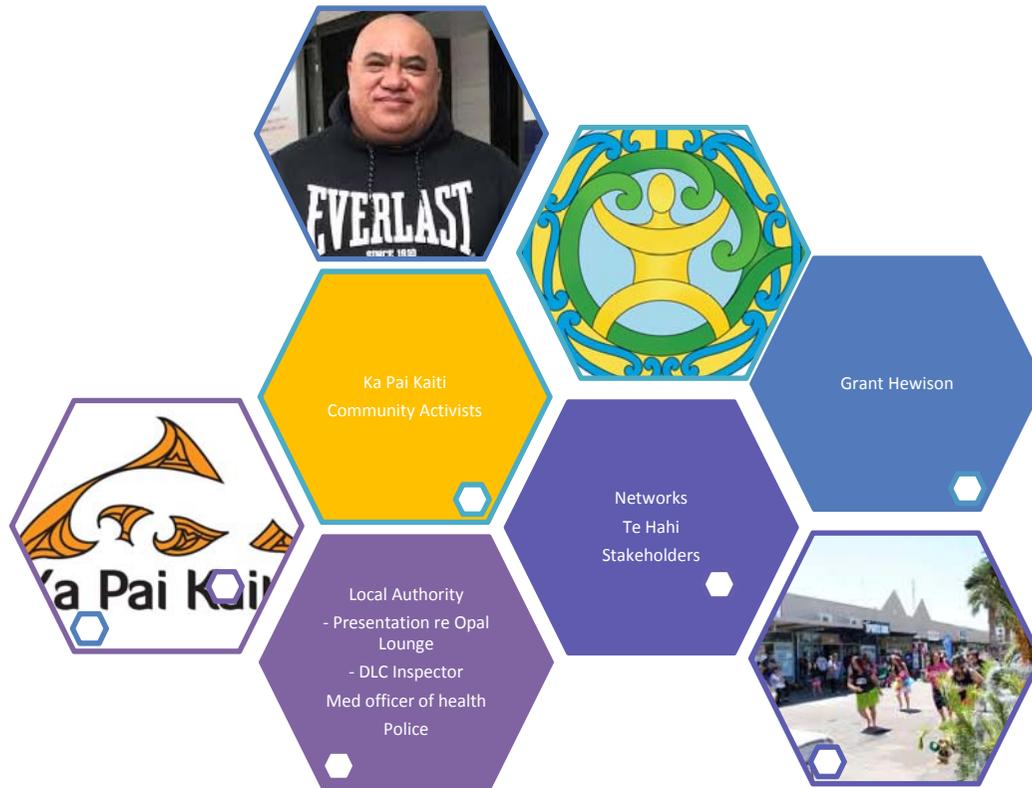
Tavern Style On-Licence

- The Sale and Supply of Alcohol Act defines a ‘tavern’ as a ‘business principally providing alcohol and other refreshments’
- As a consequence, if the principal business of the premises is gaming/gambling and not providing alcohol and other refreshments, it is not a tavern and not entitled to a tavern licence
- Without a tavern licence, the principal business of the premises cannot remain gaming/gambling as that is not permitted under the Gambling Act

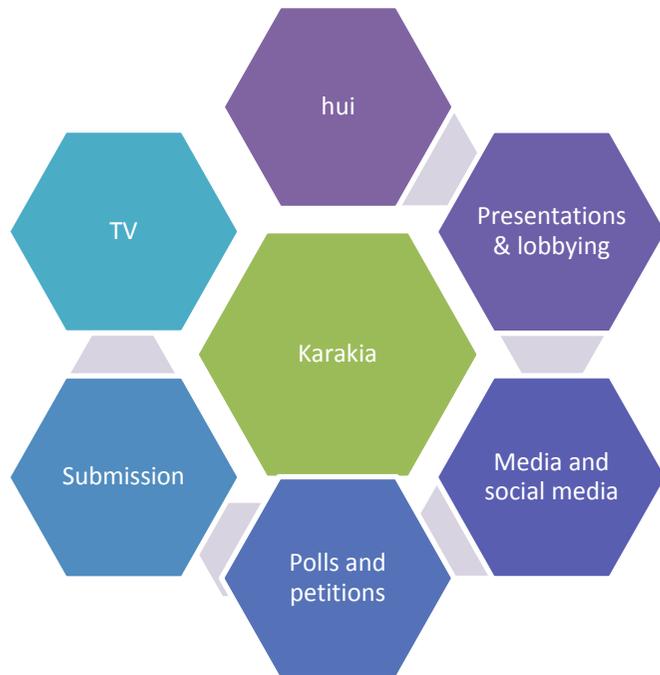
Kaiti Club Hotel (Gisborne)

- Ka Pai Kaiti Trust objected to the renewal of the Kaiti Hotel alcohol licence
- 7 November 2017: Decision of the Gisborne District Licensing Committee (available on Council website)
- Gisborne District Council Alcohol Licensing Inspectors undertook a thorough inspection of the premises and finances.
- The Gisborne DLC: “When considering whether this premises is being used principally for providing alcohol and other refreshments, the evidence produced has in our view been inadequate to prove the Applicant’s case that the premises is a Tavern.”
- The Tavern licence renewal was refused.
- Kaiti Hotel has appealed to the Alcohol Regulatory and Licensing Authority, and have been allowed to trade in the meantime.

Karakia & Collaboration

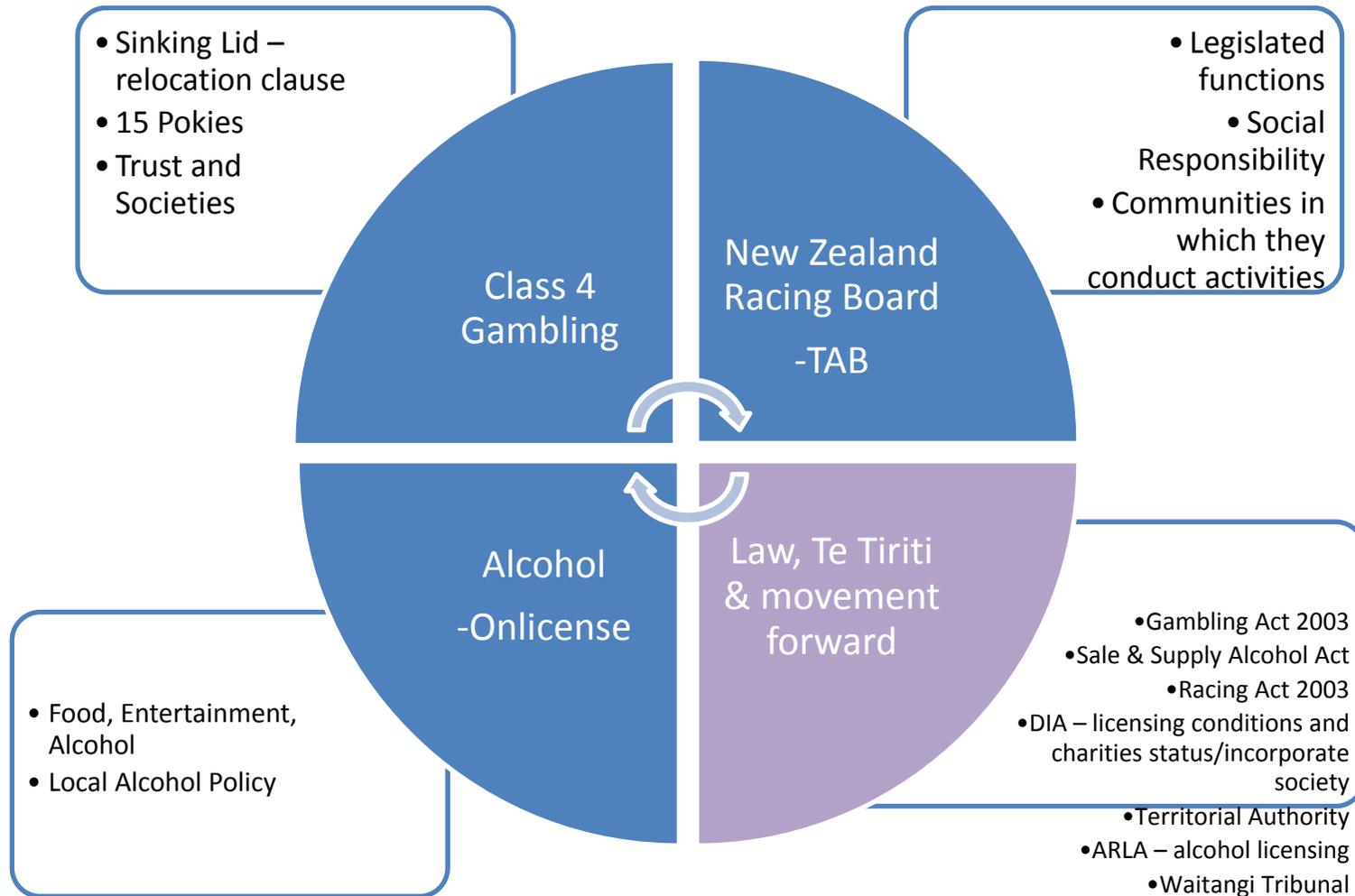


Karakia & Collaboration



Karakia & Collaboration

Kaiti Sportsbar



Copper Lounge (Papakura)

- 2014 Decision of the Auckland District Licensing Committee
<http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/hearings/copperlounge/drpt20140711.pdf>
- Auckland Council Alcohol Licensing Inspectors undertook a thorough inspection of the premises and finances.
- The District Licensing Committee decided that the principal activity of the Copper Lounge was not the sale of alcohol or other refreshments. The fees received by the Copper Lounge were treated by it as income, and were disproportionate to other income. The Committee considered it as inescapable that the Copper Lounge's principal business was gaming.
- Tavern licence renewal was refused.

Graces Place (Mangere East)

- 2017 application before the Auckland District Licensing Committee heard on 6 April in Manukau
- http://www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/hearings/Documents/GracesPlaceAgd20170406.pdf
- Again, Auckland Council Alcohol Licensing Inspectors undertook a thorough inspection of the premises and finances.
- The Auckland DLC decided: “We are not satisfied that the premises is used in the course of business principally for providing alcohol and other refreshments and thus is not operating as a tavern”.
- Graces Place appealed to the Alcohol Regulatory and Licensing Authority, but the Authority upheld the Auckland DLC decision.
- Graces Place has had to stop trading, but has immediately applied for a new alcohol licence. The community has made objections.

Opal Lounge (South Otahuhu)

- 2017 application before the Auckland District Licensing Committee
- http://temp.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/hearings/Documents/opalloungedecrpt20170331.pdf
- The Auckland DLC concluded: “We find that the premises is not operating as a tavern but as an entertainment venue for the purpose of gambling”.
- The Opal Lounge sought to appeal to the Alcohol Regulatory and Licensing Authority, but their appeal was one day out of time.
- The Opal Lounge ceased trading.
- An application was made by a new person to try and establish a new tavern at the premises. The hearing for that application was heard recently, but no decision has yet been issued.

Next Steps

- If you have concerns with tavern style premises where you think alcohol is not the dominant source of income, but pokies and TAB appear to be the primary activity, you can consider an objection.
- Ask the Council for a copy of the licence and check it is a tavern and the date the licence expires.
- Check public notices to see when the licence is being renewed.
- Make an objection, referring to the decision in the Copper Lounge and say: “I believe alcohol is not the dominant source of income in this tavern. Pokies and TAB appear to be the primary activity. Therefore this tavern style licence should not be renewed. See ARLA Decision in Graces Place.”

Questions

- lizz@tatgtown.org.nz
- 022 153 9407
- grant@granthewison.co.nz
- 021 577 869



Grant Hewison & Associates Ltd
local government
consulting