

# Notice of Decision



Decision No. 57/ON/459/2019

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Waipara Winds Limited for an on-licence pursuant to s.99 of the Act in respect of premises situated at 246 Georges Road, Broomfield known as "Fiddler's Green Vineyard and Bistro"

**BEFORE THE Hurunui District Licensing Committee**

Chairperson: Councillor M Black

**DECISION (ON THE PAPERS)**

This is an application by Waipara Winds Limited for an on-licence in respect of premises situated at 246 Georges Road, Broomfield, known as "Fiddler's Green Vineyard and Bistro".

The general nature of the business to be undertaken is that of a **Tavern** with the hours authorised for the sale of alcohol between **Wednesday to Friday 11.00am to 12.00 midnight and Saturday to Sunday from 10.00am to 12.00 midnight. The interior of the premises will be designated as 'supervised' at 10.00pm until 12.00 midnight.**

The District Licensing Committee made an interim decision to the applicants on-licence application following a public hearing on 20 February 2019.

The decision gave three conditions, which were to be satisfied to the reporting agencies approval, before a licence could be considered. This included undertaking training to ensure comprehensive understanding of New Zealand alcohol licensing requirements and their operational implementation.

Positive reports have been received from the reporting agencies and the Licensing Inspector which confirm the conditions have all been met.

On 14 May 2019, an application was received to vary the style of operation of the premises under the on-licence. A similar variation of licence conditions was also submitted for the off-licence that has been issued for the premises. The reason on the application for the variation was stated as:

'Variation of licence from winery/restaurant to tavern to allow alcohol to be consumed without a meal and this allows the off-licence to sell a wider range of beverages.'

The applicant seeks to operate the premises as a tavern to enable the on and off-licences to be compatible and enable the type of operation envisaged by the licensees.

The licensee, Colin Rath, advised the vision for the premises is to offer the locals a venue for meals and some casual drinking, as there is no longer a tavern or hotel style premises in the area.

The cellar door style off-licence, as originally sought, restricted Fiddlers Green to only selling products made on the premises or from grapes grown on the premises. Fiddlers Green seeks to offer other local boutiques' wineries and breweries, including those without licences, a venue where their products can be tasted and sold. A tavern style licence for the premises is required to enable this to occur.

The application was duly advertised on the Councils website, and no objection or notice of desire to be heard has been received.

In their reports, the Police, Medical Officer of Health, and District Licensing Inspector have raised no matters in opposition to this variation application.

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 an on-licence authorising the sale and supply of alcohol, to any person for consumption on the premises and to let people consume alcohol there.

The licence may issue immediately.

### **Requirements on holders of on-licences**

The applicant's attention is drawn to ss. 51 to 54 of the Act where it is a requirement for all holders of an on-licence to ensure that:

- (1) at all times when the premises are open for the sale and supply of alcohol, there is available for sale and consumption on the premises, at reasonable prices, a reasonable range of non-alcoholic drinks.
- (2) at all times when the premises are open for the sale and supply of alcohol, a reasonable range of food is available for sale and consumption on the premises, in portions suitable for a single customer, at reasonable prices and within a reasonable time of being ordered.
- (3) ensure that, at any time customers are lawfully on the premises there is readily available free, comprehensive, and accurate information about the forms of transport from the premises that are available at that time.

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

- (1) A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal 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, together with a statement of all conditions subject to which it is issued, attached to the inside of the premises so as to be easily read by people entering each principal entrance.

DATED at Amberley this 7 June 2019

A handwritten signature in black ink, appearing to read 'A. Marchant', written over a horizontal line.

Secretary

**Hurunui District Licensing Committee**