

Notice of Decision



Decision No. 57/ON/493/2019

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Black Estate Limited for an on-licence pursuant to s.99 of the Act in respect of premises situated at 1438 Omihi Road, Omihi known as "Black Estate"

BEFORE THE Hurunui District Licensing Committee

Chairperson: Mayor M Black

DECISION (ON THE PAPERS)

This is an application by Black Estate Limited for an on-licence in respect of premises situated at 1438 Omihi Road, Omihi, known as "Black Estate".

The general nature of the business to be undertaken is that of a Winery and Cellar Door with the hours authorised for the sale of alcohol between Monday to Sunday from 10.00am to 12.00 midnight.

Black Estate winery has held an off-licence since November 2007 and an on-licence since September 2012. The new on and off-licence applications are the result of a further restructure of the Black Estate companies. The operational aspects of the winery will remain unchanged.

The on-licence is for the operation of a restaurant serving local organic food paired with Black Estate organic wine.

The off-licence is for the winery cellar door and the sale of alcohol via their website.

There has been a history of name changes for the licensee company operating the winery:

- The licences for the Omihi Road winery were held by **Black Estate Limited** until August 2016. The licences were re-issued following the company name being changed to **Black Estate Holdings Limited**.
- Another of the Black Estate companies (**Black Estate Newco Limited**) was re-named **Black Estate Limited** in August 2015. This company was issued on and off-licences on 11 September 2019 for the winery's premises at Reeces Road.
- The **Black Estate Holdings Limited's** name cannot be simply changed to **Black Estate Limited**, as this is currently a legally registered company.
- The applicant is seeking for both the winery premises to be licensed under **Black Estate Limited**, therefore these new licences are required.

The directors and shareholders of Black Estate Limited are:

Directors: Nicholas Brown, George Naish and Penelope Naish

Shareholders: Akaroa Limited, Nicholas Brown and Penelope Naish

While the Inspector considers the applicant is suitable to hold on and off-licences for the premises, there are areas for improvement in the licensees' management and oversight of the licences, e.g.:

- Improved awareness of the licence conditions held and ensure staff are aware of these,
- More attention to be paid to the accurate completion of the licence applications, including payment of fees when the applications are lodged,
- Maintaining a compliant website at all times, and
- Ensuring evacuation trials and training are held and notified to FENZ.

The application was duly advertised 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 application. FENZ opposed the application due to an evacuation scheme not being maintained. This opposition was removed on 16 October 2019.

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 District Licensing Committee would like to remind you that there is an expectation to have all websites updated with the new licence and relevant details within 2 working days of receiving them.

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 28 November 2019



Secretary
Hurunui District Licensing Committee