

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 pursuant to s.16/39/62 of the Act for variation of the conditions of an On-Licence 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: Mayor M Black

DECISION

This is an application by Waipara Winds Limited for variation of the conditions of an On-Licence in respect of premises situated at , known as "Fiddler`s Green Vineyard and Bistro". 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 applicant seeks to vary the licence conditions by:

- adding an additional licensed area; i.e. a deck at the rear of the existing building, and
- adding two trading days.

Additional licensed area

The applicant`s reason for adding the additional area is to provide guests with an outdoor area that is sheltered from the North West wind and is in the shade.

Access to the area will be via an existing doorway from the tasting room area. The applicant has advised an accessible ramp is to be incorporated into the design of the deck area.

The decking area will be 'undesigned' which is the same designation as the other outdoor licensed areas.

Licensed hours

The applicant's reason for adding the additional two days is to provide flexibility. Currently the licence does not cover seven days per week, which means that the applicant cannot trade on public holidays that fall on the non-licensed days and for some group bookings.

The existing on-licensed trading hours are:

Wednesday to Friday:	11.00am to 12.00 midnight
Saturday and Sunday:	10.00am to 12.00 midnight

The applicant seeks to increase the hours to:

Monday to Friday:	11.00am to 12.00 midnight
Saturday and Sunday:	10.00am to 12.00 midnight

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 sought 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.

This licence will expire on **7 June 2020**

DATED at Amberley this 12 February 2020



Secretary

Hurunui District Licensing Committee