

# Notice of Decision



Decision No. 57/ON/517/2022

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by Hanmer  
Enterprises Limited for an on-licence  
pursuant to s.99 of the Act in respect  
of premises situated at 2 Jacks Pass  
Road, Hanmer Springs known as  
“The Vintage Bar & Bistro“

**BEFORE THE Hurunui District Licensing Committee**

Chairperson: Councillor M Ward

**DECISION (ON THE PAPERS)**

This is an application by Hanmer Enterprises Limited for an on-licence in respect of premises situated at 2 Jacks Pass Road, Hanmer Springs, known as “The Vintage Bar & Bistro“.

The general nature of the business to be undertaken is that of a restaurant and bar with the hours authorised for the sale of alcohol between:

- **Interior licensed areas:** Monday to Sunday from 8.00am to 2.00am the following day; and
- **Outdoor licensed area:** Monday to Sunday from 8.00am to 12.00am Midnight.

The application was duly advertised and no objection or notice of desire to be heard has been received.

The Police submitted a report, dated 10 December 2021, in opposition to the application on the grounds of s. 105(1)(b) suitability of the applicant and s. 105(1)(j) staff, systems and training. On 13 May 2022, Police submitted a supplementary report, which stated:

*“Police and the Hurunui Licensing Inspector met with the applicants on 11 May 2022 to speak about the concerns. Following the meeting Police no longer have concerns regarding 105(1)(b) and (j). Police wish to withdraw their opposition.”*

The Licensing Inspector shared the concerns of the Police in relation to ss. 105(1)(b) and 105(1)(j).

The Inspectors Report discussed a range of issues that come within the scope of the suitability of the applicant. These included the financing of the business purchase, the

financial viability of the applicant company and its director/shareholder, and the licensee's business management experience and performance.

In regards to s. 105(1)(j) of the Act, staff, systems and training, the Licensing Inspector discussed concerns regarding the lack of systems for the premises to ensure the premises was managed and operated in compliance with the Sale and Supply of Alcohol Act 2012, and other relevant legislation and legal obligations.

The Licensing Inspector summarised her inquiries in section 13.0 of her report. She stated:

*"The Inspector's inquiries into this application identified areas that required in depth assessment to ensure the suitability of the applicant. These have been worked through and further information supplied which has satisfied these concerns. These matters included the suitability of the applicant, the staffing of the premises, the purchase and financial viability of the premises, and the lending of money by staff members for the purchase of the business.*

*The Inspector is satisfied the applicant has made a commitment to work with Hospitality New Zealand, and the Inspector to develop and implement effective training and record keeping systems for the restaurant.*

*If the licence is to be granted, the Inspector will periodically check progress with the licensee during the first probationary year of the licence."*

The Committee support the level of inquiries into the application made by the Police and Licensing Inspector. We consider the approach suggested by the Licensing Inspector, to check progress with the licensee during the first probationary year of the licence, is reasonable and is not inconsistent with the purpose of the Act.

The Medical Officer of Health did not raise any matters in opposition to the 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 17<sup>th</sup> day of June 2022



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Secretary  
**Hurunui District Licensing Committee**

