

# Notice of Decision



Decision No. 57/ON/523/2023

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Xanjim Limited for an on-licence pursuant to s.99 of the Act in respect of premises situated at 40 Douglas Road, Amberley known as “The Railway Tavern”

**BEFORE THE Hurunui District Licensing Committee**

Deputy Chairperson: Mayor M Black

**DECISION (ON THE PAPERS)**

This is an application by Xanjim Limited for an on-licence in respect of premises situated at 40 Douglas Road, Amberley, known as “The Railway Tavern”.

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

- **Interior of the premises:** Monday to Sunday 10.00am to 1.00am the following day; and
- **Outdoor beer garden and front smokers area:** 10.00am to 12.00am midnight.

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

On 25 May 2023, New Zealand Police submitted a report to the licensing committee, opposing the application on the following grounds: ss. 105(1)(h) amenity and good order of the locality; and 105(1)(j) staff, systems and training.

Following a meeting with the applicant and the Licensing Inspector, the applicant provided detailed information to the Tri-Agencies, including:

- A list of duty managers and what days and hours they work;
- The training programme or guide;
- A Noise Management Plan for the premises;
- A floor plan with designated areas.

On 30 August 2023, New Zealand Police lodged a supplementary report, which stated:

*“On 26th July the applicant sent the relevant documentation through. Police have gone through all the material provided and are satisfied the applicant will meet the requirements of the Act. Police wish to withdraw their opposition.”*

The Medical Officer of Health submitted a report to the licensing committee on 25 May 2023, in opposition to the application. The report stated;

*“Enquiries into this application are incomplete. I am aware that further discussion is required with the applicant in respect of trading hours, noise levels including patrons outside and possible live bands, and whether the applicant has sufficient staff to comply with the law. It is likely to be lifted following the meeting.”*

On 2 August 2023, the Medical Officer of Health submitted a supplementary report, stating:

*“Extra information has been supplied by the applicant, and our enquiry is now complete. I have considered this application with respect to the public health issues involved and I am not aware of any problems that would require opposition. I have not been advised of any noncompliance issues at the present time and so am not aware of any problems that might reflect upon the applicant’s suitability for licensing. Opposition is withdrawn.”*

In their report, the Licensing Inspector has not raised any matters in opposition to this 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 3<sup>rd</sup> day of October 2023



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Secretary

**Hurunui District Licensing Committee**

