

Notice of Decision



Decision No. 57/ON/372/2024

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Hanmer Hospitality Limited pursuant to s.127 of the Act for renewal of an On-Licence in respect of premises situated at 47 Amuri Avenue, Hanmer Springs known as "Monteiths Brewery Bar Hanmer, O'Flynn's Irish Pub & X Golf Venue"

BEFORE THE Hurunui District Licensing Committee

Commissioner: Mr M Ward

DECISION (ON THE PAPERS)

This is an application by Hanmer Hospitality Limited for renewal of an On-Licence in respect of premises situated at 47 Amuri Avenue, Hanmer Springs, known as "Monteiths Brewery Bar Hanmer, O'Flynn's Irish Pub & X Golf Venue".

The applicant sought the change of use to the Roasted Bean Café, as follows:

- The Roasted Bean was proposed to become 'Tonic' a cocktail Bar, however this is not now to occur.
- The Roasted Bean is now proposed to be fitted out as an entertainment area i.e., 'X Golf Venue'.
- The X Golf equipment is expected to be installed by mid-December 2023.

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

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

On 11 October 2022, the Medical Officer of Health submitted a report noting that the applicant had an application for suspension of licence and manager's certificate pending before the Authority and that they would submit a final report when the decision was issued.

On 1 November 2022, the Medical Officer of Health Representative provided a supplementary report, not opposing the application.

Also on 1 November 2022, the Police submitted a report which brought the following matters to the attention to the Licensing Committee:

'The Committee will be aware that Police submitted a Section 280 suspension application for Hanmer Hospitality and a section 285 suspension application for Alan McNabb. This was in relation to an incident on 5 December 2022 (date should be 5 September 2020) which Mr McNabb received diversion.

The matter is on an agreed facts basis but the Alcohol Regulatory and Licensing Authority requested to hear the matter on penalty only.

The Authority intended on hearing the matter in Christchurch on Tuesday 21 June 2022 but Mr McNabb was not available at this time. The matter is still to be heard in front of the Authority, no dates have been given.

Since this matter Police have not had any problems with Director Mr McNabb, therefore they do not oppose the application for renewal.'

The Licensing Committee are aware that the matters raised by the Police were heard before the Alcohol Regulatory and Licensing Authority (the Authority) on 18 April 2023 and a decision issued on 4 May 2023 (refer decision no. [2023] NZARLA 61 – 62).

At paragraph [14] of the decision, the Authority orders that on-licence 57/ON/372/2019 is suspended for a 24-hour period from 8.00am on Saturday 13 May 2023. In addition, the Authority ordered the suspension of Mr McNabb's Manager's Certificate for a 42-day period from 8.00am on Monday 8 May 2023.

The Authority issued a further decision [2023] NZARLA 65 on 8 May 2023, which amended the order for on-licence 57/ON/372/2019 to be suspended for 24 hours from 8.00am on Saturday 20 May 2023.

The Licensing Committee have weighted the information and consider that the incident has been though the appropriate legal process and appropriate sanctions were imposed. There have been no further incidents of concern relating to the suitability of the applicant under s. 105(1)(b) of the Act.

We are satisfied as to the matters to which we must have regard as set out in s.131 of the Act. We renew the licence until 20 August 2025, that being the anniversary date of the licence and three years from the most recent date of expiry.

Due to a practice direction from the Alcohol Regulatory and Licensing Authority, we authorise the issue of a replacement licence with a new number and notice of renewal.

Dated at Amberley this 16th day of January 2024



Secretary
Hurunui District Licensing Committee

