

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Dale Thomas Pullen**
for an On- Licence pursuant to section
100 of the Sale and Supply of Alcohol Act
2012, in respect of the premises situated
at 791 Rangitatau East Road, Whanganui
and known as “Bushy Park Homestead”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for a new On-Licence was advertised in the Whanganui Chronicle on the 5 and 12th October 2018; together with statutory signage on the building. No objections were received. No matters of opposition were raised under section 102 and 103 reports; therefore the matter was considered by the Whanganui District Licensing Commissioner on the papers contained in the full file provided by the secretary in accordance with the provisions of s.202 (1) and 191(2) of the Sale and Supply of Alcohol Act 2012.

Commissioner: Stuart Hylton

RESERVED DECISION OF THE WHANGANUI DISTRICT LICENSING COMMITTEE

Application

(1) The application was made on the 20th September 2018 on the prescribed form. The application seeks to establish a new licensed ‘function centre/cafe’ in the premise situated at 791 Rangitatau East Road, Whanganui. The premise is known as ‘Bushy Park Homestead’ which has operated as a non-licensed historical homestead/café for a number of years.

(2) The premises at 791 Rangitatau East Road is owned by the Bushy Park Trust who have confirmed by way of supporting letter that the applicant has a lease for the premise including the ability to be licensed.

(3) The applicant is an individual who holds the lease to operate the business. The applicant is also the sole certified manager forwarded for the licence.

(4) The premise will continue to be known as the ‘Bushy Park Homestead’ and is seeking to be undesignated which is usual for licensed cafés of this type. The principal entrance is located at the front of the homestead although the licensed area includes surrounding lawns and carpark for function purposes. The certificate of compliance from the Whanganui District Council, has stated a maximum number of patrons as being 150.

(5) The complete file that the District Licensing Committee received included –

- The application
- Floor plan/Site Plan
- A s. 100(f) RMA/ Building Act compliance letter from Council
- Letter from applicant's landlord agreeing to the application to be licensed.
- Letter from applicant attesting to an evacuation scheme
- Copy of public notice on the building
- Host Responsibility Policy
- Full menu
- Public Advert wording
- Reports from Police, Medical Officer of Health and Inspector

Decision Making

(6) In considering this application for On-Licence the District licensing Committee (here in after referred to as the 'Committee') had regard to the criteria specified under s. 105 of the Act.

(7) the object of this Act:

This is a new licensed café/homestead/function venue although the historical venue has operated this type of use for many years, often using special licences for events involving sale of alcohol. The sale and consumption of alcohol on the premise should be minor and complimentary compared to the homesteads general business.

The applicant provided a Host Responsibility Policy that shows how alcohol will be sold in a responsible manner under the licence. If followed this should ensure the object of the Act continues to be complied with. The applicant has the initial first year to show that they can operate the licence in accordance with the Act and the licence conditions.

(8) the suitability of the applicant:

The applicant, Dale Pullen, is an individual who is the homestead manager and lessee. The applicant and Bushy Park Trust are working closely together to ensure this historical venue is a success and have a common interest to ensure the licence is a success and the statutory responsibilities are adhered to.

The applicant, Dale Pullen, is the named certified manager for the licence. This is the bare minimum for an on-licence. Whilst the applicant and named manager lives on site and will therefore be available for the majority of functions, he will have to think how the managerial responsibilities will be managed on those rare occasions he will be on leave etc.

(9) The inspector and reporting agencies do not challenge suitability of the applicant and neither do I.

(10) any relevant local alcohol policy:

No local policy is currently in place.

(11) the days on which and the hours during which the applicant proposes to sell alcohol:

The applicant has applied for the following days and hours –

- **Monday to Sunday, 11.00am to 1.00am the following day.**

These hours seem reasonable for the activity given the odd function will go later into the night.

(12) the design and layout of any proposed premises:

The application included a floor/site plan (date stamped 20 September 2018) showing premise layout, area to be licenced and principal entrance.

This relatively simple layout should assist compliance management.

The whole of the licensed premise is to be undesignated.

Note: With the exterior area to be licensed i.e. carpark and lawn area, patrons will need some form of signage or demarcation to know where alcohol can be consumed or not.

(13) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:

No.

(14) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:

This is a new licensed activity within the Rural Zone where the purchase and sale of food and beverages is permitted and the activity has existing use rights.

Within the agency reports there are no concerns about the possible reduction in amenity and good order from any licence issue.

(15) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—

(i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but

(ii) it is nevertheless desirable not to issue any further licences:

No concerns raised.

(16) whether the applicant has appropriate systems, staff, and training to comply with the law:

If the host responsibility policy is followed the licence holder should have no problems with compliance. The applicant has good experience in the industry.

Reporting Agencies

(17) The following reports were received under section 103 of the Act.

(18) **Police** – Report received on 8th October 2018, offering no opposition.

(19) **Medical Officer of Health** - Report received on 30th October 2018, offering no opposition.

(20) **Licensing Inspector**

Full report dated 31st October 2018. The inspector provided a comprehensive report into the application, has met the applicant and concluded that the application is complete, appears to meet the criteria for a new on-licence and therefore there has no opposition to the application.

Committees Decision and Reason

(21) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my assessment above, I conclude that the application meets the s. 105 criteria under the Act to be granted an on-licence for the premise situated at 791 Rangitatau East Road, Whanganui, to be known as 'Bushy Park Homestead'.

(22) Accordingly the application is **approved** for issue for one year subject to the following conditions and payment of any outstanding fees, if any.

(23) The licence will be subject to the following conditions:

- (a) The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol, at reasonable prices, a reasonable range of non-alcoholic drinks and low alcohol drinks.
- (b) The licensee must have free drinking water available for customers at each bar whilst open for business.
- (c) Liquor may only be sold only on the following days and during the following hours:

Monday to Sunday 11.00am to 1.00am the following day

EXCEPT THAT on Good Friday, Easter Sunday, and Christmas Day, or before 1pm on Anzac Day, no alcohol is to be sold or supplied on the premises unless the buyer is a person who is present on the premises to dine.

- (d) Food must be available for consumption on the premises at all times when the premises are open for the sale of alcohol in accordance with the menu submitted with the application, or variations of that menu of a similar range and standard.
- (e) The licensee must ensure that, at any time customers are lawfully on the premises,—
 - (i) there is readily available to the customers, free, comprehensive, and accurate information about the forms of transport from the premises that are available at that time; and
 - (ii) there are on the premises, and readily accessible to the customers, staff able to give them comprehensive and accurate information about the forms of transport from the premises that are available at that time; and
 - (iii) those staff will on demand give any customer appropriate advice free.

- (f) The licensee must ensure that for each principal entrance to the premises there is displayed at all times a sign attached to the inside or outside of the premises, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the premises are open for the sale of alcohol
- (g) The licensee must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—
 - (a) attached to the inside of the premises concerned; and
 - (b) so as to be easily read by people entering each principal entrance.
- (h) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (i) The licensee must implement and maintain suitable processes and controls to ensure patrons are aware of which parts of the property are licensed or not.
- (j) The licensee and managers on duty must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.
- (k) The whole of the licensed premises is undesignated.

3 Decision

Accordingly the application is **Approved** for issue.

Dated at Whanganui District this 1st day of November 2018.

Signed



.....
Stuart Hylton
Whanganui District Licensing Commissioner