

Decision No. GREYDLC124/2019

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012 (the Act)

**AND**

**IN THE MATTER**

of an application by **DUNOLLIE HOTEL 2019 LIMITED** pursuant to Section 100 of the Act for an ON Licence in respect of premises situated at 137 MacDougall Avenue, Dunollie known as the "Dunollie Hotel"

**BEFORE THE GREY DISTRICT LICENSING COMMITTEE**

**The Application**

The application by the Dunollie Hotel 2019 Limited in respect of premises situated at 137 MacDougall Avenue, Dunollie, known as the "Dunollie Hotel" for a new on licence to sell and supply of alcohol, is **GRANTED**. The licence may issue immediately, subject to the conditions set out below.

The applicant Company is a private company incorporated under the Companies Act 1993 on 25 July 2019. The shareholder Mr Murray Dawson has held the temporary authority in his name of which the current one expires 19 November 2019.

The general nature of the business is that of a Hotel with accommodation and a restaurant. The main entrance from Argyle Street, Dunollie.

The premises area includes the hotel accommodation, dining area, bar and a small outdoor deck area.

The following days and hours of operation are sought: Monday to Sunday 11 am to 1am the following day. These hours are within the maximum national default hours for an on-licence of 8am to 4am.

The application was duly notified on Council website on 30 September 2019 and no objections were received from members of the public.

The licence will expire one year from the date of issue, being the maximum period allowable under the Act.

**REASONS FOR THE DECISION**

The applicant has operated this business compliantly since taking over from the previous owner and has received no opposition from the Inspector and the Police. The Medical Officer of Health also has no matters in opposition.

The applicant has applied for undesignated for the premise area with the Gaming area being designated restricted.

The current licence has the bar area and pool table area as supervised and this committee feels that there is no reason for changing it to undesignated therefore this area stays as supervised.

The deck area of which part is on Council owned land will be subject to conditions of a Licence to Occupy.

Previously there was a decision from a Hearing held (GREYDLC091/2015) with the decision on hours for the deck area being changed to earlier closing time due to objections from neighbouring property of noise. It is noted the applicant has visited the residents surrounding the premises and they do not have any issues. This can be reviewed should any complaints be received.

The inspector reports that the amenity and good order of the area has not been adversely affected and that the applicant has sound host responsibility practices.

There are experienced bar management staff available who are reported as having a good understanding of both the local patrons and the sale and supply of alcohol.

Overall I am satisfied as to the matters to which we must have regard as set out in s.105, s.106 and 131 of the Act.

## **DECISION**

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by the Dunollie Hotel 2019 Limited for an ON Licence in respect of premises situated at 37 MacDougall Avenue, Dunollie known as the Dunollie Hotel.

## **CONDITIONS:**

The licence is subject to the conditions listed below:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:
  - **Monday to Sunday 11am to 1am the following day.**
2. Liquor may be sold only on the following days and during the following hours:
  - a. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on ANZAC Day to any person other than persons who are
    - i. present on the premises for the purpose of dining; or
    - ii. Residing or lodging on the premises
3. The Licensee to ensure that the Licence to Occupy for the deck area is current at all times.

4. The bar area is designated as supervised with other licensed areas undesignated and restricted as per the amended plan supplied.
5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol a reasonable range of non-alcoholic refreshments. Water is to be provided freely at no cost to patrons from either a water supply prominently situated on the premises or from across the bar.
6. Low-alcohol beverages must be available for sale and supply on the premises.
7. Food must be available for consumption on the premises at all times the premises is open for the sale of alcohol, in accordance with the example menu submitted with the application for this licence, or menu variations of a similar range and standard.
8. Signage for alternative form of transport to be displayed with staff to assist patrons with arranging transport.
9. The following other steps must be taken to promote the responsible consumption of alcohol:
  - b. All service staff must be trained in their responsibilities under the Sale and Supply of Alcohol Act 2012.
  - c. Evidence of age documents will be requested where appropriate.
  - d. The Licensee must ensure the provisions of the Act relating to the sale and supply of alcohol to minors and intoxicated persons are observed, and signage displayed detailing restrictions on the sale and supply of alcohol to such persons.
10. The Licensee must ensure the following items are prominently displayed:
  - a. A sign at the premises, so as to be easily read by patrons, stating the ordinary hours of business during which the premises will be open to sale of alcohol.
  - b. A copy of the licence, and of the conditions of the licence, attached to the premises so as to be easily read by persons attending the premises.
  - c. A sign prominently displayed at the premises, which identifies by which name the manager for the time being on duty.
11. Payment of the fee prescribed under the Sale and Supply of Alcohol (Fees) Regulations 2013.

**CONCLUSION**

Having regard to the relevant provisions of the Sale and Supply of Alcohol Act 2012, I am satisfied that an on-licence application should be granted, pursuant to the conditions set out above.

The licence will be for one year from the first granting of the licence and a replacement licence is to be issued.

**DATED** at GREYMOUTH this 7 day of November 2019

*Alan T O'Connell*

Alan T O'Connell  
Chairman/Commissioner

