

DECISION FOR RENEWAL OF ON-LICENCE

DLC ref: ON070

Licence Number : 67/ON/08/2014

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by **Dale James Butcher** for renewal of an On-Licence pursuant to section 100 and 127 of the Act in respect of premises situated at 576 Dunstan Road, Alexandra known as "The Orchard Garden"

BEFORE THE CENTRAL OTAGO DISTRICT LICENSING COMMITTEE

Robert B McNeil (Chairman)

Neil Gillespie

Michael MacAvoy

HEARING at Alexandra on 2 April 2014

APPEARANCES

Dale Butcher - Applicant

Damian Russel – In opposition

Snr Constable Gordon Pay – New Zealand Police – To assist committee

Ray Applegarth - Licensing Inspector, Central Otago District Council – To assist committee

DECISION

Background

This is an application by Dale James Butcher for renewal of an On-Licence in respect of premises situated at 576 Dunstan Road, Alexandra, known as "The Orchard Garden". The application has been submitted as a renewal without variation.

The application was duly advertised and one objection and notice of desire to be heard has been received. Accordingly this hearing was convened to consider the application.

The Applicants Submission

The applicant submitted that The Orchard Garden is a venue with a large country garden and an old converted fruit pack house which serves as the indoor space for weddings and many other functions. The applicants explained that they have a long standing liquor licence and believe their operating history to be exemplary having never received a complaint, a concern or a visit from any affected people, the police or liquor licensing authority officers.

The applicant acknowledged the issues raised by the objector and noted that they believe they had complied with all the conditions of the resource consent granted in 1996 for the activity. They believe their operation continues to have a less than minor effect on the amenity or good order of the locality.

The applicant concluded that The Orchard Garden is run in a responsible manner and within its licensing conditions. They believe they are responsible and reasonable people and will continue to operate The Orchard Garden at its consistently high standard.

The Appellants Submission

Mr Russel submitted that, over the last few years The Orchard garden has had numerous functions where cars were parked on the slipway on their side of the road. On occasions The Orchard Garden customers have also parked within their (the Russel's) private car park and under trees on the verge of the slipway on their side of the road.

Mr Russel acknowledged that the issues raised in opposition to the renewal of this licence are essentially resource consent issues and should be addressed through councils monitoring of the consent.

Mr Russel confirmed that he had no objection to the applicant holding a liquor licence.

Reasons for Decision

The committee acknowledges the Mr Russel had a right to object under section 128 of the Act, in that being a neighbour he had a greater interest in the application than the public generally.

In accordance with the provisions of section 131 of the Act, the committee must have regard to whether (in its opinion) the amenity and good order of the locality would be likely to be increased by more than a minor extent, by the effects of a refusal to renew the licence.

The committee notes the concerns of the applicant and the objector regarding traffic safety in the vicinity, but believe this is a matter which should be referred the Roading Authority for consideration. However, the committee does not believe that a refusal to renew this licence would increase the amenity by more than a minor extent.

The committee has had regard to the matters in set out in Section 105 of the Act and considers: the applicant to be a suitable person to renew the licence: and that the days and hours of operation are appropriate to the operation of a country garden/function centre. The committee considers that granting the renewal will meet the object of the Act.

Decision

We are satisfied as to the matters to which we must have regard as set out in Section 131 of the Act and **approve the renewal of the On-licence** on the same terms and conditions until 15 January 2017 that being three years from the most recent date of expiry and authorise the issue of a notice of renewal.

Dated at Alexandra this 7th day of April 2014

Robert B McNeil
Chairman
Central Otago District Licensing Committee