

## LICENCES ON247 & OF300

### **IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

### **AND**

### **IN THE MATTER**

of the applications for Renewal  
of On-Licence ON247 and Off-  
Licence OF300 by  
Wedderburn Tavern Limited,  
for the premises trading as  
Wedderburn Tavern pursuant  
to SS 127 of the Sale and  
Supply of Alcohol Act 2012

### **AND**

### **IN THE MATTER**

of the application for variation  
of On- Licence ON247 by  
Wedderburn Tavern Limited,  
for the premises trading as  
Wedderburn Tavern pursuant  
to SS 127 of the Sale and  
Supply of Alcohol Act 2012

## **BEFORE THE CENTRAL OTAGO DISTRICT LICENSING COMMITTEE**

Chairman: Mr Robert B McNeil  
Members: Dr M MacAvoy  
Cllr N Gillespie

**HEARING** at ALEXANDRA on 26<sup>th</sup> June 2023

### **APPEARANCES**

Mr G Martin – Lawyer for the applicant (remotely)  
Ms A Stockdale – Applicant  
Mrs S Bekhuis-Pay – Representing Medical Officer of Health – in opposition  
Ms A Smyth - representing Medical Officer of Health – to assist  
Ms P Cathie – Central Otago District Council Licensing Inspector – to assist  
Acting Senior Sergeant I Paulin – NZ Police – to assist  
Senior Constable P Henderson – NZ Police – to assist

## **RESERVED DECISION OF THE COMMITTEE**

### ***Introduction.***

1. This is an application by Wedderburn Tavern Limited (the company), for the renewal of the On and Off licenses pertaining to the Wedderburn Tavern, Wedderburn. The applications were lodged on the 9<sup>th</sup> February 2023. The applications were lodged prior to the expiry date of the existing licenses. This is the first renewal of these licenses.
2. Ms Angela Stockdale is the sole director and shareholder of the applicant company.
3. The application drew opposition from the Medical Officer of Health and no public objections were received. The Police and Licensing Inspector did not oppose the applications.
4. On the morning of the hearing, a late amendment was received by the Committee and reporting agencies, requesting a variation to the On-licence site plan. This variation was not considered at the hearing to enable the reporting agencies time to report back to the Committee and a decision will be the subject of a minute from the Committee at a later date.
5. Acting Senior Sergeant Paulin made a request to the Committee that the Applicant should present her case first, as is convention. Our preference was to have the Objector to be heard first but as the parties did not take issue with the Senior Sergeant, we allowed Ms Stockdale to start the proceedings.

### ***The Applicant***

6. Ms Stockdale gave evidence. She told us she has a hands-on ownership of the tavern and is one of three staff with a manager's certificate. Ms Stockdale spoke to the matters of opposition but the tenor of her evidence was to query the actions of the reporting agencies. She stated to us that she believed the Medical Officer of Health disclosure to her was "...quite extraordinary. A lot of it has been twisted and there is a reasonable amount of fabrication."
7. When rebutting the assertions of the MOH, she stated "(Re) Section (105(a) (sic), as I have not been provided with the information from the NZ Police which you are basing your objection on I cannot comment. I note that the police have not opposed the renewal of my duty manager's license (sic) or my premise application. I believe that all the below points are agreed by all parties and I believe is evidence that I have been practicing the responsible sale of alcohol from the premises.
  - I have no intoxication on the premises
  - I provide and offer accommodation to everyone who has had too much to drive

- *I offer and regularly use a courtesy van for everyone who feels they have had too many drinks to drive*
- *The kitchen is open at all times – with a minimum of an all day menu*
- *I have four 0 (zero) or low alcohol beers along with over 12 juices and soft drinks*

*Considering the above, I do not understand how my conduct and the conduct of the Tavern has not been a safe and responsible place for the sale of alcohol (sic). I have not been provided with sufficient details to be able to respond further.”*

8. Ms Stockdale also stated “(Re) Section 237(1)(b) *Yes this is accurate, at the time I was unaware that advertising ½ price drinks was considered irresponsible – it seems like offering a bottomless cup, like many venues do, is preferred. This will not happen again.*”
9. A large part of Ms Stockdale’s evidence surrounded the use of an outdoor area for the sale and supply of alcohol which does not appear to be on the plan submitted with the original applications for On and Off licenses for the Wedderburn Tavern. She admitted a marquee had been erected in this area and had been used to hold a number of functions involving the sale and supply of alcohol. The Tavern website displays a photograph of the marquee and outdoor area. The marquee is a substantial structure and the outdoor area, which is situated at the rear of the tavern, appears sizable. A large pond described as a curling pond is adjacent. In her evidence, Ms Stockdale stated the council had supplied the Committee with an incorrect map and not the “satellite map” of the area she wishes to be licensed. She further told us that *“If you need further clarification on this you will need to speak to the council.”* As stated previously, the matter of the variation of the licensed area will be dealt with separately and this hearing, among other matters, was to examine the allegation that the applicant had been using an unlicensed area for the sale and supply of alcohol. However, we would like to remind Ms Stockdale that it is herself who is the applicant for this variation, not Council staff.
10. Ms Stockdale spoke to us about mixed messages she had been given from council staff, Mrs Bekhuis-Pay and the police about her ability to use the marquee and outdoor area for the sale and supply of alcohol. She told us she had a genuine belief she was able to use it for this purpose as council staff had told her she could.
11. Ms Stockdale spoke about an incident at the tavern where Senior Constable Henderson made a visit and an incident involving a person in the bar occurred. Ms Stockdale stated the incident was not one where aggressive or disorderly behaviour occurred and she further believed she was not required to intervene as the Senior Constable removed the person from the premises and the matter was resolved outside. She stated at the time the event was private and the public was excluded.
12. Ms Stockdale admitted to us that two of her patrons were stopped by Police after drinking at her premises and had failed breath alcohol tests. She told us that one

of the patrons had been offered accommodation at the tavern but instead drove off without her knowledge. She said the other patron had lied about her consumption. Ms Stockdale was not questioned in any depth about these patrons or her knowledge of what stage of intoxication they may have been in.

13. She also stated that a meeting she attended at the Alexandra police station on 10th June 2022 had been intimidating for her as she had not expected the other agencies to be present.
14. When asked about the lack of signage informing patrons of transport options and the prohibition on sales to minors and intoxicated people, Ms Stockdale admitted she had removed that signage from the bar area because she found them intimidating, but since being supplied with new signage by the Medical Officer of Health staff, had put it back on display. When asked by the Committee if there was to be a compliance visit today, would any issues be found, Ms Stockdale was confident there would be no breach detected.
15. Ms Stockdale was asked about her experience in hospitality. Her response was to list a number of different licensed premises around the country where she had been employed although she did not give any evidence of having prior managerial or licensee experience.
16. Ms Stockdale was asked about her manager's register as per s.232 of the Act. Her reply was to state that as Council had records of her certified managers then why should she need to keep her own record.
17. Ms Stockdale was also asked about the training she provides staff. She pointed to the fact that three of them held manager's certificates. She further stated she personally provided training around identifying intoxication and other service matters but there were no formal records kept.

### ***The Opposition***

18. Senior Constable Patrick Henderson gave evidence on behalf of the Medical Officer of Health. He told us he had made a routine visit the Wedderburn Tavern and found the doors locked but people were drinking in the bar. The day and time of this visit was not apparent to the Committee, however we don't place too much importance on this. One he had been able to gain entry to the bar the Senior Constable told us he had a patron inform him that Police were not welcome and something of a verbal altercation developed. The Constable told us that Ms Stockdale was present and witnessed the incident. He said he asked the patron to move outside where they could speak. He said that Ms Stockdale at no time intervened in the exchange. After a period of approximately twenty minutes the Constable let the patron return to the bar and he apologised to the Constable for his actions.

19. Senior Constable Henderson said he arranged for a meeting with the Applicant at the Alexandra police station on 31<sup>st</sup> July 2022. Also present at this meeting was the Inspector and Mrs Bekhuis-Pay as well as Sergeant Derek Ealson of the Alexandra police. He said he discussed the incident with Ms Stockdale at this meeting and asked the reason she did not intervene. He said it was at this meeting that Ms Stockdale was informed of two people who had been processed for drinking and driving after leaving the tavern. Senior Constable Henderson told us he did not become aware of the two EBA incidents until after the renewal of Ms Stockdale's manager's certificate.
20. The Constable spoke about the police graduated response model and told us the local reporting agencies used it to identify high-risk premises and target them with education and resources in an attempt to improve compliance before having to resort to punitive actions.
21. Senior Constable Henderson told us that on 16<sup>th</sup> March 2023, Ms Stockdale had said to him she removed the signage from the bar area because she *"did not want to intimidate the clientele"* but had since replaced it after a visit from *"Public Health"*.
22. He further told us that he had a discussion with Ms Stockdale about the licensed area of the tavern but she informed him *"she had sent a map in and that she been told by council that that was sufficient"*.
23. After a question from the Committee, the Senior Constable confirmed the police had not opposed the renewal of Ms Stockdale's manager's certificate even though they were aware of two drink-drivers having left after drinking at her premises. He told us that the manager's certificate renewal was not questioned as it possibly should have been and stated there were administrative issues that led to that. He informed us these issues have since been addressed.
24. Acting Senior Sergeant Ian Paulin gave evidence. The Senior Sergeant currently holds the position of "Co-ordinator Alcohol Harm Prevention" based at Police National Headquarters. He stated that after a conversation about the Wedderburn Tavern with Senior Constable Henderson he made a visit to the tavern at about 5.46pm on Friday 24<sup>th</sup> March 2023 while travelling to Dunedin from Queenstown. He said he found no compliance issues during this visit but spoke of a conversation he had with Ms Stockdale regarding the marquee at the rear of the tavern. He stated Ms Stockdale told him a birthday party function was being held there at 7pm that evening. About 60 people were expected to attend.
25. Ms Alana Smyth gave evidence. Ms Smyth is a Health Promotion Advisor for Te Whatu Ora Southern. She explained her role is to enquire into alcohol licence applications on behalf of the Medical Officer of Health. She told us that at about 2.20pm on 2<sup>nd</sup> March 2023, she made an unannounced visit to the Wedderburn Tavern. She stated she spoke with Ms Stockdale and explained the reason for her visit. She said *"I asked Ms Stockdale if now would be a good time to discuss the application, to which she replied not really as she had lawns to mow and a horse to ride. She informed me that I really should have made an appointment. I said that this was fine, I would complete my observations of the premises and we*

*could arrange a later time to discuss the rest of the questions I had to ask her in order to complete my report. Ms Stockdale said I could observe the main bar area but that I couldn't observe the outside bar area as her dog was out there and it would bite me....."*

26. Ms Smyth went on to state she made observations of the internal bar area. She stated she informed Ms Stockdale she could not find any signage relating to prohibited persons and transport options. When informed this was a statutory requirement her evidence was that Ms Stockdale replied she was unaware of that and reiterated "*...that she did not have time for this*". Ms Smyth said she left copies of the required signage and some other resources before arranging to complete her enquiries over the phone the following day. Ms Smyth said that she saw nothing displayed in the premises to promote a courtesy vehicle.
27. Ms Smyth related the conversation of the following day and told us she asked Ms Stockdale what areas within the premises were designated as supervised. She told us Ms Stockdale replied she "*didn't know what that meant*". She also stated Ms Stockdale had made a comment that "*...this was just a box-ticking exercise as I surely had all this information already*". She said Ms Stockdale then informed her it would be better to email the questions to her. Ms Smyth stated to us that completing enquiries into applications by way of email "*especially for high-risk premises such as taverns..*" is not normal practice.
28. Ms Smyth also recounted that during this conversation it was established that Ms Stockdale did not keep records for a manager's register. She stated Ms Stockdale said she was unaware of the requirement and also unaware of the requirement to notify police and the DLC of any change in management.
29. When asked what training her staff receive to identify and manage intoxication, Ms Smyth said Ms Stockdale replied "*..that it was quite obvious when people have had too much to drink*". Ms Smyth further stated that Ms Stockdale told her she was not familiar with the SCAB assessment tool and "*there was limited further information offered when I asked what techniques are used to manage intoxication*".
30. Ms Smyth said she then raised the matter of a promotion offering half-priced drinks that she found on the tavern Facebook page. When asked if she knew the advertising the promotion in that manner appeared to be in breach of the Act, Ms Stockdale gave a flippant reply.
31. When Ms Smyth asked her about acceptable forms of ID, Ms Stockdale was able to list passports and NZ drivers licenses but admitted have no knowledge of the Kiwi Access card.
32. When questioned about how she felt when dealing with Ms Stockdale, Ms Smyth replied that she felt uncomfortable as many of Ms Stockdale's answers were blunt and abrupt.
33. Ms Stockdale, when given the opportunity to question the witness, preferred to speak to the Committee about how inconvenient the unannounced visit was.

34. Mrs Bekhuis-Pay handed-up her evidence as read on agreement with the other parties. She is employed by Te Whatu Ora Southern as an Alcohol Regulatory and Smokefree Enforcement Officer and has the delegated authority of the Medical Officer of Health. Mrs Bekhuis-Pay also has 25 years of managerial experience within the hospitality industry.
35. Mrs Bekhuis-Pay's evidence was centred on providing the Committee with an overview of the Medical Officer of Health's opposition and reasoning behind it. She stated that a number of transgressions against the Act coupled with what she perceived as Ms Stockdale's lack of respect for the agencies and inability to comply with the Act brings her suitability to hold a licence into doubt.
36. She stated that the applications were opposed on the following grounds – the object of the Act was not being upheld, the suitability of the applicant does not meet the standard required by the Act, the applicant does not have appropriate systems and training to comply with the law, the applicant was in breach of the Act by having an irresponsible promotion and the applicant was trading while unauthorised.
37. When asked if the opposition was lodged primarily due to how she perceived Ms Stockdale's attitude, Mrs Bekhuis-Pay stated that it was the number of potential breaches of the Act that had been identified that constituted the opposition, however her evidence made a number of references to Ms Stockdale's attitude.
38. Mrs Bekhuis-Pay related the demeanour of Ms Stockdale during the meeting at the Alexandra police station on 10<sup>th</sup> June 2022. She told us this meeting was the first stage of the graduated response model that the agencies adopted to address the issues of the drink-drivers and an incident involving Senior Constable Henderson. Mrs Bekhuis-Pay told us these matters had arisen within the first six months of the licence being first issued to the applicant. She stated when offered with support to train her staff, Ms Stockdale replied that she *"knows what she is doing"* and when asked what other support could be offered, replied *"stop the ..... police from picking on me."* Mrs Bekhuis-Pay would not repeat the language used.
39. Mrs Bekhuis-Pay told us that at that meeting it was explained to Ms Stockdale that even when closed to the public, she is still required to comply with the law. Mrs-Bekhuis-Pay related her reply was to question where in the Act does it say this.
40. Mrs Bekhuis-Pay provided references to several decisions to assist the Committee –

**Hayford v ChCh DLA HC Christchurch AP201/92, 3 December 1993** *"A holder of a liquor licence under the Sale of Liquor Act 1989 is granted a privilege. It permits him to sell liquor when others are not permitted to do so. Deliberate failure to carry out conditions attached to the licence or the terms of the licence must be a strong factor justifying a conclusion that the holder of the licence is not a suitable person to hold the licence."*

**JM Clark LLA 1169/99** *“A liquor licence is a privilege. It may colloquially be regarded as a “package deal”. Both the burdens and the benefits run with the licence. Mr Clark as licensee must either accept those burdens and control the sale and supply of liquor in a satisfactory manner, or he will not continue to enjoy the privilege. Either the licensee can manage the premises and on-licence satisfactorily, or he cannot.”*

**Deejay Enterprises Limited LLA 531-532/97** *The “guiding hand or hands-on operator” of any company, or the potential holder of a General Manager’s Certificate, now receive greater scrutiny from both the Police and other reporting agencies. Character and reputation are closely examined. The law and human desires of patrons frequently tug in different directions. The Police cannot be everywhere. Little but a licensee’s or manager’s character and suitability may stand between upholding the law and turning a blind eye. Self imposed standards in accordance with the law must be set by licensees and by holders of General Manager’s Certificates who control and manage licensed premises”.*

41. Mrs Bekhuis-Pay was asked what she sought from the Committee. She replied that she believed a truncated renewal period during which the applicant can have the opportunity to upskill herself would be appropriate. A renewal period of 12 months was suggested. She informed us that free training is available to licensees through Hospitality New Zealand and an on-line organisation called “Topsy”.

### **Closing Submissions**

42. At the conclusion of the proceedings, the parties were invited to make a written submission. During the hearing, we asked Mrs Bekhuis-Pay what she was seeking in the way of an outcome from the Committee. She replied that a renewal period of 12 months would be appropriate to enable the applicant to demonstrate her ability to manage the premises effectively.
43. The applicant duly provided us with a written submission. The submissions were largely a continuation of Ms Stockdale’s evidence, however a number of the points she mentions were not put to the witnesses during the hearing and have not been given weight by the Committee. We do note that Ms Stockdale wrote that she believes the Te Whatu Ora staff to be untrustworthy.
44. Ms Stockdale admits *“I accepted during the Hearing that the TWO (Te Whatu Ora) review found evidence of non-compliance. However, I submit that those instances of non-compliance were not gross, flagrant, or repeated. They were also rectified.*

*I was also not prosecuted for any breaches and have never been prosecuted for any breaches of the regulations which allow me to operate a business which sells alcohol. I submit that if the breaches had been determined to be gross, flagrant, or repeat, I would have been prosecuted.*



*I invite the Committee to put TWO's objection in this context".*

45. Ms Stockdale also wrote *"Notwithstanding, if the Committee is persuaded by the opposition raised by TWO that the Committee should have concerns about my application, I would be prepared to accept a shortened licence period"*.

46. Ms Stockdale goes on with her submission to mention the cost of renewal application fees. She provides three options for us to consider –

- a. to renew the licenses for 12 months but have council waive the licence fees when she makes the renewal at the end of that period
- b. to renew the licenses for 24 months
- c. request these applications in effect be adjourned for 12 months and granted if there is no further grounds for opposition raised in that period.

47. Mrs Bekhuis-Pay made written submissions on behalf of the Medical Officer of Health. She wrote - *"It is the opinion of the Medical Officer of Health that Ms Stockdale would benefit from further training for herself and her staff such as that which Hospitality NZ or the Servewise platform provide free of charge.*

*The Medical Officer of Health submits that the Committee consider imposing a condition on the licences that the applicant provides evidence of the training herself and staff have undergone prior to the next renewal.*

*The Medical Officer of Health submits that the applications be renewed for a truncated period of 12 months instead of 3 years".*

### **The Committee's Decision and Reasons**

48. The Committee is mindful that in renewing a licence we must have regard to s.131 of the Act –

#### **131Criteria for renewal**

**(1) In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:**

- (a) the matters set out in paragraphs (a) to (g), (j), and (k) of [section 105\(1\)](#):**
- (b) 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:**
- (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of [section 129](#):**
- (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.**

**(2) The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.**

49. The matters we were asked to consider by the MOH were non-conformance with the provisions of ss.105(1)(a), 105(1)(b), 105(1)(j), 105(1)(k), 237(1)(b) and 247.

50. With regard to s.237(1)(b) –

***237 Irresponsible promotion of alcohol***

***(1) A person commits an offence if, in the course of carrying on a business, that person—***

***(b) promotes or advertises discounts on alcohol in a way that leads people, or is likely to lead people, to believe that the price is 25% or more below the price at which the alcohol is ordinarily sold (otherwise than—***

***(i) on licensed premises; or***

***(ii) in the catalogue or similar price-list of the holder of an off-licence endorsed under [section 40](#))***

Ms Stockdale agreed she had breached this section of the Act. Her explanation was that the breach was not done with malice and she told us she has learned from the experience. We do wonder, however from her evidence as she gave us the impression any compliance will be done grudgingly. Having said that, our assessment of Ms Stockdale is such that we would be surprised if she were to reoffend in this manner.

51. With regard to s.247

***247 Unauthorised sale or supply***

***(1) A person who is the licensee or manager of any licensed premises must take all reasonably practicable steps to ensure that the licensee does not do any of the following things without the authority of this Act:***

***(a) sell or supply alcohol on the premises for consumption there; or***

***(b) let people consume alcohol on the premises; or***

***(c) sell or supply alcohol on the premises for consumption somewhere else.***

***(2) A person who commits an offence against subsection (1) is liable on conviction,—***

***(a) in the case of a licensee, to either or both of the following:***

***(i) a fine of not more than \$20,000;***

***(ii) the suspension of the licensee's licence for a period of not more than 7 days;***

***(b) in the case of a manager, a fine of not more than \$20,000.***

After hearing the evidence of Ms Stockdale, the Committee is of the opinion that she may be granted the benefit of the doubt regarding her use of the unlicensed area for the sale and supply of alcohol. We heard evidence that she had been told by council staff that she was able to use the marquee although the date of that advice was not presented to us. It is disturbing to us that she may have given incorrect information. Her application to vary the licensed area will close that chapter and clarify any misunderstanding which may exist. The applicant should not think she still has carte blanche to use any area not covered by her current licence however. She is reminded that until the application for variation is granted, she is restricted to selling alcohol in the area as defined by the floor plan accompanying the application for her licence issued on 25<sup>th</sup> March 2022.

52. With regard to s.105 –

**105 Criteria for issue of licences**

**(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:**

**(a) the object of this Act:**

**(b) the suitability of the applicant:**

**(c) any relevant local alcohol policy:**

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

**(e) the design and layout of any proposed premises:**

**(f) 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:**

**(g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:**

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

**(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#).**

Dealing firstly with subsection (1)(j) *whether the applicant has appropriate systems, staff, and training to comply with the law* - we have heard from Ms Stockdale that she gives in-house training to her staff but her evidence was that is a fairly informal system. We acknowledge the small staff she has and the transient nature of some staff members. The evidence from Ms Smyth leaves us in no doubt that Ms Stockdale has a poor understanding of the Act and on the face of the evidence we heard, she is not the ideal person to be delivering training to staff. Also her lack of record keeping was acknowledged.

53. We also heard evidence from Ms Stockdale that she has been operating her premises while in breach of s.232 – Licensees to keep records of managers, acting managers, and temporary managers. She assured us she is now compliant in this regard but it was clear to us she is doing this grudgingly.

54. With regard to subsection (1)(k) – *any other matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under s.103* -

We accept the evidence as presented by the MOH.

55. With regard to subsection (1)(b) *the suitability of the applicant* – We heard evidence from the MOH that the applicant's lack of knowledge of her own licence combined with her various breaches of the Act indicate she may not be a suitable person to hold a licence. The issue is exacerbated when her lack of cooperation with the reporting agencies is considered. Ms Stockdale, in her defence, claims it is the reporting agencies that are not co-operating.

56. With regard to subsection (1)(a) *the object of the Act* we remind ourself –

**4 Object**

**(1) *The object of this Act is that—***

***(a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and***

***(b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.***

**(2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—***

***(a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and***

***(b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).***

The operation of a rural tavern carries with it responsibilities that if neglected can have far reaching effects on the community it serves. We also are aware of the beneficial effects of such a licensed premises but our purpose as per s.3 of the Act, is to ensure we act in a way that is (a) reasonable , and (b) our actions help achieve the object of the Act.

57. We believe that on their own, each breach of the Act committed by the applicant would have warranted a review as to whether the licence holder was a fit and proper person to hold a liquor licence, especially as these breaches all occurred within the first 12 months of the licence being in effect. We do note that no breaches include matters of intoxicated patrons or minors being served alcohol.

58. However we believe the cumulative effect of the numerous breaches indicate a pattern on non-compliance with the Act. This suggests to us that the applicant is experiencing difficulties in managing the premises in accordance with her licence and the Sale and Supply of Alcohol Act 2012.

59. In keeping with s.3, and after hearing from Ms Stockdale, we believe she should be given a chance to demonstrate her capacity to manage the licenses and comply with all of her responsibilities under the Act.

60. We have considered the three options Ms Stockdale suggested in written submission and record that there is no provision the Committee to waive licence fees. We also believe that the period of 24 months would be excessive in the circumstances.

61. Therefore we renew the licences for a period of 12 months. No further conditions are imposed. The applications before us will not be adjourned other than to allow the determination of the application for variation.

62. In doing so, we remind Ms Stockdale that the reporting agencies may make announced and unannounced visits to her premises for the purposes of ensuring compliance. We also remind Ms Stockdale that her co-operation with the agencies speaks to her suitability to be a licensee and we strongly recommend she makes herself available to them.
63. We also strongly recommend to Ms Stockdale that she undertake additional training in the Sale and Supply of Alcohol Act 2012 and her responsibilities under it. We expect her to be able to provide proof of such training prior to the renewal period.
64. We also expect formal and acceptable records of training for all staff involved in the sale and supply of alcohol to be created and be available to the agencies on request.
65. The licences shall take effect ten working days after the date on this decision barring any appeal.

**DATED** at ALEXANDRA *this 7<sup>th</sup>* Day of July 2023

Robert B McNeil  
Chairman  
Central Otago District Licensing Committee