

**APPLICATION** (17/ON/010/2014)

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

**AND**

**IN THE MATTER** of an application by Yurong (Shirley) Xu on behalf of Bull Ring Tavern for the renewal of a licence to sell and supply alcohol (On License) pursuant to Section 127 of the Act in respect to premises situated at 6581 SH1, Atiamuri and known as the Bull Ring Tavern.

**BEFORE THE SOUTH WAIKATO DISTRICT LICENSING CHAIRPERSON**

Quorum: Chairperson Jenny Shattock QSM JP

**THE APPLICATION**

Pursuant to Section 127 of the Sale and Supply of Alcohol Act 2012 Yurong (Shirley) Xu filed an application to renew an On Licence (17/ON/010/2014) on behalf of the Bull Ring Tavern. This application relates to the Bull Ring Tavern which is situated at 6581 SH1, Atiamuri.

The premise, known as Bull Ring Tavern, is situated on a 7150.0m<sup>2</sup> rural property on the eastern side of State Highway 1, Atiamuri. It includes a small convenience shop, tavern/restaurant, café/tearooms, liquor store, as well as backpackers' accommodation, which is a standalone building to the north of the main building. The tavern/restaurant & café/tearooms is the subject of this application.

The premise has held an On Licence since at least 1998.

There are two certified managers currently with the Bull Ring Tavern. Ms Yurong Xu has held her Managers Certificate since October 2013. In October 2014 the applicant successfully completed the Licence Controller Qualification Bridging Test. Ms Lani Raye has held her licence since July 2014.

The Inspector has provided a positive report and has recommended the granting of an On-Licence.

Both the Medical Officer of Health and New Zealand Police have reported without opposition to the application.

The Fire Risk Management Officer has reported, without opposition to the application.

The application was duly advertised and did not attract any public objection.

The applicant seeks the following licensed trading hours as agreed with the Liquor Licensing Inspector.:

**Sunday to Wednesday 8.30am to 10:30pm**  
**Thursday to Saturday 8:30am to 11:30pm**

The South Waikato District Council does not currently have a relevant Local Alcohol Policy.

### **COMMITTEE DECISION AND REASONS**

- 1) The purpose of the Sale and Supply of Alcohol Act 2012 (the Act) is to put in place a system of control over the sale and supply of alcohol (s3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s4).
- 2) In deciding whether to issue a licence the District Licensing Chairperson must have regard to the criteria in s105. The Chairperson must consider the following questions:
  - a) Does the grant of the licence ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol?
  - b) Is the applicant suitable?
  - c) Are the days and hours during which the applicant proposes to sell alcohol suitable?
  - d) Is the design and layout of the premises suitable?
  - e) Does the applicant propose to sell goods other than alcohol such as low-alcohol refreshments, non-alcoholic refreshments and food?
  - f) Does the applicant propose to provide services other than those related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
  - g) Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of the license? Is the amenity and good order of the locality already so badly affected by the effects of the existing licenses that it is unlikely to be reduced further by the effects of the issue of the license, or is it desirable not to issue any further licenses?
  - h) Does the applicant have appropriate systems, staff and training to comply with the law?
  - i) Have the police or medical officer of health raised any concerns?
- 3) The Inspectors report is both comprehensive and positive. It covers the matters required including Amenity and Good Order. The Inspector reports that there is no reason to believe that the amenity and good order of the locality would be likely to be increased, to more than a minor extent, by the effects of a refusal to renew the licence.
- 4) The Inspector has reported that the Bull Ring Off-Licensed premise has failed three controlled purchase operations. Yurong Xu was the owner and manager of The Bullring. She was not the individual that sold the alcohol to the minors. She did co-operate with Police and took full responsibility for the incidents being the owner of the premises. The staff member responsible has since left the employ of the Bull Ring.
- 5) In this matter I believe that the criteria under Section 105 of the Act have generally been met given that:
  - The Inspector has provided a generally positive report
  - The relevant Agencies have reported without opposition

- The application has drawn No Objection from the public.
  - The Applicant has managed the Sale and Supply of alcohol appropriately since the last failed controlled purchase operation.
  - The Inspector recommends that conditions be applied to the Licence consistent with the Act.
- 6) I am satisfied as to the matters to which I must have regard and I am satisfied that the application generally meets the Purpose and Object of the Act. Accordingly, I grant the On-Licence with the agreed hours as above and with the conditions listed below.

### **CONDITIONS**

The licence is subject to the following conditions:

- a) Alcohol may be sold or supplied for consumption on the premises only on the following days and during the following hours:
- |                             |                          |
|-----------------------------|--------------------------|
| <b>Sunday to Wednesday</b>  | <b>8:30am to 10:30pm</b> |
| <b>Thursday to Saturday</b> | <b>8:30am to 11:30pm</b> |
- b) The bar and restaurant/tavern and outdoor deck area be designated "Supervised". The tearoom/café area to be "Undesignated. No Alcohol is to be permitted within the store area.
- c) 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 a person who is on the premises to dine or is lodging on the premises.
- d) Food must be available for consumption on the premises as follows:
- At all times when the premises is authorised to be open for the sale and supply of alcohol, food of a range and style similar to that shown on the menu submitted with the application for a licence, or variations of that menu of a similar range and standard.
  - Menus must be visible and food should be actively promoted.
- e) The following step must be taken to promote the responsible consumption of alcohol:
- The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic refreshments and low-alcohol beverages and water must be available to any customer free of charge upon request.
  - A properly appointed certificated or Acting or Temporary Manager must be on duty at all times when the premises is open for the sale and supply of alcohol, and their full name must be on a sign prominently displayed in the premises.
- f) The Licensee must display:
- At every point of sale, signs detailing statutory restrictions on the sale and supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.

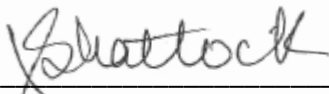
- At the principal entrance to the premises, so as to be easily read by people, a sign stating the ordinary hours of business during which the premises will be open for sale or alcohol;
- A copy of the licence attached to the premises so as to be easily read by persons attending the premises.

**CONCLUSION**

The On Licence renewal application (17/ON/010/2014) filed by Yurong Xu on behalf of the Bull Ring Tavern for the premise situated at 6581 SH1, Atiamuri is granted subject to the conditions set out below and for a period of three years.

The Licence may be issued immediately.

**DATED** at TOKOROA this 13<sup>th</sup> day of April 2016



---

Jenny Shattock QSM JP  
**Chairperson**