

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by TFPC Limited  
pursuant to s.99 and s100 of the Act for  
an on-licence endorsed BYO in respect  
of premises situated at 23 Campbell  
Street Duntroon 9494 known as “**The  
Flying Pig Cafe**”

**BEFORE THE WAITAKI DISTRICT LICENSING COMMITTEE**

Chairman: Cr Jim Hopkins

**DECISION – ON PAPERS**

This is an application by TFPC Limited for an on-licence endorsed BYO in respect of premises situated at 23 Campbell Street Duntroon 9494 known as “**The Flying Pig Cafe**”.

The general nature of the business to be undertaken is that of a BYO.

The application was duly advertised and no objection or notice of desire to be heard has been received.

Reports have been received from The Waitaki District Council Licensing Inspector, The New Zealand Police and The Medical Officer of Health.

Based on the information provided to us on the complete file, we have determined to grant the application on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant an on-licence pursuant to s.14 to s.16 of the Act endorsed s.37 (BYO restaurants).

The applicant's attention is drawn to:

1. Section 56 of the Act - Display of signs:

The holder of an on-licence issued for the premises or an off-licence (other than an off-licence issued for premises for which a club licence is held) 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 (or, in the case of an on-licence endorsed under section 37, open for the consumption of alcohol).

2. Section 57(1) of the Act – Display of licence:

The holder of an on-licence or an off-licence (other than an off-licence issued for premises for which a club licence is held or a remote-sale off-licence) 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.

The entrance from 23 Campbell Street, Duntroon is designated as the principal entrance.

3. Section 214(3) of the Act – Manager to be on duty at all times and responsible for compliance:  
At all times while a manager is on duty on any licensed premises, the full name of the manager must be prominently displayed inside the premises so as to be easily read by people using the premises; and the person named as manager at any time is to be treated for the purposes of this Act as the manager at that time.

The Act does exempt BYO venues from the requirement to appoint a Duty Manager when operating. This exemption would apply to the Flying Pig which is proposing to operate as a BYO venue.

The licence is approved and will be subject to the following conditions:

- a) No alcohol is to be consumed on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not present on the premises to dine.
- b) Alcohol may only be sold and consumed on the following days and during the following hours: Thursday and Friday from 5.00pm to 8.00pm
- c) Water must be freely available to customers on the premises while the premises are open for business.
- d) The following steps must be taken to ensure that the provisions of the Act relating to the supply of alcohol to prohibited persons are observed:
  - i) Display of appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- e) The following steps must be taken to ensure that the provisions of the Act relating to the management of the premises concerned are observed:
  - i) Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application.
- f) The following steps must be taken to promote the responsible consumption of alcohol:
  - i) The licensee must implement and maintain the steps proposed in their host responsibility policy aimed at promoting the reasonable consumption of alcohol.
- g) The following s117 Other Conditions apply to this licence  
**OTHER RESTRICTIONS AND REQUIREMENTS TO BE NOTED ON THE LICENCE**  
Section 51 - Non-alcoholic drinks to be available; Section 53 – Food to be available; Section 54 – Help with information about transport to be available; Section 56 – Display of signs; Section 57 – Display of licences; Section 214(2)-(4) – Manager responsible for compliance.

We further advise the applicant that although the Act specifically exempts BYO venues from any requirement to appoint a Duty Manager when operating, some District Licensing Committees have exercised their discretion and stipulated that a Duty Manager should be appointed in some BYO situations, generally when problems relating to previous use of alcohol have been identified. Whilst we do not believe this issue is likely to arise at The Flying Pig and have therefore not required a Duty Manager to be appointed, we do draw the applicant's attention to the fact that the District Licensing Committee can review that exemption when any future renewal of the licence is sought should it become aware of problems at the venue.

The Licensed Premises:

In terms of s.105 (e) of the Act the premises, situated at 23 Campbell Street Duntroon 9494 are more precisely identified in a plan dated as accepted by the District Licensing Committee on **2 August 2023**.

The licence may issue immediately and expire on 2 August 2024 that being one year from the date of issue, unless renewed.

**DATED** at OAMARU this 2<sup>nd</sup> day of August 2023



Chair  
Waitaki District Licensing Committee

