

Decision number: 148-2023

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012 ("the Act")

AND

IN THE MATTER of an application by **Nolan
South Limited** pursuant to s.
100 of the Act for an ON
Licence in respect of
premises situated at 37 Main
Road, Harihari known as
"The Rushes Cafe & Bar"

BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE

The Application

Nolan South Limited applies for an ON Licence in respect of premises situated at 37 Main Road, Harihari known as "The Rushes Cafe & Bar."

It is proposed that this business will operate as a Class 3 restaurant/cafe and bar in the isolated township of Harihari.

The days and hours sought for this licence are **Monday to Sunday 10.00am to 10.00pm**

These hours are within the default national maximum trading hours for an on-licence of 8.00am to 4.00am.

The applicant has provided a list of substantive food options and the low alcohol and non-alcoholic refreshments that will be available at all times when the premises is open for the sale and supply of alcohol.

The food is prepared on-site, and the inspector is satisfied that it is of an acceptable variety and price range and will be provided within a reasonable timeframe of placing an order.

Water jugs and glasses are available on request at all times, plus water is given to all seated customers as part of table service.

The application was publicly notified, and no public objections were received.

Building and Planning Certificates have been sought and issued for this activity.

Neither the Police nor the Medical Officer of Health raise matters in opposition.

REASONS FOR THE DECISION

The applicant has provided an acceptable menu together with a list of both low and non-alcoholic refreshments that will satisfy the requirements of the Act.

Certificated managers are attached to the application and will oversee the sale and supply of alcohol.

The Inspector reports that the amenity and good order of the area is unlikely to be affected by more than a minor extent. He suggests that the new covered deck should be designated as a Supervised Area from 4.00pm to 10.00pm.

The applicants were operating under Temporary Authority that expired on 14 October 2022.

The have been operating as an unlicensed café and grocery store since that date.

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

The business operates as a low risk café and no designation is required. There is no provision under the Act for an OFF Licence to be granted to such an operation.

Accordingly, I deal with the ON Licence application on the papers.

DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **grants** an application by **Nolan South Limited** for an **ON Licence** in respect of premises situated at **37 Main Road, Harihari** known as **"The Rushes Cafe & Bar"** subject to conditions.

Conditions:

The licence is subject to the conditions listed as follows:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:
Monday to Sunday 10.00am to 10.00pm;
2. No alcohol is to be sold or supplied 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;
3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises;
4. 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 and low-alcohol beverages;
5. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted;
6. **A properly appointed certificated, or Acting or Temporary, manager must be on duty at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;**
7. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises;
8. The Licensee must display:
 - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
 - c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.

DATED at HOKITIKA this 28th day of November 2023



Murray Clearwater
Chairperson/Commissioner
Westland District Licensing Committee

