

Decision number: 080-2023

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

AND

IN THE MATTER of an application by **Rain
Forest Retreat Limited**
pursuant to s127 of the Act
for the renewal of the ON
Licence in respect of
premises situated at 46 Cron
Street, Franz Josef Glacier
known as the "**Rain Forest
Retreat**"

BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE

The Application

Rain Forest Retreat Limited applies for the renewal of the ON Licence in respect of premises situated at 46 Cron Street, Franz Josef Glacier known as the "**Rain Forest Retreat**."

The business is primarily an accommodation provider with a restaurant and bar incorporated in the business. Traditionally they offer food, alcohol and accommodation to the locals, tourists and backpackers.

Effectively, for licensing purposes, they operate as a hotel.

The current days and hours are **Monday to Sunday 8.00am to 3.00am the following day for the interior area and 8.00am to 10.30pm in the outdoor areas. No changes are sought.**

These hours are within the default national maximum trading hours for ON licensed premises.

The application was publicly notified on the council website from the 4th of July 2023. No objections were received from members of the public.

Reasons for the Decision

Neither the Police nor the Medical Officer of Health has raised any matters in opposition, but they do raise concerns around the extensive hours available in the licence and that the toilets are included in the licensed area.

Both concerns are valid and were discussed with the applicant at a tri-agency meeting. After initially agreeing to an amendment to the hours the applicant now seeks to retain the existing hours. The MOoH 'recommends' that the DLC consider amending the hours when considering this renewal.

That option is not available to the DLC if the amendment is not consented to by the applicant. The DLC does have the option to set the renewal down for a public hearing to hear the arguments for and against the variation of hours.

Similarly, we agree with the Inspector that normally licensed areas do not include toilets, offices and staff only areas. Equally we accept the applicant's response that it is safer for patrons to take their drinks with them when they go to the toilet to avoid possible drink spiking opportunities.

It should be a house rule that drinks are consumed before going to the toilet or out for a smoke.

Again, the DLC can only amend the licensed area by consent OR after hearing evidence at a public hearing.

We have chosen to determine the renewal on the papers as there is no evidence offered that there are problems currently within the premises or due to the use of the late closing time.

Had there been such evidence then the matter would have been set down for a hearing.

We do put the applicant on notice that late hours must be respected especially with the potential late night crowd that no doubt attends the premises from time to time.

Substantive food options must be readily available throughout the licensed hours, i.e. right through to 3.00am if those hours are utilised. Intoxication levels must be overtly monitored and swift action taken to prevent patrons from becoming intoxicated.

If there are incidents of intoxication and the like, we would expect the agencies to bring those matters back to the DLC and we can exercise our powers under Section 201(4) of the Act, to rehear the renewal application.

Overall, the inspector reports that the amenity and good order of the area has not been reduced by more than a minor extent.

Subject to the above, I am satisfied as to the matters to which we must have regard as set out in s.131 of the Act.

I deal with the application on the papers.

DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Rain Forest Retreat Limited** for the renewal of the ON Licence in respect of premises situated at 46 Cron Street, Franz Josef Glacier known as the “**Rain Forest Retreat**” subject to conditions.

We refresh the licence conditions to reflect best practice.

Conditions:

The ON licence is subject to the conditions listed below:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:
Monday to Sunday 8.00am to 3.00am the following day in the interior, and 8.00am to 10.30pm in the outdoor licensed area.
 2. 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 lodging on the premises;
 3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
 4. The following parts of the premises is designated as a **Supervised Area at all times: The Monsoon Bar**
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5. 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.
6. **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;**
7. 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;
8. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises;
9. 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;

The renewal will be for three years from the expiry of the current licence and a replacement licence is to be issued.

DATED at Hokitika this 7th day of July 2023



Murray Clearwater
Chairperson/Commissioner
Westland District Licensing Committee

