

Decision number: 090-2023

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

AND

IN THE MATTER of an application by **Blue Ice
Investments Limited**
pursuant to s127 of the Act
for the renewal of the **OFF
Licence** in respect of
premises situated at 12 Main
Road, Franz Josef Glacier
known as the "**Blue Ice
Cafe.**"

BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE

The Application

Blue Ice Investments Limited applies for the renewal of the OFF Licence in respect of premises situated at 12 Main Road, Franz Josef Glacier known as the "**Blue Ice Cafe.**"

The business is an on-licensed 'Restaurant and Bar' with an 'across the bar' off licence. They offer food, and alcohol to the locals, tourists and tour parties.

The current days and hours for off sales are **Monday to Sunday 8.00am to 11.00pm. No changes are sought.**

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

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

The base licence expired on the 20th of May 2023, nearly 24 months ago.

Reasons for the Decision

Initially both the Police and the Medical Officer of Health raised matters in opposition. Issues included whether the business was a restaurant or a tavern, excessive trading hours, and difficulties overseeing the whole of the licensed area.

Discussions and delays have been ongoing and the current DLC proposed that a hearing be held to resolve the issues.

Both the Police and the MOoH have now withdrawn their opposition but invited the DLC to clarify a number of issues around the classification of the business and whether it was still entitled to hold an OFF Licence.

Our preliminary view was to advise the applicant that to continue to hold the OFF Licence this business must operate primarily as a tavern, not a restaurant, with the sale of alcohol being the principal revenue source. If that is not the case the Off Licence should be surrendered.

We put our views to the applicant by way of a Directions Minute dated 11 March 2025.

In response, Maddy Brownlee, counsel for the applicant, helpfully set out the views of the applicant.

Firstly, they rely on the ON Licence decision of the Westland DLC dated 16 April 2023 and the finding of the previous Commissioner, Richard Simpson, that the business was a tavern, and it was renewed on the papers. We note the recommendations of the Police, MOoH and the Inspector around the style of business and operating hours were different to those of the Commissioner but were dismissed by the DLC. In the view of the current Commissioner this 2023 decision is flawed for a number of reasons and in our view is not binding on the current DLC membership.

Secondly Ms. Brownlee argues there is little risk or evidence of harm emanating from the off sales from this premises. We agree, there is no evidence of such before the DLC.

Thirdly she argues that reasonableness and fairness should be the hallmarks of the DLC's decision making. We agree.

We see merit in the proposed way forward from counsel, i.e. that this renewal be approved on the papers and set to expire at the same time as the current ON Licence i.e. 19 September 2025.

At that time the merits of both applications can be fully considered and the designation of the premises properly examined and defined.

We require that audited trading figures to be proved to the DLC at the next renewal showing the split between food and on and off sales of alcohol if the renewal of the OFF Licence is to be pursued.

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 WITHOUT PREJUDICE** an application by **Blue Ice Investments Limited** for the renewal of the OFF Licence in respect of premises situated at 12 Main Road, Franz Josef Glacier known as the “**Blue Ice Cafe**” subject to conditions.

We refresh the licence conditions to reflect best practice.

Conditions:

The OFF licence is subject to the conditions listed below:

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours:
Monday to Sunday 8.00am to 11.00pm;
 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.
 3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
 4. The following part of the premises is designated as **Supervised Area at all times: The Upstairs Bar. All off sales must take place at the Upstairs Bar.**
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5. 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;
6. 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 28 months from the last renewal on 20 May 2023 to the 19th of September 2025 (**effectively 5 months from the date of this decision**) and a replacement licence is to be issued.

The ON and OFF licence will be considered together at the next renewal on 19 September 2025.

DATED at Hokitika this 7th day of April 2025



Murray Clearwater
Chairperson/Commissioner
Westland District Licensing Committee

