

Decision number:

096-2023

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012 ("the Act")

**AND**

**IN THE MATTER**

of an application by **The  
Landing Bar Limited**  
pursuant to s. 100 of the Act  
for an ON Licence in respect  
of premises situated at 70  
Cron Street, Franz Josef  
known as "**King Tiger  
Eastern Eating House &  
Bar**"

**BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE**

**The Application**

The Landing Bar Limited applies for an ON Licence in respect of premises situated at 70 Cron Street, Franz Josef known as "King Tiger Eastern Eating House & Bar."

*The Inspector reports that the director of the applicant company previously held the On licence for this establishment in his own name between 2014 and the end of 2020. At the end of that time, which was during the Covid-19 pandemic, the licensee failed to renew the On licence and it (expired).*

*The premises was closed and did not operate between mid-2020 and May 2023. It has reopened recently solely as a takeaway food operation. The applicant company holds two other On licences in the Franz Josef township. These are Full of Beans Cafe and The Landing Bar.*

It is proposed that this business will operate as a Class 1 restaurant and bar.

The days and hours sought for this licence are:

**Sunday to Wednesday 8.00am to 1.00am the following day,  
Thursday to Saturday 8.00am to 3.00am the following day  
The outdoor area 8.00am 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 one public objection was received from the neighbouring Motel. This was later withdrawn following agreement on some outstanding matters.

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

## **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 application initially drew opposed reports from the MOoH and the Police. The Inspector did not oppose but did advise us that there were noise complaints back under the reign of the original licensee that resulted in a hearing before ARLA in 2020.

The outcome of the hearing was a requirement for a Noise Control Plan and an acoustically designed fence to be constructed to minimise noise nuisance for the adjacent Motel.

In updated reports from the Police and the MOoH their concerns have been resolved in discussions with the applicant.

Neither the Police, nor the Medical Officer of Health, have raised any **final matters** in opposition to this application.

The Inspector reports that the amenity and good order of the area is unlikely to be affected by more than a minor extent now that the fence is being constructed and an assurance that the Noise Management Plan (NMP) will be followed.

By consent the following designation regime will apply.

**The Bar will be designated as a Supervised Area at all times.  
The Restaurant area will be designated as a Supervised Area from 10.00pm each night. All other areas are undesignated.**

The public hearing scheduled for the 28<sup>th</sup> of August 2023 is now vacated.

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.

Accordingly, I deal with the matter on the papers.

## **DECISION**

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **grants** an application by **The Landing Bar Limited for an ON Licence in respect of premises situated at 70 Cron Street, Franz Josef known as "King Tiger Eastern Eating House & Bar"** subject to conditions.

We expect full compliance with the Noise Management Plan and the fence between the properties is to be constructed without delay.

### **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:  
**Sunday to Wednesday 8.00am to 1.00am the following day,**  
**Thursday to Saturday 8.00am to 3.00am the following day**  
**The outdoor area 8.00am 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 Bar will be designated as a Supervised Area at all times. The Restaurant area will be designed as a Supervised Area from 10.00pm each night. All other areas are undesignated.**
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.
10. **The applicant must comply with the provisions of the Noise Management Plan submitted at all times.**

**DATED at HOKITIKA** this 14<sup>th</sup> day of August 2023



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Murray Clearwater  
Chairperson/Commissioner  
Westland District Licensing Committee

