

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an amendment to an application for a
special licence pursuant to s. 137 by
Whataroa Golf Club in respect of
premises known as The Whataroa Golf
Club at the Whataroa Domain, 15 Main
Road, Whataroa.

DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON AN UNCONTESTED APPLICATION

Authority:

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 and a Council resolution dated 28 November 2013, the functions, powers and duties of the Westland District Licensing Committee are delegated to the committee chairperson where no objection has been filed, and no matters of opposition have been raised by the Police, the Medical Officer of Health or an Inspector. There is no Local Alcohol Policy in place for the District.

Background:

On 5 May 2023 a decision (047-2023) was made to grant an application for a Special Licence for, among other things, a Golf Tournament event to be held on Sunday 7 May 2023. I have been advised that the Golf Tournament to have been held on that day was postponed because of weather inclemency and a decision was been made by the Club to transfer the Tournament to Friday 14 May 2023.

When I was preparing the 5 May 2023 decision I was overcome with a feeling of De Ja Vue As I reflected on the similar weather that day and the series of postponements that the Club was faced with last year I considered the prudence of including an alternative day for the exercise of the licence but quickly came to the view that I had no authority to take such a course of action. I can only act on the papers presented to me and the initial application did not suggest any need for alternative dates. I now have a request for an amended date to cater for the postponement. I continue to recognise the statutory limitation in that the Sale and Supply of Alcohol Act does not in any specific way authorize me to make an amended decision under the circumstances of the non-exercise of a licence for any reason. However, I would not allow the lack of Statutory Authority to stand in the way of the Whataroa Golf Club undertaking its functions. I have previously turned my mind to the parts of the Act relating to the functions of Licensing Committees and the powers of a Committee and I have satisfied myself that the provisions are satisfactorily general to allow a discretion to be exercised because of disruption to an event on the basis of Meteorological inclemency.

The circumstances that now exist do not dissuade me from the context of the original decision and the rationale identified at that time. I do not know if the reporting parties all agree that the change sought should be agreed to. I assume that the amendment application has not been advertised; it was not initially and so I presume that the change would not in itself alter the need or otherwise for advertising. It is, after all a community event and I have no doubt that the community of Whataroa is well aware of the change.

It may well be that a payment of a further fee or part thereof would be warranted and I will leave this to the Secretary.

The change to the date does not alter any of the conditions to the licence; the date will change but the times will remain and Lisa Marie Stevenson and Fiona Ann Deans will be the managers of the alcohol service as initially determined.

Decision and Reasons

I continue to be satisfied as to those matters provided for in s.142 of the Act.

The application for amendment is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **047.1-2023** and I direct that a licence be issued pursuant to s.64 of the Act.

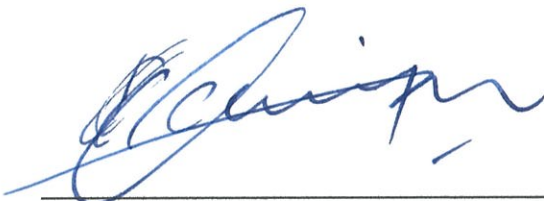
The terms and conditions will be those that were attached to the original licence with the exception that the date may now be shown as 14 May 2023.

The DLC Secretary must advise the Tri-reporting agencies of the changed date.

If considered necessary the DLC Secretary should invoice the Golf Club for up to at least 50% of the Special Licence fee for costs associated with providing a changed licence for the Club.

Note: I do not wish to bring the administration of the Act in Westland into any disrepute by making arbitrary decisions that are not anticipated by the Act. My suggestion to the Whataroa Golf Club is that, in the future, when any special licence could be adversely affected by the Weather; the application could include a proposal for one of a selection of days to be exercised which may be sufficient to provide the flexibility needed to thwart the weather.

Dated at Hokitika this 11 day of May 2023



Richard Simpson
Chairman, Westland District Licensing Committee

