

IN THE MATTER

of the Sale and Supply of Alcohol Act  
2012

AND

IN THE MATTER

of an application for an Off-licence  
pursuant to s. 99 in respect of premises  
situated at 145 Ross Beach Road,  
Ross; Trading as Always The weekend  
and known as The Ross Beach Top 10  
Holiday Park by the Partnership of  
Susan and Andrew Stile.

**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.

**Summary of Evidence**

I am in possession of a copy of the complete file relating to the application.

The Inspector has reported and advises that the applicant is suitable to hold an off- licence.

The Police have no objection to the application.

The Medical Officer of Health has no opposition to the application.

**Evaluation of Evidence**

I have considered the application on the basis of the uncontested reports received and I have noted that there have also been no public objections. The matter can, therefore, be dealt with on the papers.

The applicant is the partnership Of Susan and Andrew Stile and is, accordingly, permitted to hold an Off-licence. The applicant is currently operating the Ross Beach Top 10 Holiday Park and the application for the Off-Licence is an add-on to the holiday park business.

The application includes a Host responsibility Policy which is appropriate for the nature of the premises and appears to be a well-thought-out statement of intent that is specific to the nature of the business.

The application shows that Mr. and Mrs. Stile have some experience in the Hospitality sector. Susan Stile holds a Manager's Certificate and it seems that the application is clear as to the training of staff who will make alcohol sales.

The application is unique in the context of Westland. The outlet is a trailer commonly referred to as a mobile shop where food can be prepared for sale from the unit in the street or at an event. It is the intention of the applicant to set the unit up near the outdoor recreation area at the holiday park; a range of alcoholic beverages will be available, and the unit will also be used to provide some food options for the customers. The sale of alcohol will be restricted to people who are staying at the Holiday Park and any casual customers will not be served. The intention is that the Holiday Park operation will be self-contained and that customers will not need to go off-site to buy alcohol.

The application requests days and hours of operation as Monday to Sunday from 2.00pm to 9.30pm. In my view the hours are appropriate.

I have not identified any amenity or good order issues. Likewise, I have not identified any need for designations as customers will go to the off-sales mobile shop as opposed to into the shop. It is not a retail shop in the ordinary sense as customers will make their selections from the exterior and the sales will be across the counter.

The Inspector's report has been most helpful in the assessment of the unique aspects of this application. I agree with his assessment absolutely. The outlet structure is not a conveyance as envisaged by the Act. It is a structure and can readily be identified for licensing administrative purposes. The off-sales unit is mobile to the extent that it can be towed to different places. The application is clear as to the applicant's intentions and it will remain on-site in a particular location adjacent to the Holiday Park reception area.

It can be argued that at times, legislation can stifle innovation. There is the perceived silliness of the requirement that a principle entrance be identified. The Inspector has made a suggestion that appears to be practical. Even though customers will not be entering the shop, a door has been identified as the principal entrance. The purpose of identifying a principal entrance is to ensure that certain signs and a copy of the licence are displayed there to inform patrons of various points. I would like to think that the point of sale would more appropriately be the place to display the information required to be provided for the public. Although the point of sale is not a preferred entrance to/from the mobile shop it is the place where customers first see what is available and the place where the direct attention of the customer can be readily gained.

I don't think that the Council would mind me making a personal observation. At a time in our Nation's history where even minor extensions to tourist facilities are rare or fraught with staffing problems it is a refreshing to see an application that is innovative and extends the hospitality service. I hope that it will be the success that the applicant has in mind.

### **Decision and reasons**

I am satisfied as to those matters provided for in sections 105 and 131 of the Act.

The application for an off-licence by the Partnership of Susan Stile and Andrew Stile is granted on the papers pursuant to s.211 (1) of the Act as Decision Number 023-2023 and I direct that a new off-licence is to be issued. The licence may be issued immediately and for a 12-month period and subject to the following terms and conditions:

- (1) The principal entrance is to be the point of sale.
- (2) Alcohol may be sold or supplied only on the following days and during the following hours:
  - Monday to Sunday 2.00pm to 9.30pm.
  - No alcohol is to be sold on or supplied from the premises on Good Friday, Easter Sunday, Christmas Day or before 1.00pm on ANZAC Day.
- (3) At all times that the premises is open for the sale and supply of alcohol there shall be in place a Host Responsibility Policy similar to that which accompanied the application dated 20 November 2022.
- (4) At all times that the premises is open for the sale and supply of alcohol there shall be drinking water available to customers from the point of sale.

### **Duration**

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

(a) either—

- (i) until the close of the period for which it was last renewed; or
- (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

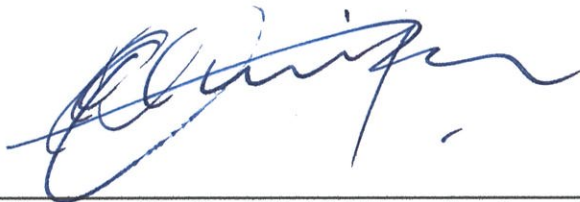
(b) if an application for the renewal of the licence is duly made before the licence would otherwise



expire, either—

- (i) until the close of the period of 3 years after the period for which it was last renewed; or
- (ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

Dated at Hokitika this 12 day of April 2023.



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**Chairman, Westland District Licensing Committee**

