

**IN THE MATTER** of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER** of an application for the renewal of an  
On-licence pursuant to s. 127 in respect  
of premises situated at 46 Cron Street,  
Franz Josef and known as Rain Forest  
Retreat by Rain Forest Retreat Limited.

**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**

The complete file has been made available to me.

The applicant makes and states a case for a decision in a well documented application.

A report from the Inspector advises that the applicant is suitable to continue holding a licence.

The Police have no objection to the renewal application.

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

**Evaluation of Evidence**

I have considered the application on the basis of the uncontested reports received. The matter is able to be dealt with on the papers.

Rain Forest Retreat Limited is a Company and can, accordingly hold an On-licence. It is a Company that has extensive experience in the accommodation industry, There is no question as to the suitability of the Applicant Company.

I am satisfied that there are no amenity and good order issues to consider.

The existing days and hours, Monday to Sunday from 8.00AM to 3.00AM the following day, of operation will continue. However, there is a change in that part of the premises will not be part of the Licensed area after 10.30pm. From what I can gather from the file there has been some significant negotiation between the applicant, the inspector and the Medical officer of Health over noise issues associated with the premises. It is not my intention to cover all the permutations in the file, but I do observe that the outcome of separating an outside area from the licensed area from 10.30pm seems to be a compromise that is acceptable to all parties although the basis of the compromise appears to be based on subjective analysis rather than objective criteria. I suspect that noise from the premises will be a matter for consideration at a later date and in the meantime the Applicant would be advised to monitor the premises and take some professional advice. I have got no intention of altering an arrangement made between the parties concerned

but I do express reservations as to the presumed success of the arrangement having a regard to the needs of patrons who are smokers.

The inspector has suggested that the toilet areas serving the restaurant and bar areas should be removed from the definition of the licensed area. No reason for this change is offered and I disagree with the change.

The renewal application is accompanied by a Host responsibility Policy which is appropriate for the nature of the premises.

### **Decision and Reasons**

I am satisfied as to those matters provided for in s.131 of the Act.

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **032-2020** and I direct that renewed on-licence 56/ON/089/2016 be issued pursuant to s.64 of the Act.

The renewal is for a period of three years from the date of expiry and is subject to the following conditions:

1. Alcohol may be sold only on the following days and during the following hours:

**Monday to Sunday 8.00am to 3.00am the following day.**

- (a) except when the licensee also holds a special licence for the premises, no alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not—
    - (i) residing or lodging on the premises; or
    - (ii) present on the premises to dine.
  - (b) except that the extent of the licensed area is to be all the buildings at 46 Cron Street, Franz Josef, shown on the plan accompanying the application and dated 30/08/10 but the area referred to as the outdoor dining area shall not be part of the licensed premises between the hours of 10.30pm and 8.00am the following day.
2. the following steps must be taken to promote the responsible consumption of alcohol:
    - (i) There shall be a "Host Responsibility Policy", similar to that which accompanied the Renewal application dated 17 September 2019, in place at all times.
    - (ii) The Principal Entrance is to be described as "The entrance nearest the main office".
    - (iii) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers at the bar and in the gaming room at all times that the licence is being exercised.
    - (iv) Each of the following parts of the premises are designated as:
      - (i) Supervised Area: Bar Area

## 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 16<sup>th</sup> day of March, 2020



Chairman, Westland District Licensing Committee

