

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 12 Main Road
Franz Josef and known as Blue Ice Cafe
by Blue Ice Investments 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 reasonably well documented application.

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

The Police have no objection to the renewal application.

The Medical Officer of Health has no opposition to the renewal application but boldly requests by way of a recommendation that the existing hours be limited to 8.00am to 1.00am the following day.

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.

Blue Ice Investments Limited is a New Zealand limited Company and can, accordingly, hold the On licence for which the renewal is sought. 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.

There are existing designations and the renewal application does not seek to change that. The Inspector's report is somewhat confusing in that it notes that the application does not request any changes to the existing conditions but then discusses proposed changes to the existing designations. I have chosen to be guided by the application which is clear and states that no changes are sought to the present conditions of the existing licence. There is a copy of email correspondence between the Inspector and the Applicant in the file which confirms that the applicant is requesting the status quo with regard to designations.

There is a plan accompanying the applications that does not have a name, but I think that it shows the extent of the licensed premises. The extent of the license across the building and the exterior areas seems to be appropriate and my recollection is that the extent is unchanged by the renewal application.

The existing days and hours of operation for the On-Licence are Monday to Sunday from 8.00AM to 4.00AM the following day and will continue. The days and hours are not subject to a request for alteration and will continue as a consequence of renewal. I note that the hours sought are able to be accommodated within the default national maximum trading hours provided for in the Act.

The renewal application includes a copy of the premises Host Responsibility Policy which is a document that appears to relate to the premises and proactively addresses those matters that are essential behavioral areas in a place where alcohol is served, sold and consumed.

The report of the Medical Officer of Health includes a recommendation that the hours of operation be reduced to provide for a closing hour of 1.00am. The request is out of line. The report ends with a clear statement that there is no opposition to the renewal; and so that is that. If the Officer wants to canvass other issues the way forward is to oppose the application and have the issues considered at a hearing where all parties are able to contribute.

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 **036-2020** and I direct that renewed on-licence 56/ON/036/2018 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:

On-Licence

- (a) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 8.00am to 4.00am the following day.
- (b) 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) The extent of the licensed area is shown on a plan accompanying the application for renewal dated 25 July 2019
- (c) Pursuant to section 110(2)(c) of the Act Drinking water shall be freely available to all customers at the bar at all times that the licence is being exercised.
- (d) In addition to the general responsibilities placed on the holder of a licence under the provisions of the Act, the following steps must be taken to promote the responsible consumption of alcohol:
 - (i) The Principal Entrance is to be described as "The entrance from the Main Road (State Highway Number 6)".
 - (ii) There shall be a "Host Responsibility Policy" similar to that which accompanied the renewal application dated 25 July 2019, in place at all times.

- (iii) Designated Areas:
The entire premises on both floor levels as well as the deck and verandah areas are designated as supervised areas from 10.30pm until closure.

Dated at Hokitika this 29th day of March 2020





Chairman, Westland District Licensing Committee