

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 3 Wallace Street,
Franz Josef and known as Te Waonui
Forest Retreat by Waiho 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 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.

Waiho Investments is a New Zealand limited Company and can, accordingly hold an On-licence. The Company is part of the Scenic Hotel Group which is a Company that has extensive experience in the New Zealand Hotel 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,

Designations were put in place at the time of the grant of the initial licence. A case has been established by the applicant for change but after consideration and, as I understand it, discussion with the Inspector an amendment is proposed because the change would result in the reception and lounge bar areas being designated "Supervised" which would necessarily preclude any person under the age of 18 years being in the reception area unless accompanied by a parent or legal guardian.

The existing days and hours, Monday to Sunday from 10.00AM to 3.00AM the following day, of operation will continue.

The renewal application is accompanied by a Host responsibility Policy which is appropriate for the nature of the premises which is a hotel that caters for "high-end users" of the tourist industry.

I note that the Inspector's Report erroneously refers to the address of the premises as being At 47 Main Road, Fox Glacier. For the avoidance of doubt, this decision relates to the premises at 3 Wallace Street, Franz Josef.

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 **041-2019** and I direct that renewed on-licence 56/ON/015/2016 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:

- (a) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 10.00am to 3.00am 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.
- (c) The extent of the licensed area is to be all the buildings at 3 Wallace Street, Franz Josef.
- (d) 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 18 December 2018, in place at all times.
 - (ii) The Principal Entrance is to be described as "The entrance off Wallace Street in to the reception area".
 - (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: Ground Floor Lounge and Frond Bar

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 13th day of April, 2019



Chairperson, Westland District Licensing Committee

