

**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 1 Lake  
Matheson Road, Fox Glacier and known  
as Matheson Cafe by C & S Alexander  
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 the license.

The Police have no objection to the renewal applications.

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

**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.

C & S Alexander Limited is a New Zealand limited Company and can, accordingly, continue to hold an On licence. 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 inspector has raised an issue relating to the effective management of the premises. In the last three years a police officer visited the premises and discovered that there the named duty manager was not on the site. This is an essential component in operating a premises responsibly. The failure led to closer monitoring of the Café and the happy outcome is that there has not been a repeat of the management oversight. I accept that the infraction referred to is not something that is likely to recur.

From what I can gather from the application for renewal, there are no existing designations and the renewal application does not seek to change that. There is no compelling reason to review the designation status.

There is a plan accompanying the application that shows the extent of the licensed premises, including a large exterior area. The extent of the premises seems to be appropriate for the nature of the undertaking which is a café and restaurant that can cater from time to time for larger gatherings in the nature of wedding ceremonies.

The existing days and hours shown on the existing licence are Monday to Sunday from 7.30AM to 1.00AM the following day. The Renewal Application requests that the hours of operation be, Monday to Sunday from 8.00AM to 1.00AM the following day. However, the renewal application also states that no alterations to the existing conditions are sought so the existing hours should continue as a consequence of renewal. There is an obvious discrepancy as to what has been applied for and that which exists. However, I have been assured that the public notice used the hours of 8.00am to 1.00am the next day. Accordingly, I am confident that there will not have been any confusion for the public and so notwithstanding that the application states that no changes are sought the hours of 8.00am to 1.00am the next day will be the terms of the renewed licence. The rectification of a minor error that does not impact on the public's understanding of the circumstances is not strictly in terms of the procedures prescribed by the Act, however, the Act does provide at Section 208 the ability to waive certain omissions. I think that the situation with which I am faced with is the sort of omission or oversight that the Act contemplates the granting of a waiver for. Accordingly, the need to be precise in the renew application relating to the statement that no changes to the existing conditions are sought is waived on the basis that the public have been served well in the public notice. The waiver is granted and the conditions to the renewed licence will reflect the public notice.

The renewal application includes a copy of the premises Host Responsibility Policy which is a comprehensive document that seems to me 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. I have readily concluded that the applicant company is capable of taking responsibility for the sensible supply, sale and consumption of alcohol at Matheson Café.

#### **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 **047-2020** and I direct that renewed on-licence 56/ON/004/2014 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 8.00am to 1.00am the following day.**  
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 entitled "Licensed Area Undesignated" accompanying the application for renewal dated 2 January 2020
- (c) the following steps must be taken to promote the responsible consumption of alcohol:

- (i) The Principal Entrance is to be described as "The entrance at the southern end of the building into the dining area".
- (ii) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers from the self-help water fountain at all times that the licence is being exercised.
- (iii) There shall be a "Host Responsibility Policy", similar to that which accompanied the Renewal application dated 2 January 2020, in place at all times.

Dated at Hokitika this 27<sup>th</sup> day of April 2020

  
Chairman, Westland District Licensing Committee

