

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

AND

IN THE MATTER of an application for an on-licence pursuant to s. 99 in respect of premises situated at 27 Cook Flat Road, Fox Glacier and known as Betsey Jane by Plateau Fox Glacier 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

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

Plateau Fox Glacier Limited is establishing a new venture at Cook Flat Road being a restaurant to be known as Betsey Jane which is a premises best described as a restaurant. The applicant is a New Zealand Registered Company and is, accordingly, permitted to hold an alcohol licence. This is a new undertaking which, given the state of the nation and the local economy, is unusual and the Westland District Council would not be averse to me wishing the applicant every success in this venture.

The application is detailed and appears to have been made with conviction. The application includes a document titled "Host Responsibility Policy" which purports to be designed to ensure that people attending the premises will enjoy themselves and be looked after.

From what I can gather from the file the building to be used is an existing building that has been redesigned to accommodate the restaurant. I am not familiar with the particular site and I do note that the applicant has wisely recognised that there are neighbours that could be affected by the restaurant and that management procedures will be sufficient to mitigate any adverse effect on those neighbours. I note that the reports from the statutory agencies do not address this issue in any detail. It is commendable that the applicant is aware of the potential effect that the restaurant may have on others.

The days and hours sought are Monday to Sunday from 8.00am until 1.00am the following day. The days and hours would appear to me to be appropriate for the type of business being established.

The Inspector has reported and has concluded that the applicant is suitable to hold a licence, the hours proposed are satisfactory and that the nature of the premises is satisfactory.

Evaluation of Evidence and Reasons

I have not directly identified any particular amenity and good order issues. The premises includes outside seating and there may be an off-site effect to be dealt with in the future if management procedures are not adequate. Given the detailed and responsible nature of the application I am confident that there will be no off-site issues to be considered at the time of renewal or by any other means. The community is entitled to

have high confidence in the contents of the application and is entitled to the comfort that if there are issues to be dealt with then appropriate procedures will be implemented.

The applicant is a New Zealand limited company and the sole director and shareholder is Erica Ellen McLintock who, according to the Inspector, has had a substantial experience in operating licensed premises.

I have not identified any compelling reason to have any part of the premises designated. There is a plan supporting the application which shows the extent of the licensed premises including the interior and exterior parts.

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.

I am satisfied as to those matters provided for in s.105 of the Act.

Decision

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **085-2020** and I direct that a licence be issued pursuant to s.64 of the Act.

The terms and conditions will be:

- (a) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday from 8.00AM to 1.00AM the following day to any person

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 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 application dated 7 March 2020, in place at all times.
 - (ii) The Principal Entrance is to be described as "the Eastern entrance to the building opening into the customer reception area".
- (d) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers at all times that the licence is being exercised.

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 20th day of July, 2020.



Chairperson, Westland District Licensing Committee

