

**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 29 Main Road,  
Statehighway 6, Franz Josef and known  
as Grill N Wok by Deepa 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**

Grill N wok has been part of the Franz Josef hospitality scene for several years. The premises is principally a restaurant

The Inspector has reported and has concluded that the applicant is suitable to hold a licence, that the hours proposed (Monday to Sunday from 10.00AM until Midnight) are satisfactory and that the nature of the premises is satisfactory.

The Police have no objection to the grant of this new on-licence.

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

**Evaluation of Evidence and Reasons**

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.

The applicant is a registered Company with at least one of the Directors having had extensive experience in the hospitality industry. The applicant Company has other hospitality industry business interests in Westland; specifically at Fox Glacier.

The application appears to be made with conviction and the application is supported by the Inspector. From what I understand from the complete file, the business is not currently operating and is subject to a Temporary Authority; a copy of which accompanies the complete file. The Temporary File appears to have expired.

The application is accompanied by a Host Responsibility Policy which is generic but none-the-less tells me that the applicant is attempting to take the responsibilities of a licence holder seriously. My expectation is that the Policy will remain in place for the duration of the licence but that it will look somewhat different when it comes to any renewal. I note that the Inspector refers to the document as a limited host responsibility policy. The Inspector has described the document well and the important point is that it exists and can be built into a living and relevant document that can assist the Licensee, the patrons and the statutory agencies that are concerned with the premises.

I have not identified any compelling need for designations, and I am satisfied that there are no issues peculiar to this premises that will impinge on amenity and good order generally.

I note that the inspector has drawn my attention to a couple of matters relating to the applicant's Fox Glacier business that involve noncompliance. The Inspector has concluded that the incidents are not serious enough to challenge the suitability of the applicant, but I do observe that both incidents go to the heart of

satisfactory management and control at premises where alcohol is purchased and consumed. The Applicant Company would do well to heed the warnings in the Inspector's report and resolve to take the management of licensed premises more seriously in the future.

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 **154-2019** and I direct that a licence be issued pursuant to s.64 of the Act.

The terms and conditions will be:

- (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, 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) alcohol may be sold only on the following days and during the following hours:  
Monday to Sunday from 11.00AM to midnight.
- (c) the following steps must be taken to promote the responsible consumption of alcohol:
  - At all times that alcohol is being sold or supplied there shall be a *Host Responsibility Policy* in place similar to that which accompanied the application dated 10 September 2019.
- (d) The Principal Entrance is to be described as "The entrance off State Highway 6".
- (e) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers from the bar 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 11<sup>th</sup> day of November 2019.

  
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Chairman, Westland District Licensing Committee

