

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 The Esplanade,
Haast-Jackson Bay Road, Jackson Bay
and known as The Craypot by The
Craypot Jackson Bay 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

A licence was put in place for the Cray Pot in January 2019 and at that time I noted that the operation has been a feature at Jackson Bay for many Years. It first operated as a Mobile Shop selling Take-Away food in the nature of Fish and Chips But it soon consolidated its unique position and operation as a permanent fixture in the nature of a café. It is good that the Craypot has consolidated its position to the extent that we are now in a renewal phase. No changes to the existing conditions are requested.

The Inspector has reported and has concluded that the applicant is suitable to hold a licence, that the hours proposed (Monday to Friday from 11.00AM until 9.00PM) are satisfactory and that the nature of the premises is satisfactory.

The Police have no objection to the application.

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

I note that the premises is principally a café/restaurant and that the applicant is offering alcohol as an accompaniment to food being consumed.

I am surprised that the application is not accompanied by an approval from the land owner.

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 continues to be a registered Company with at least one of the Directors having had extensive experience in the hospitality industry.

The application appears to be mostly made with conviction and the application is supported by the Inspector.

When the licence was first put in place, I observed that *"The application is accompanied by a Host Responsibility Policy which is very 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."* The Host Responsibility Policy continues to be very generic and there are parts of the document that are so broad as to be in the category of "virtue-signalling" rather than actually taking responsibility. The applicant would do well to sit down and work out how such a policy could be amended to be relevant to the

Jackson Bay operation that is in place. I place a great deal of weight on such policies when determining the suitability of an applicant. If an applicant is able to show real commitment to Host responsibility, then that is a bonus to the way the industry performs in Westland. A poor or no Host Responsibility Policy tells me that an applicant is not particularly interested in doing the right thing.

The definition of the extent of the Licensed Premises was a matter considered at the time of the grant of the initial licence. I noted at the time that any physical definition could be attended to at the time of renewal. The Inspector has not flagged the issue for my attention, so I am not going to put any condition in place. As I am safe to conclude that the existing layout is appropriate. There is a plan accompanying the renewal application that shows the extent of the premises and I assume that the Inspector has reviewed that plan and accepts that it is adequate.

No party has identified any designation issues for consideration, and I don't think that there are any designations required; accordingly, there will not be any designations imposed.

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 **206-2019** 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 9.00PM.
- (c) the following steps must be taken to promote the responsible consumption of alcohol:
 - There shall be food available, similar to that described in the menu which accompanied the application dated 22 November 2019, at all times that the premises are being used for the sale and supply 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 22 November 2019.
 - The extent of the licensed premises is that which is shown on an untitled plan accompanying the application dated 22 November 2019
- (d) The Principal Entrance is to be described as "The sole point of entry to the diner".
- (e) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers from the counter 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—

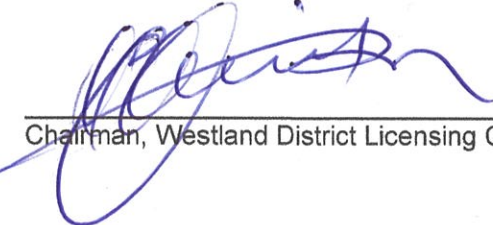
(a) either—

- (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 23rd day of December, 2019.



Chairman, Westland District Licensing Committee

