

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 105 Revell
Street, Hokitika and known as The
Stone Oven Bakery/Cafe by Franish
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 reasonably well-made and documented application. The renewal application requests a change in the hours of operation. The change is a one hour extra trading time from midnight to 1.00am.

The Principal of Franish limited is Dicey Davidson who is no stranger to the licensing laws and has made a significant contribution to the accommodation and hospitality industry in Hokitika.

A report from the Inspector advises that the applicant has operated in a manner that complies with the requirements of the Sale and Supply of Alcohol act 2012 and advises that there are no adverse reports on how the premises has been operated.

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.

The application clearly requests an additional hour of trading each day from midnight to 1.00am. The inspector's report is not clear on this point and notes that no change to conditions has been requested by the applicant but the report does go on to support the change. I have concluded that this is a straight forward "cut and paste" error of little consequence.

No designations are required, and the nature of the business is such that the supply of Alcohol is a minor part of the operation. I am absolutely satisfied that there are no amenity and good order issues to consider.

The change to the days and hours of operation sees a minor change to availability that is well within the constraints provided for by the Act.

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 **216-2018** and I direct that renewed on-licence 56/ON/111/2015 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
- (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) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all patrons at all times that the licence is being exercised.
- (d) The principal entrance is to be described as "the public entrance off Revell street".

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 1st day of December, 2018



Chairperson, Westland District Licensing Committee