

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 1128 Woodstock-Rimu Road,
Hokitika and known as West Coast tree
Top walk and Café by Hokitika Rimu
Treetop Walk Partnership.

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 Treetop Walk way at Woodstock-Rimu Road seems to be an important component of the West Coast tourist Experience. The operation includes the treetop walkway, a café with both indoor and outdoor seating, a shop and an office reception area. The Partnership has previously held a Liquor licence but allowed it to lapse some years ago.

The applicant is a partnership and the same partnership that operates the Treetop Walkway.

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.

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

The Medical Officer of Health has no opposition to the granting of an on-licence.

Evaluation of Evidence and Reasons

The application proceeds so that the applicant can provide an alcohol service at the café /restaurant. Some flexibility is planned so that the facility can be used as a venue for functions that will be centered on the Café and Restaurant rather than the Walkway itself. In so far as catering for functions is concerned the applicant has advised that the hours sought may be a little restrictive, but the applicant will rely on the special licence provisions of the Act as and when necessary dependent partly on the requirements of guests at functions and special events. The application is well made and appears to be made with conviction and knowledge.

The Applicant partnership has held a licence previously and there were no issues in respect of that holding.

I have considered the question of designations as has the Inspector. I have come to the view that there are no reasons to require designations. I have not identified any amenity and good order issues of a negative nature.

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

The Police clearly had concerns about the initial application request to utilize the hours 10.00am to 1.30am the following day on the basis that the remote location could result in alcohol related harm in the nature of "drink drivers" and that the remote location could be a barrier to monitoring the premises. The

complete file includes email correspondence between the police, the Council and the applicant who amended the application by reducing the hours sought to 10.00am to 10.00pm. The applicant advises that where there are functions and events that are likely to go beyond 10.00pm then a special licence will be sought. In addition, the applicant will be open on Thursday and Friday evenings and on Saturday evenings depending on demand. As I understand the various communications anything held at the premises outside of Monday and Friday evenings and continuing after 10.00pm will be subject to a special licence. This does seem to me to be an odd way to run a business as there is no certainty in applying for a special licence and the original concerns of the police do not vanish into the ether and could conceivably be issues that could be part of the special licence application procedures and any hearing of the issues thereto. I content myself that if a number of special licenses are granted and there are no negative alcohol related issues for the statutory agencies to deal with then a future change to hours could be the subject a straight forward renewal application in due course.

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 **231-2018** 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 10.00AM to 10.00PM.
- (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 19 October 2018, at all times that the premises are being used for the sale and supply of alcohol.
- (d) The Principal Entrance is to be described as “The entrances from the concourse”.
- (e) 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 with bottled water being available at all dining tables.

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 13th day of December, 2018.

A handwritten signature in black ink, consisting of a large, stylized initial 'P' followed by a series of connected loops and a long horizontal stroke extending to the right.

Chairperson, Westland District Licensing Committee