

**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 by  
Franish Limited in respect of premises  
situated at 103-105 Revell Street,  
Hokitika and known as Stone Oven  
Bakery/Café.

**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 renewal application is made mostly with clarity and conviction. The application is accompanied by a document titled "Host Responsibility Policy" which covers matters relating to the way in which the applicant will take steps to promote the responsible consumption of alcohol. The premises is in the nature of a café, bakery and restaurant. The alcohol service is a table service and there is no bar.

The application does not seek to change any of the present conditions on the existing licence.

It is proposed that the existing days and hours of trading on Monday to Sunday from 8.00am to 1.00am the following day. The extent of the licensed area includes an area on Revell Street comprising the full frontage of the building and 750mm onto the footpath.

A report from the Inspector advises that the applicant is fully complying with the terms of the Sale and Supply of Alcohol Act 2012.

The Police advise that there is no objection to the renewal application.

The Medical Officer of Health has not reported on the application and I assume that the Officer has no opposition to the 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.

Franish Limited is a private company and is entitled to continue to hold a licence. Francis Gerard Davidson is the sole shareholder and the operator of the business. He is also the holder of a manager's certificate

and he has significant experience in the hospitality and food industry. The suitability of the applicant is unquestionable.

The Inspector has noted that the applicant has a host responsibility policy and a copy accompanies the application. I think that it is appropriate for the type of premises to which it refers.

I am completely satisfied that there are no amenity and good order issues to be addressed and that there is no need for designations at the premises.

The extent of the licensed area is shown on a plan accompanying the application and it appears to be clear enough for enforcement purposes. The exterior area is also shown. The general situation is that the exterior area will consist of three tables and six chairs.

I readily come to the view that there is no need for designations and that there is no concern as to how the premises has been operated.

I am satisfied as to those matters provided for in s.131 of the Act.

### **Decision**

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **141-2021** and I direct that renewed on-licence 56/ON/121/2018 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:

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 8.00AM to 1.00am the following day.
- (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 renewal application dated 19 November 2021.
  - The extent of the licensed area is that which is shown on plans which accompanied the renewal application dated 19 November 2021.
- (d) The Principal Entrance is to be described as “The entrance from Revell Street, Hokitika”.
- (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 6 day of December 2021.



**Richard Simpson**  
Chairman, Westland District Licensing Committee

