

IN THE MATTER of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER of an application for the renewal of an
Off-licence pursuant to s. 127 in respect
of premises situated at 37Main Road,
Fox Glacier and known as Fox Glacier
General Store by HARSS Glacier
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

I am in possession of a copy of the complete file relating to the application. The application does not seek to change any of the existing conditions.

The Inspector has reported and advises that the applicant is suitable to Continue to hold an off- licence.

The Police have no objection to the application.

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

Evaluation of Evidence

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 private company and is, accordingly, permitted to hold an Off-licence. Rebekah Marie Langton and Valerie Anne Langton are the Directors of the entity and they are also managers. Sean and Samuel Langton are Shareholders and Sean Langton is also a Manager; it appears that the business is a family operated undertaking. I have no doubts as to the suitability of the applicant

The application includes a Host responsibility Policy, which on a quick glance, appears to be appropriate for the nature of the premises but can also be described as “generic and ticks the box”. At best the Policy is adequate but there is little in the document that tells me that it is purposed for the specific premises. There is nothing wrong with this approach and the licensee should keep the document under review to ensure that it remains relevant to the premises.

The application addresses the issue of a single display area and a plan accompanying the application shows a separate area in the Northeast part of the shop floor. Overall, it is a modest part of the total display area on the premises. The area is unaltered in comparison to that which was identified when then original licence was put in place. I am surprised that the Inspector has not addressed this requirement.

The current days and hours of operation are Monday to Sunday from 7.00am to 9.00pm. No change to these hours is sought and I think that they are appropriate for the community.

I have not identified any amenity or good order issues. Likewise, I have not identified any need for designations.

I am satisfied that the applicant has sufficient skilled staff to safely sell alcohol.

Decision and reasons

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

The application for the renewal of an off-licence by HARSS Glacier Limited is granted on the papers pursuant to s.211 (1) of the Act as Decision Number 074-2022 and I direct that renewed off-licence 056/OFF/050/2021 be issued pursuant to section 64 of the Act. The renewal is for a period of three years from the date of expiry and is subject to the following terms and conditions:

- (1) Alcohol may be sold or supplied only on the following days and during the following hours:
Monday to Sunday 7.00am to 9.00pm.
No alcohol is to be sold on or supplied from the premises on Good Friday, Easter Sunday, Christmas Day or before 1.00pm on ANZAC Day.
- (2) The area set aside for the display and promotion of alcohol is to be limited to that area shown on a floor plan submitted with the application dated 12 June 2022.
- (3) There shall be a "Host Responsibility Policy", similar to that which accompanied the application dated 12 June 2022, in place at all times.
- (4) The principal entrance is to be described as the entrance to the premises from Main Road (SH6), Fox Glacier.
- (5) Pursuant to section 116(2) of the Act, drinking water shall be freely available to all customers at each point of consumption, if and while alcohol is being supplied, free as a sample 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 20 day of August 2022.



Richard Simpson
Chairman, Westland District Licensing Committee

