

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

AND

IN THE MATTER of an amendment to an application for a
special licence pursuant to s. 137 by
Whataroa Golf Club in respect of
premises known as The Whataroa Golf
Club at the Whataroa Domain, 15 Main
Road, Whataroa.

**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.

Background:

On 28 April 2022 a decision (043-2022) was made to grant an application for a Special Licence for a Golf Tournament event to be held on Friday 8 July 2022. I have been advised that the Golf Tournament to have been held on that day has been postponed because of forecasted weather inclemency and a decision has been made by the Club to transfer the Tournament to Friday 15 July 2022. I have made a previous decision relating to an amended Special Licence for the Whataroa Golf Club where a Tournament was cancelled because of inclement weather and although I am not able to find any Authority in The Sale and Supply of Alcohol Act 2012 that I can rely on that allows a licensee to make an application to vary the terms of a granted special licence I think that I am safe to proceed with the request as it broadly fits with the purpose and object of the Act in that such a decision would be reasonable under the circumstances and that the Club can be empowered to sell and supply alcohol under a proper licence safely and responsibly on another day. I have observed previously that on the face of it, Section 283 of the Act could be used but not by the applicant. Section 283 is reserved for specific applications for amendments to a special licence being made in the name of an Inspector or the Police. I have turned my mind to the parts of the Act relating to the functions of Licensing Committees and the powers of a Committee and I have satisfied myself that the provisions are satisfactorily general to allow a discretion to be exercised because of disruption to an event on the basis of inclement weather.

The circumstances that now exist do not dissuade me from the context of the original decision and the rationale identified at that time. I do not know if the reporting parties all agree that the change sought should be agreed to. I assume that the amendment application has not been advertised; it was not initially and so I presume that the change would not in itself alter the need or otherwise for advertising. It is, after all a community event and I have no doubt that the community of Whataroa is well aware of the change.

It may well be that a payment of a further fee or part thereof would be warranted and I will leave this to the Secretary.

The change to the date does not alter any of the conditions to the licence; the date will change but the times will remain and Lisa Marie Stevenson will be the manager of the alcohol service as initially determined.

Decision and Reasons

I continue to be satisfied as to those matters provided for in s.142 of the Act.

The application for amendment is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **043.1-2022** and I direct that a licence be issued pursuant to s.64 of the Act.

The terms and conditions will be those that were attached to the original licence with the exception that the date may now be shown as 15 July 2022.

The Secretary must advise the Tri-reporting agencies of the changed date.

If considered necessary the secretary should invoice the Golf Club for up to at least 50% of the Special Licence fee for costs associated with providing a changed licence for the Club.

Dated at Hokitika this 6 day of July 2022



Richard Simpson
Chairman, Westland District Licensing Committee

