

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

AND

IN THE MATTER of an application for an Off-licence
pursuant to s. 99 in respect of premises
situated at 37 Main Road, Fox Glavier
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 this application.

The Inspector has reported and advises that the applicant is suitable 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.

I have not identified any amenity or good order issues. There are no designations required

The Fox Glacier General Store is an existing premises with an existing licence and the premises is functioning under a Temporary Authority. The applicant is a private company and is authorized to hold a licence.

The premises is a grocery store of the type envisaged by section 32 (1)(f) of the act and the sale of alcohol from the Fox Glacier General store is appropriate and anticipated. The days and hours requested for the sale of alcohol are Monday to Sunday from 7.00am to 9.00pm which I consider to be suitable for a grocery store in what is expected to again be a thriving tourist town subsequent to the Covid pandemic.

The application clearly provides that the applicant has sufficient staff to conduct the premises responsibly and judging by the surnames of the proposed managers and shareholders the entity is a family affair which probably sets a firm foundation for sound and consistent management.

Neither the application nor the accompanying reports address the issue of a single area for the display and promotion of alcohol. In the absence of any additional information being available the status-quo will continue with alcohol display being restricted to the current area. The current area used is depicted on a plan and on photographs accompanying the application and it appears from the report of the Medical Officer of Health that the licensee has given a commitment to the Medical Officer of Health that the area will not be enlarged and that a screen will be erected to minimize the exposure of alcohol from parts of the premises that are used for grocery sales. There is nothing in the application that suggests to me that the applicant intends erecting a screen but if the applicant wishes to erect a screen, then that is entirely in the hands of

the applicant. I am not convinced that the Westland District Licensing Committee should be imposing a condition that may not be understood by all the parties.

The application includes a copy of the Licensee's Host Responsibility Policy. I think that it is adequate for the type of premises concerned.

Decision and reasons

I am satisfied as to those matters provided for in sections 105 and 131 of the Act.

The application for an off-licence by HARSS Glacier Limited is granted on the papers pursuant to s.211 (1) of the Act as Decision Number 100-2021 and I direct that a new off-licence is to be issued.

The licence is to be issued for a 12 month period.

The terms and conditions will be:

- (a) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday from 7.00AM to 9.00PM the same day

Except when the licensee also holds a special licence for the premises no alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person.

- (b) the following steps must be taken to promote the responsible consumption of alcohol:

- (i) Pursuant to section 116(2)(c) of the Act, drinking water shall be freely available to all customers at each point of consumption while alcohol is being supplied free as a sample at all times that the licence is being exercised.
- (ii) There shall at all times be a Host responsibility Policy in place similar to that which accompanied the application dated 9 May 2021.

- (c) The Principal Entrance is to be described as "The public entrance into the premises from State Highway Number 6."

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 1 day of August, 2021.



Chairman, Westland District Licensing Committee

