

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 69 Scally Road, Whataroa
and known as The Lonley Stag Store
and Café by Thanelleba Holdings
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 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.

The applicant is a company and is, accordingly, permitted to hold an Off-licence. The applicant is currently operating under the provisions of a Temporary Authority.

The application includes a Host responsibility Policy which appears to be appropriate for the nature of the premises.

The application shows that the principles of the company have significant experience in the industry.

The application addresses the issue of a single display area and a plan accompanying the application shows two discreet areas very close to each other on the Northwest part of the shop floor that will be used for alcohol display. By my calculation it looks to be about 3% of the total display area on the premises.

The application requests days and hours of operation as Monday to Sunday from 8.00am to 8.00pm. I am assuming that these hours are the general trading hours for the shop. I think that they are appropriate for the community which has no other licensed premises for off-sales. These days and hours are the same as those which existed under the previous licence and are currently observed under the Temporary Authority.

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

The application suggests that only one manager will be required. The business is a 12 hours per day and seven days per week operation. The Inspector has picked up on this matter and advises that the applicant will be appointing additional staff to act as managers. I have noted that quite recently applications have

been dealt with for manager's certificates for staff employed at the Lonely Stag. I have no concerns as to the adequacy of on-site day to day management.

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 Thanellba Holdings Limited is granted on the papers pursuant to s.211 (1) of the Act as Decision Number 110-2021 and I direct that a new off-licence is to be issued. The licence may be issued immediately and for a 12-month period and subject to the following terms and conditions:

- (1) The principal entrance is to be the entrance to the premises fronting Scally Road.
- (2) Alcohol may be sold or supplied only on the following days and during the following hours:
Monday to Sunday 8.00am to 8.00pm.
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.
- (3) The area set aside for the display and promotion of alcohol is to be limited to that area shown and shaded in green on a floor plan submitted with the application.

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 4 day of October 2021.



Chairman, Westland District Licensing Committee

