

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 in respect
of premises situated at 22 Main Road,
Franz Josef and known as Full of Beans
Cafe by Jamie Francis Caldwell.

**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 application is made with clarity. I note that the supporting documents include a copy of the Host responsibility Policy for the premises.

A report from the Inspector is positive as to the suitability of the applicant and amenity and good order. It concludes that the premises is well run.

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

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

There is confusion within the file documents relating to changes in existing conditions. On the one hand the application seeks to change an existing condition and on the other hand the Inspector asserts that no changes are sought but recommends a condition not requiring designations at all. I have concluded that the application is correct and the Inspector has somehow overlooked the intention of the applicant. The change relates to designated areas. The entire premises is currently designated a restricted area between 11.00pm and 1.00AM the following day and the applicant is requesting that this condition be changed to the entire premises being designated a supervised area between 11.00pm and 1.00AM the following day. The premises is a restaurant and café and the proposal to change the designation from restricted to supervised seems to me to be appropriate for the nature of the premises and given the suitability of the applicant. The removal of designations may be an option for the next renewal with correct assessment.

The existing hours for the on-licence of 8.00am to 1.00am the following day are not subject to any change.

The application includes a copy of the Host Responsibility Policy which seeks to provide an environment that is comfortable and welcoming and where alcohol is served responsibly I think that the policy is appropriate for the premises.

Jamie Francis Caldwell is the current licensee and the applicant for the renewal. As an individual he is permitted to hold an on-licence and there are no questions as to the suitability of the applicant who has a long association with the hospitality industry at Franz Josef.

Decision and Reasons


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

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **039-2022** and I direct that renewed on-licence 56/ON/025/2019 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:

- (a) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 8.00am to 1.00am the following day.
- (b) except when the licensee also holds a special licence for the premises, no alcohol is to be sold on the premises on Good Friday, Easter Sunday, 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.
- (c) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all guests at all times that the licence is being exercised.
- (d) The principal entrance is to be described as “the entrance off Main Road, State High Way 6, Franz Josef”.
- (e) The entire premises is designated a supervised area between 11.00pm and 1.00AM the following day.
- (f) The extent of the licensed area is that which is shown and highlighted in yellow on a plan submitted with the application dated 24 December 2021.

Dated at Hokitika this 13th day of March, 2019



Chairperson, Westland District Licensing Committee