

Decision number: 120-2024

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

AND

IN THE MATTER of an application by **Sathvika
Enterprises Limited**
pursuant to s127 of the Act
for the renewal of the ON
Licence in respect of
premises situated at 79
Revell street, Hokitika known
as "**Priya Indian
Restaurant**"

BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE

The Application

Sathvika Enterprises Limited applies for the renewal of the ON Licence in respect of premises situated at 79 Revell street, Hokitika known as "**Priya Indian Restaurant**."

The business is ethnic Indian restaurant, and they offer dine in and takeaway food and other refreshments to locals and tourists.

The current days and hours are **Monday to Sunday 8.00am to 11.00pm. No changes are sought.**

These hours are within the default national maximum trading hours for ON licensed premises.

The application was publicly notified on the council website from the 11th of June 2024. No objections were received from members of the public.

Both the Police and the Medical Officer of Health (MOoH) have raised matters in opposition.

Reasons for the Decision

The Police and MOoH were concerned that the licensed hours did not reflect the actual opening hours and queried whether they had sufficient certificated managers to cover the longer hours if they choose to use them.

The inspector reported that the amenity and good order of the area had not been reduced by more than a minor extent and did not oppose the renewal.

The activity is a low risk restaurant with alcohol service as ancillary to the provision of food. There are four certificated managers appointed to the business.

We agree with the Police and the MOoH that licensed premises must have a certificated manager on duty whenever they are open for the sale, supply and consumption of alcohol.

The DLC is required to administer the Act in a reasonable manner. The hours sought by the applicant are not unreasonable for a low risk sit down restaurant even if they were to utilise all the hours granted.

Clearly if they were to come to notice in an adverse manner e.g. no manager on duty or persons allowed to become intoxicated on the premises suspension/cancellation enforcement action could be undertaken by the agencies.

They could also ask the DLC to rehear the original decision with a view to seeking reduced hours until the licensee could prove to us that the hours that we had granted are being respected.

On the 28th and 29th of August 2024 the MOoH and Police respectively have withdrawn their opposition and the DLC now resumes their consideration of the renewal.

Subject to the above, I am satisfied as to the matters to which we must have regard as set out in s.131 of the Act.

I deal with the application on the papers.

DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Sathvika Enterprises Limited** for the renewal of the ON Licence in respect of premises situated at 79 Revell street, Hokitika known as **“Priya Indian Restaurant”** subject to conditions.

We refresh the licence conditions to reflect best practice.

Conditions:

The ON licence is subject to the conditions listed below:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:
Monday to Sunday 8.00am to 11.00pm;
 2. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to dine.
 3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
 4. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages.
 5. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted;
 6. **A properly appointed certificated, or Acting or Temporary, manager must be on duty at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;**
 7. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises;
 8. The Licensee must display:
 - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
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- c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises;

The renewal will be for three years from the expiry of the current licence and a replacement licence is to be issued.

DATED at Hokitika this 29th day of August 2024



Murray Clearwater
Chairperson/Commissioner
Westland District Licensing Committee

