

Decision number: 094-2024

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

AND

IN THE MATTER of an application by
**Thanellaba Holdings
Limited** pursuant to s. 120 &
127 of the Act for the
variation and renewal of the
OFF Licence in respect of
premises situated at 69
Sally Road, Whataroa
known as "**The Lonely Stag
Café & Store**"

BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE

The Application

Thanellaba Holdings Limited applies for the renewal and variation of the OFF Licence in respect of premises situated at 69 Sally Road, Whataroa known as "**The Lonely Stag Café & Store**."

This is a remote rural general store and had been licensed as a grocery store for several years. Unfortunately, the licence was not renewed in 2023 and they had to reapply afresh. This is the first renewal with a variation of the hours.

The current days and hours are **Monday to Sunday 8.00am to 8.00pm**. These hours are within the default national maximum trading hours.

They seek to reduce the hours to **8.30am to 7.30pm**.

The applicant has provided a list of the low alcohol and non-alcoholic refreshments that are also available for sale at all times when the premises is open for the sale and supply of alcohol.

The application was notified on councils' website from the 2nd of April 2024 and no public objections were received by the secretariat.

Neither of the reports of the Police nor the Medical Officer of Health raises any matters in opposition.

REASONS FOR THE DECISION

As is typical in small remote settlements like Whataroa, the local general store is just that, it caters for all needs of the community. The small resident population swells during the summer tourist season. The rest of the year the township is very quiet.

The Committee believes the uneconomic exception found in Section 34 of the Act is still available to this business as they do not meet the true definition of grocery store requirements. As such they will be able to sell spirits along with wine, beer and mead.

The Inspector reports that the amenity and good order of the area has not been reduced by more than a minor extent.

On that basis, I am satisfied as to the matters to which we must have regard as set out in s.120 and 127 of the Act. The variation of hours is approved.

We are also satisfied that a Section 34 exemption can be granted, and no Single Alcohol Area (SAA) is required.

Accordingly, I deal with the matter on the papers.

DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Thanellaba Holdings Limited** for the renewal with variation of the OFF Licence in respect of premises situated at 69 Scally Road, Whataroa known as “**The Lonely Stag Café & Store**” subject to conditions.

Conditions:

The licence is subject to the conditions listed as follows:

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours: **Monday to Sunday 8.30am to 7.30pm;**

2. No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day.
3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
4. The Licensee must have available for consumption off 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. **A properly appointed certificated or Acting or Temporary Manager must be on duty at all times, within the licensed area, 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.**
6. 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;
 - c. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principal entrance.

The licence is renewed for three (3) years from the expiry of the current licence and a replacement licence is to be issued.

DATED at HOKITIKA this 18th day of June 2024.



Murray Clearwater
Chairperson/Commissioner
Westland District Licensing Committee

