

Decision No. GREYDLC047/2019

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012 (the Act)

**AND**

**IN THE MATTER**

of an application by the **SAMPAN RESTAURANT LIMITED** pursuant to Section 127 of the Act for the Renewal of the on-Licence and for a BYO endorsement pursuant to Section 37 of the Act in respect of premises situated at 35 Albert Street, Greymouth, known as the "Sampan Restaurant"

**BEFORE THE GREY DISTRICT LICENSING COMMITTEE**

This is an application by Sampan Restaurant Limited (the applicant) for the renewal of an On-Licence in respect of premises situated at 35 Albert Street, Greymouth (the licensed premises) and for a BYO endorsement.

This application was duly notified and no opposition or notice of desire to be heard has been received.

Neither the Medical Officer of Health, Inspector, nor the Police has expressed any concern about the suitability of the applicant nor have any of the agencies opposed the granting of the application. No undertakings are sought by the agencies

I am satisfied as to the matters to which it must have regard to as set out in Sections 105, 106, 131 and 37 of the Act.

Accordingly, as empowered by Section 134 of the Act, I will deal with the matter on the papers.

**REASONS FOR THE DECISION**

The business is that of a restaurant therefore the premises are of a kind for which an on-licence may be granted. The applicant company is suitable to operate a licensed premise.

The principle entrance is off Albert Street, Greymouth with the premise being situated in the CBD Alcohol Free Area. The premise area allows for dining outside on the footpath of which is part of the licence.

The Inspector reports that the amenity and good order of the area is unlikely to be affected by more than a minor extent.

The reporting agents have expressed no concerns about the suitability of the applicant nor have any of the agencies opposed the granting of the application. No undertakings are sought by the agencies.

Grey District Council does not have a current LAP and the hours agreed on are in line with the default hours as set by the Act.

Drinking water is to be available at all times from the bar, plus water is given to all seated customers at part of table service.

The Sale and Supply of Alcohol Act 2012 sets out the considerations which must be taken by the District Licensing Committee, when considering any application for a licence to sell alcohol.

I am satisfied that after reviewing the application with respect to the section 105 considerations, that the application for a renewal on-licence should be approved.

### **CONDITIONS OF LICENCE**

The District Licensing Committee, acting pursuant to the Sale and Supply of Alcohol Act 2012, GRANTS the application of the Sampan Restaurant Limited for a renewal of the on-licence for the premises AND Directs that it be endorsed as a BYO Restaurant subject to the following conditions:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours – **Monday to Sunday 11am to 1am the following day.**
2. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1.00pm on ANZAC Day to any person other than persons who are present on the premises for the purpose of dining.
3. The whole premise is designated as undesignated.
4. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol a reasonable range of non-alcoholic refreshments.
5. Water is to be provided freely at no cost to patrons.
6. Low-alcohol beverages must be available for sale and supply on the premises.
7. Food must be available for consumption on the premises at all times the premises is open for the sale of alcohol, in accordance with the example menu submitted with the application for this licence, or menu variations of a similar range and standard.

8. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
9. The following other steps must be taken to promote the responsible consumption of alcohol:
  - a. All service staff must be trained in their responsibilities under the Sale and Supply of Alcohol Act 2012.
  - b. Evidence of age documents will be requested where appropriate.
  - c. The Licensee must ensure the provisions of the Act relating to the sale and supply of alcohol to minors and intoxicated persons are observed, and signage displayed detailing restrictions on the sale and supply of alcohol to such persons.
9. The Licensee must ensure the following items are prominently displayed:
  - a. A sign at the premises, so as to be easily read by patrons, stating the ordinary hours of business during which the premises will be open to sale of alcohol.
  - b. A copy of the licence, and of the conditions of the licence, attached to the premises so as to be easily read by persons attending the premises.
  - c. A sign prominently displayed at the premises, which identifies by which name the manager for the time being on duty.
10. The licence is subject to the payment of licence fees as required by the Sales and Alcohol (fees) Regulations 2013.

**The premises are as set out on the plan submitted with the application and date stamped 28 March 2019. A note to this effect is to be made on the licence.**

**DATED** at GREYMOUTH this 07 day of May 2019

  
Alan T O'Connell  
Chairman/Commissioner

