

IN THE MATTER of the Sale and Supply of Alcohol Act 2012.

AND

IN THE MATTER of an application by **NOMADS QUEENSTOWN LTD situated at 5-11 CHURCH STREET, QUEENSTOWN** pursuant to s.99 of the Act for an application for a new on and off licence.

DECISION OF THE DISTRICT LICENSING COMMITTEE

- [1] An application was filed by Nomads Queenstown Limited on 4th September 2014 for a new on-licence in respect of premises situated at 5-11 Church Street, Queenstown and known as Nomads Queenstown. It was considered in accordance with ss.99 and 191 of the Sale and Supply of Alcohol Act 2012.
- [2] This application is outstanding because at the time it was submitted no resource consent had been sought for the activity and the building needed to be altered to comply with the necessary standards. A resource consent was granted in June 2015 with a five year life. A building consent was issued in April 2016 to add toilets, bar and alter the reception area, but work has not yet started. The life of the building consent is one year but an extension was granted to 31st August 2017. A further request to extend the life of the building consent was made on 30th August 2017 but there has been no response from the QLDC.
- [3] Supporting documentation in the application is not specific to the proposed premises, instead it appears to have been taken from a premises in Australia. It contains reference to Australian policies, qualifications and legislation. In the Host Responsibility Policy there is reference to 'The Scale (sic) of Liquor Act 1989' rather than 'The Sale and Supply of Alcohol Act 2012'. The persons listed to be the managers of the premises do not hold current manager's certificates and it is understood may no longer be employed by the applicant. The premises Facebook page mentions free beers which could breach s237(1)(d) of the Act – Irresponsible Promotion of Alcohol.
- [4] The application was duly advertised and no public objections were received however, the public notices were incorrect and the applicant agreed to re-advertise correct notices but this has not been done. No report with matters in opposition was filed by the Medical Officer of Health. The Police opposed the application on the grounds the application is incomplete and further information requested from the applicant has not been provided. The Inspector's report was not favourable. She considered the applicant has failed to

meet the criteria for granting an on-licence as summarised above. Communication with the applicant and assistance to get the application into an orderly and proper form for assessment by the DLC has been ongoing over the years but to no avail. The application is still incomplete and the required building alterations have still not started. The applicant has been given many opportunities to withdraw the application but has chosen not to. No public hearing is necessary and the application is dealt with on the papers.

- [5] The Committee has considered the criteria in s.105 of the Act and agrees with the Inspector that the applicant has failed to meet several of the criteria for an on-licence and should submit a new application when the building alterations are complete and certified staff are employed. This application for an on-licence is refused under s.107 of the Act.

DATED at Queenstown this 22nd day of November 2017.



L. A. Cocks

Commissioner

Queenstown Lakes District Licensing Committee

