

IN THE MATTER of the Sale & Supply of
Alcohol Act 2012

AND

IN THE MATTER of an application by
ROUGH DIAMOND LTD
for an On Licence
pursuant to s99 of the Act
for premises known as
Rough Diamond Café
situated at 2E Waipapa Ave,
Diamond Harbour.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson Mr R J Wilson JP
Members Mr D Blackwell OSM
Mr P Buttell

Hearing at Christchurch on 15th September 2016

[1] This is an application by Rough Diamond Café for an On Licence pursuant to s99 of the Act for premises known as Rough Diamond Café situated at 2E Waipapa Avenue, Diamond Harbour. The application comes about because the business has changed ownership. We note that the business is currently trading under its fourth Temporary Authority.

[2] When this matter was called this morning the applicant failed to appear but sent a message through the Inspector that she was unwell and seeking another hearing date. While we sympathise with the applicant in her sickness we observe that all the other parties were ready to proceed this morning and failure to resolve the matter today has resulted in considerable expense and inconvenience. In all the circumstances and particularly given the nature of the opposition to the application we think it not unreasonable that the applicant produce a medical certificate in support of her inability to attend today.

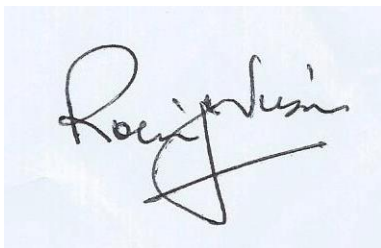
[3] We are conscious that this matter has dragged on for nearly a year and we are decidedly uneasy about the legal basis for the ongoing sale of alcohol at these premises. That is primarily a matter for the enforcement agencies but for our part we believe the matter of the substantive licence must be resolved without further delay. Unfortunately finding another date will require co-operation and considerable goodwill from all parties given the current demands on the Committee, the Agencies and the Council's resources. We note that unless a hearing can be fitted in at fairly short notice there is a likelihood that the existing licence will expire before the new licence can be determined.

[4] We have explained the situation at some length so that the applicant can be in no doubt that she needs to take the opportunity of the next available hearing date to satisfy the Committee as to her suitability to hold a licence. Given the demands on the Committee and other parties it is doubtful that alternative dates can be offered. If the applicant is in any doubt as to her situation she is advised to seek legal advice.

DECISION

[5] The matter is adjourned sine die but the Secretary is asked to try to arrange a new hearing date just as soon as possible. Leave is granted to the Agencies to file further submissions if they so wish.

DATED at Christchurch this 15th day of September 2016

A handwritten signature in black ink, appearing to read 'R.J. Wilson', is written over a light blue rectangular background.

R.J. Wilson
Chairperson
Christchurch District Licensing Committee