

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

AND

IN THE MATTER of an application by
FILLOSOPHY LTD for an
Off Licence pursuant to
s99 of the Act for
premises to be known
as Fillosophy situated
at 398 Ferry Road,
Christchurch.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

[1] This is an application by Fillosophy Ltd for an Off Licence for premises to be known as Fillosophy situated at 398 Ferry Road, Christchurch. The nature of the premises is that of a bottle shop specializing in craft beers. The premises are in a commercial area and have not previously been licensed.

[2] A waiver is sought with respect to an error in the public notices. This is granted pursuant to s208.

[2] No opposition has been raised in any reports required under s103(1) but there have been objections raised by members of the public. These comprised three individual objections and one petition. The applicant and the Inspector have been in touch with the objectors and further details about the proposed business provided. A date for a public hearing to hear the matter was set but the objectors have all advised that they do not wish to attend the hearing to pursue their concerns in person. There is thus no longer a requirement for a public hearing and I proceed to deal with the matter on the papers. The concerns of the objectors will however be taken into account.

The Application

[3] What is proposed is a very specialized operation unlike other alcohol outlets in the vicinity or elsewhere in the district for that matter. It is the applicant's intention to sell craft beers on tap with some bottled beer and cider available as well. He has developed an App which will allow potential customers to discover which particular beers are available at a particular time. The emphasis is very much on quality craft beers which will sell at somewhat higher prices than regular beers. It follows that customers are likely to be passers by on the busy main road or people who have travelled specifically to obtain products from this shop. They are less likely to be local residents. The applicant has indicated that he does not object to a condition limiting his licence to the sale of beer, wine and cider.

Objections

[4] Public objection has been around concerns about loss of amenity, the proximity of a number of other licensed premises, schools in the immediate vicinity and the desire of residents, especially older people, not to be disturbed. The criteria for the issue of licences is set out in s105 of the Act and in s106 guidance is given as to how the effects of issuing a licence should be considered. Of particular relevance is s106(1)(a)(iii) which states that account should be taken of *the number of premises for which licences of the kind concerned are already held*. The significant difference here is that although there are a number of licensed premises in the vicinity there are none *of the kind concerned*. As has been said this is intended to be a specialized business catering for the needs of connoisseurs of craft beers.

[5] The Inspector has provided a very detailed and comprehensive report. She has gone to considerable lengths in her enquiries to consider the concerns raised by the objectors. I might say at this point that the right of members of the public who believe they may be affected to file objections is an important and valuable part of the legislation. Unfortunately the weight of their arguments is somewhat diminished by the fact that they are not made in person at a public hearing where they would be subject to examination. However I have read carefully what they have had to say and considered the Inspector's comments on the various matters.

I am satisfied that the concerns raised will be adequately dealt with by the conditions proposed on the licence.

Decision

[6] I am satisfied as to the matters to which I must have regard as set out in s105 of the Act and I grant the applicant an Off Licence pursuant to s104(1) for a period of one year. The licence will be subject to the following conditions:

Compulsory Conditions

- (a) No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1 pm on Anzac Day.
- (b) Alcohol may only be sold or delivered on the following days and during the following hours:
Monday to Sunday 8 am to 10 pm.
- (c) Water must be freely available to customers while alcohol is being supplied free as a sample on the premises.

Discretionary Conditions

- (a) The following steps must be taken by the licensee to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
 - Display of appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- (b) The following steps must be taken by the licensee to ensure that the provisions of the Act relating to management of the premises concerned are observed:
 - Alcohol must only be sold and supplied within the area marked on the plan submitted with the application.

(c) The following steps must be taken to promote the responsible consumption of alcohol:

- The licensee must implement and maintain the steps proposed in its host responsibility policy aimed at promoting the reasonable consumption of alcohol.

(d) Only the following kind or kinds of alcohol may be sold or delivered on or from the premises: beer, wine and cider.

(e) The whole of the premises is designated a supervised area.

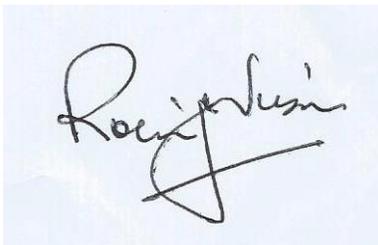
Other restrictions and requirements to be noted on the licence

S56 – Display of signs

S57 – Display of licences

S214 – Manager to be on duty at all times and responsible for compliance.

Dated at Christchurch this 13th day of December 2016

A handwritten signature in black ink on a light blue background. The signature is cursive and appears to read 'R.J. Wilson'.

R.J. Wilson
Chairperson
Christchurch District Licensing Committee