

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

AND

IN THE MATTER of an application by **RED CIRCLE
LIMITED** situated at **34E SHOTOVER
STREET, QUEENSTOWN** pursuant
to S.127 of the Act for the renewal of an
ON licence

DECISION OF THE DISTRICT LICENSING COMMITTEE

THE APPLICATION

- [1] An application was filed on the 12th December 2019 by RED CIRCLE LIMITED with the Queenstown Lakes District Licensing Agency (the Agency) for the renewal of an on licence in respect of premises situated at 34E SHOTOVER STREET, QUEENSTOWN and known as SMOKED OUT SIZZLING GRILL AND PIZZA
- [2] The application relates to licence number 68/ON/1104/2018 with an expiry date of 19th December 2019, and was received before the expiry of the licence. This is the first renewal application relating to the applicant. It was considered in accordance with s191 (2) and s131 of the Sale and Supply of Alcohol Act 2012.

THE INSPECTOR'S REPORT

- [3] The Inspector provided the committee with a detailed report on the application and comments as follows;

“Nik Horn of (the) Alcohol Training Consultancy was the applicant’s agent for the initial licence application and submitted the renewal application on behalf of his client. Mr Horn advised me that the applicant is dealing with a family emergency and was unable to make any further communication with his client. Mr Horn submitted the application on behalf of his client to keep the licence active, anticipating he would receive communication from the applicant. However, this did not eventuate and the application fee remains outstanding.

On receiving the application, myself and Mr Horn tried multiple times to make contact with the applicant via email and voice messaging, to which the applicant did not make any attempt to respond. Mr Horn later advised me that the premises (had) ceased trading (and that he) was unsure if it was for a temporary time period.”

[4] The Inspector continues;

“With the anniversary date of the licence being 19th December, payment of the annual fee has not been made. As I was unable to make contact with the applicant, and with the premises being closed, a suspension letter was issued to the applicant which I delivered to the premises itself on 7th February 2020. The applicant failed to respond to the letter. It appears that the applicant company Red Circle Limited is no longer a registered company under the New Zealand Companies Office as this states the company was removed on 24th April 2020”.

THE HEARING

[5] A Notice of Hearing for 1.00pm Wednesday 2nd September 2020 to consider the application at the Queenstown Lakes District Council Chambers was issued on the 19th August 2020. As the application is of a kind as listed in s191 (3) (b) the quorum necessary to consider and determine the application is one member who must be the chairperson. The Committee has three members who are council commissioners and meet the necessary qualifications pursuant to s191 (2) of the Act

[6] The meeting was convened at 1.00pm. In attendance were Ms Jessica Mason and Ms Lainy Black, both Agency regulatory support officers, and appearing to assist the proceedings was the Licensing Inspector Ms Sharon Dinneen. The Committee was represented by Commissioner J M Mann. There was no one in attendance representing the applicant company Red Circle Limited.

[7] The Inspector, Ms Dinneen presented a final submission which in addition to summarising her report to the Agency also included the following observations;

“The property (occupied by the applicant’s premises) is owned by Prime Retail Queenstown Limited and agents for the owner are ‘Evans, Henderson and Woodbridge Barristers and Solicitors’ (EHW)

Ms Bonnie Boyd of EHW advised via telephone conversation on 24th August 2020 that Red Circle Limited ‘literally up and left’ from the premises on the 22nd January 2020 as the company went into liquidation

The premises are currently occupied by new tenants.”

DECISION

[8] The committee agrees with the Inspector’s recommendation in her report of the 5th May 2020. The applicant is no longer a valid entity permitted to hold an alcohol licence and therefore does not meet the criteria in ss131 and 105(1)(b) nor ss127(2) and 127(3).

Accordingly, the committee rules pursuant to s130 of the Act that the application by Red Circle Limited for a renewal of an on licence is refused.

DATED at Queenstown this 21st Day of September 2020



J.M.Mann
Commissioner
Queenstown Lakes District Licensing Committee

