

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

AND

IN THE MATTER of an application for the renewal of an
On-licence pursuant to s. 127 in respect
of premises situated at 250 Woodstock-
Rimu Road, Hokitika and known as
Woodstock Hotel by Trappers Limited.

**DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON AN UNCONTESTED
APPLICATION**

Authority:

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 and a Council resolution dated 28 November 2013, the functions, powers and duties of the Westland District Licensing Committee are delegated to the committee chairperson where no objection has been filed, and no matters of opposition have been raised by the Police, the Medical Officer of Health or an Inspector. There is no Local Alcohol Policy in place for the District.

Summary of Evidence

The complete file has been made available to me.

The renewal application is made mostly with clarity and conviction. The application is accompanied by a document titled "Woodstock Hotel-Host Responsibility Plan" which covers matters relating to the way in which the applicant will take steps to promote the responsible consumption of alcohol.

The application does not seek any changes to the existing conditions.

It is proposed that the existing days and hours of trading on Monday to Sunday from 8.00am to 2.00am the following day are to continue.

A report from the Inspector advises that the applicant is suitable to continue to hold a licence and that there are no amenity and good order issues to consider.

The Police advise that there is no objection to the renewal application.

The Medical Officer of Health has not reported and so I may assume that the Officer has no opposition to the application.

Evaluation of Evidence

I have considered the application on the basis of the uncontested reports received. The matter is able to be dealt with on the papers.

Trappers Limited is a private company and is entitled to continue to hold a licence. The Directors are Colin and Leanne Cutler who are icons of the Hospitality industry in Hokitika and have considerable experience. The Woodstock Hotel offers accommodation, a bar service and dining.

The Inspector has made positive comment concerning the Applicant's host responsibility plan. The application includes a copy of the Plan which I think is suitable for the nature of the premises.

There is a plan accompanying the application titled "Woodstock Hotel" and date stamped as having been received by the Council on 29 September 2021. The plan adequately shows the extent of the licensed premises and identifies the single area to be designated a supervised area being the bar and dining area. It seems to me that the singular designation is appropriate and I am assuming that the inspector has confirmed that this designation is not a change from that which exists.

I am completely satisfied that there are no amenity and good order issues to be addressed.

I am satisfied as to those matters provided for in s.131 of the Act.

No changes to the existing terms and conditions are proposed and the opening days and hours will remain as Monday to Sunday from 8.00am to 2.00am the following day.

The inspector has suggested that there should be a condition requiring that the outside areas should become unlicensed parts of the premises after 11.00pm. He does not offer any reason for such an approach. I am reluctant to take the advice of the inspector on this matter because it would amount to a change of existing conditions where the publicly advertised application clearly states that no changes to the existing conditions are requested. In addition, it would not be reasonable to make a significant change to the way the premises are operated without the applicant having a fair and equitable opportunity to be heard on the issue. I do note from the inspector's report that the applicant "ensures that all doors and windows to the premises are kept closed in order to reduce the impact of any live music played on the site". This statement tells me that the premises are managed in a proactive way that has a regard for the needs of others. It is not reasonable for me to tell the owners how to operate their own business.

Decision

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **138-2021** and I direct that renewed on-licence 56/ON/098/2018 be issued pursuant to s.64 of the Act.

The renewal is for a period of three years from the date of expiry and is subject to the following conditions:

- (a) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday from 8.00am until 2.00am the following day
Except when the licensee also holds a special licence for the premises, no alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not—
 - (i) residing or lodging on the premises; or
 - (ii) present on the premises to dine.
- (b) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers from the water cooler adjacent to the main bar at all times that the licence is being exercised.
- (c) The principal entrance is to be described as "the entrance into the bar and dining area from the Woodstock-Rimu Road".
- (d) The following steps must be taken to promote the responsible consumption of alcohol:
There shall be a "Host Responsibility Policy", similar to that which accompanied the application dated 27 May 2021, in place at all times.

- (e) The entire part of the premises consisting of the restaurant and bar area as shown on a plan accompanying the application and dated 27 May 2021 is designated as a supervised area.

Dated at Hokitika this 8 day of December, 2021.



Richard Simpson
Chairperson, Westland District Licensing Committee

