

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

AND

IN THE MATTER of an application for the renewal of a Club licence pursuant to s. 127 in respect of premises situated at 42 Hamilton Street, Hokitika and known as the Hokitika Club Incorporated by Hokitika Club Incorporated.

AND

IN THE MATTER of an application for the renewal of an Off-licence pursuant to s. 127 in respect of the same premises situated at 42 Hamilton Street, Hokitika and known as the Hokitika Club Incorporated by Hokitika Club Incorporated.

DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON UNCONTESTED APPLICATIONS

corrigendum

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.

- (1)** Decisions relating to the renewal of the Club and Off Licences for Hokitika Club Incorporated were made on 18 August 2022. The Club Secretary has noticed an error in the issued Club Licence. The error is a simple “cut and paste” issue which I failed to identify on review.
- (2)** The Club is of the view that the wrong licence has been issued; the Club thinks that an On-Licence was issued in error. This is not the case; what has happened is that a Club-Licence has been issued with a condition included that would naturally appear on an On-Licence.
- (3)** The incorrect condition is condition (b) which provides that.....
 - (b) *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 or Christmas Day to any person who is not-*
 - (i) residing or lodging on the premises; or
 - (ii) present on the premises to dine.

- (4)** The condition is patently incorrect and erroneously reflects the provision of Section 47 of the Act which relates to On-Licences. In addition I found two other errors of a minor nature which have also been amended as a consequence of this decision.
- (5)** The Club Secretary has given me details on you to contact ClubsNZ which is the umbrella organisation that advocates for Hokitika Club Incorporated and has generously advised that Clubs NZ is available to speak to me regarding any issues or misconceptions that I may have regarding the Hokitika Club Incorporated Club Licence. For the record, I do not need to clear up any issued or misconceptions; what I need to do is check my work more thoroughly for mistakes. This is an issue that is a simple mistake. The correct Licence was issued with a faulty condition attached.
- (6)** I acknowledge that the Club has been inconvenienced by this error and I apologise for the error. I shall attempt to ensure that the situation does not recur.
- (7)** Any issue that arose in my decision of 18 August 2022 was the way in which the Club dealt with Authorised Visitors. It is important that the Club has rules relating to the sale of alcohol to people who are not members. The Club has just recently (as part of the correspondence relating to my error) provided an extensive list of Clubs with which Hokitika Club Incorporated has reciprocal visiting rights. This is not strictly a matter for my close consideration as the provision for authorised visitors is dealt with in the preambular text of the Licence document. It is for the Club to decide with whom it has reciprocal visiting rights and I think it is more appropriate for the Inspector to enquire into these details to ensure there is a mechanism to clearly identify those groups who have reciprocal visiting rights. I would observe, however, that the agreement that the Club has with the WCCI may be stretching the concept a bit far. The Club may wish to take advice from ClubsNZ on this point.
- (8)** As a consequence of this corrigendum I direct that a new Club –Licence be issued to Hokitika Club Incorporated to replace that which was granted on 18 August 2022. The licence is to be for a three year period from the date of expiry of the current licence and subject to the following conditions:
- (a) alcohol may be sold only on the following days and during the following hours:
- Monday to Sunday from 9.00AM to 1.30AM the following day.
- (b) The following steps must be taken to promote the responsible consumption of alcohol:
- (i) There shall be food available, similar to that described in the menu which accompanied the renewal application dated 3 February 2022, at all times that the premises are being used for the sale and supply of alcohol.
- (c) The Principal Entrance is to be described as “The entrance on the southern side of the building leading from Hamilton Street”.
- (d) The Gaming area is to be designated as a restricted area.
- (e) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all

customers from the bar at all times that the licence is being exercised.

- (f) The extent of the Licensed premises shall be those areas shown on plans date stamped as being received by the Council on 1 April 2022.

Duration

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licenses, the licenses continues in force—

(a) either—

(i) until the close of the period for which it was last renewed; or

(ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

(b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—

(i) until the close of the period of 3 years after the period for which it was last renewed; or

(ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

Dated at Hokitika this 11 day of October 2022



Richard Simpson
Chairman, Westland District Licensing Committee

