

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

**AND**

**IN THE MATTER** of an application for the variation of a  
condition to an On-Licence pursuant to  
s. 120 in respect of premises situated at  
80 Gibson Quay, Hokitika and known as  
the Pioneer Hotel by Hokitika Pioneer  
Hotel Limited.

**DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON UNCONTESTED  
APPLICATIONS**

**Authority:**

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 (the Act) 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.

**The application:**

The Hokitika Pioneer Hotel operates under an existing On-Licence number 56/ON/020/2019. The application before me is to vary a condition of an existing licence in order to allow more room for dining purposes.

**Summary of Evidence**

The complete file has been made available to me.

The application is sufficiently documented and a new plan of the premises is associated with the application.

A report from the Inspector concludes that the applicant is a “very responsible operator”.

The Police advise that there are no objections to the application.

The Medical Officer of Health 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.

It seems to me that the Inspector has gained a better understanding of the proposal than I did when I first considered the file. The plan associated with the application uses a new term not previously known to me; I have come to the conclusion that the term “unsupervised area” actually means *part of the licensed premises but not designated as a supervised area*. I take it that the applicant has requested a variation to the extent of the licensed premises in that part of the interior not previously used for the sale, supply and consumption of alcohol will be altered to become part of the dining room and that part of the exterior of the premises will become part of the area subject to the On-licence for an additional hour each day.

Specifically, the application is seeking to alter condition (c) and condition (d)(iv)(ii) of the licence which states that:

*(c) Except that the area known as and referred to in the application dated 20 December 2017 as “the outside garden area at the rear of the premises is to be part of the licensed premises on Monday to Sunday from 8.00am until 10.00pm only”.*

*(d)(iv)(ii) Each of the following parts of the premises are designated as:  
Supervised Area: Bar area.*

I have readily come to the view that what is actually being applied for is a change to the above conditions so that they will read

*(c) Except that the area known as and referred to in the application dated 20 December 2017 as “the outside garden area at the rear of the premises is to be part of the licensed premises on Monday to Sunday from 8.00am until 11.00pm only”.*

*(d)(iv)(ii) Each of the following parts of the premises are designated as:  
Supervised Area:  
(a) Bar area.  
(b) Dining Room between 11.00pm and 2.00am the following day.*

The suitability of the applicant is not in question and it seems to me that the pioneer Hotel is in a “safe pair of hands” that have a high regard for standards of operation and a vision for the future of the hotel as a sought after dining venue. I imagine that the outside area will be a very nice dining amenity during the summer months

I have not identified any amenity and good order issues to be specially addressed.

The inspector’s report gives me no particular concern as to the extension of the outside area. I am mindful that the Pioneer hotel is surrounded by Residential land use as well as a substantial motel operation. In my experience, the consumption of alcohol on the exterior of premises will likely lead to noise intrusion into the residential amenity. The inspector is confident that this will not be the situation at the Pioneer Hotel. I don’t necessarily share his confidence but I accept that he has had more to do with the licensee than I have. If there is a problem in the future, I have no doubt that it will be able to be dealt with quickly and decisively through good will and responsible management.

### **Decision and Reasons**

I am satisfied as to those matters provided for in s.120 of the Act.

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Numbers **072-2020** and I direct that a new license may be issued replacing On-licence 56/ON/020/2019.

The licence is and is subject to the following conditions:

(A) Condition (c) of the licence is to be amended to be:  
*(c) Except that the area known as and referred to in the application dated 20 December 2017 as “the outside garden area at the rear of the premises is to be part of the licensed premises on Monday to Sunday from 8.00am until 11.00pm only”.*

(B) Condition (d)(iv)(ii) is to be amended to be:  
*(d)(iv)(ii) Each of the following parts of the premises are designated as:  
Supervised Area:  
(a) Bar area.*

*(b) Dining Room between 11.00pm and 2.00am the following day.*

Dated at Hokitika this 5 day of July 2020



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**Chairperson Westland District Licensing Committee**

