

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 113 Upper Kokatahi Road, Hokitika and known as the Kokatahi Hotel by The Valley Hub Limited.

AND

IN THE MATTER of an application for the renewal of an Off-licence pursuant to s. 127 in respect of premises situated at 113 Upper Kokatahi Road, Hokitika and known as the Kokatahi Hotel by The Valley Hub 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 files have been made available to me.

The applications are mostly clear and understandable. A Host Responsibility Policy is included. The off-licence renewal application seeks a change to the present conditions in that a small area of the exterior of the premises is identified to be added to the extent of the licensed area.

A report from the Inspector advises that the applicant is suitable to continue holding the licenses.

The Police have no objection to the renewal applications.

The Medical Officer of Health has no opposition to the renewal applications.

Evaluation of Evidence

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

The on-licence renewal application does seek a change to the current conditions in that a strip of land on the south side of the building is identified as being additional to the licensed area. The strip is apparently intended to be two meters wide but the reasons for the extension are not stated. I have concluded that the area will be able to accommodate those patrons who wish to smoke while enjoying the hospitality offered at the premises and I see no reason to not proceed with the request on the basis that the applicant knows what is best for the premises.

The Valley Hub Limited is a New Zealand limited Company and can, accordingly hold the licences being renewed.

I am satisfied that there are no amenity and good order issues to consider. I am also satisfied that there are sufficient managers (two) to adequately ensure compliance with the Act.

There are existing Designations that were put in place at the time of the grant of the licence. The designations proposed appear to be suitable and reflect the nature of the undertaking that has been established to cater for the whole community as well as a tourist component that will one day return to pre-covid19 levels.

The existing days and hours, Monday to Sunday from 8.00AM to 2.00AM the following day, of operation will continue for the On-licence. The Off-Licence hours will continue to be Monday to Friday from 8.00am to 11.00pm the same day.

The renewal application is accompanied by a Host Responsibility Policy which I think is a strong policy document that reflects the nature of the premises which is a hotel that caters for different and varied users and the document strongly addresses the role of the staff and the applicant in the various management functions that have been identified to assist in providing a safe environment for the responsible consumption of alcohol. The Policy does include one or two generic statements that are not site specific but I am accepting the document at face value as a strong statement of intent for the operation of the premises.

Decision and Reasons

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

The applications are granted on the papers pursuant to s.202 (1) of the Act as Decision Numbers **055 and 056-2022** and I direct that renewed on-licence 56/ON/026/2021 and renewed off-licence 56/OFF/025/2021 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:

On-Licence

- (a) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 8.00am to 200am the following day.
- (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, 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) The extent of the licensed area is shown on plans accompanying the application for renewal and specifically includes the Bar area, the restaurant coffee area and the three outdoor areas including a two-meter-wide strip of land on the south side of the building. The extent of the licensed area is shown on two plans accompanying the renewal

application dated 14 March 2022; except that the land within the 2 metre wide strip shall not be licensed after 11.00pm.

- (d) the following steps must be taken to promote the responsible consumption of alcohol:
- (i) The Principal Entrance is to be described as "The entrance to the bar area from Kokatahi Road".
 - (ii) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers at the bar at all times that the licence is being exercised.
 - (iii) Each of the following parts of the premises are designated as:
 - (i) Supervised Area: Bar area
 - (ii) Supervised Area: Rear smokers' area

Off-Licence

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

- (a) alcohol may be sold only on the following days and during the following hours:
Monday to Sunday from 8.00AM to 11.00PM the same day.
- (b) No alcohol is to be sold on or delivered from the premises on Good Friday, Easter Sunday, Christmas Day or before 1.00pm on ANZAC Day
- (c) While alcohol is being supplied free as a sample, drinking water shall be freely available at any tasting location.
- (d) The Principal Entrance is to be described as "The entrance to the bar area from Kokatahi Road".
- (e) The extent of the licensed area is shown on plans accompanying the application for renewal of the on-licence and specifically includes the Bar area, the restaurant coffee area and the three outdoor areas including a two-meter-wide strip of land on the south side of the building; except that the land within the 2 metre wide strip shall not be licensed after 11.00pm.

Dated at Hokitika this 13 day of July 2022



Richard Simpson
Chairman, Westland District Licensing Committee

