

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 23 Weld Street,
Hokitika and known as Hokitika's
Regent Theatre by Westland
Community Centre Incorporated.

**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.

Conflict of interest:

When I made the decision in October 2020 to grant an On-licence to the Westland Community Centre for Hokitika's Regent Theatre I declared a conflict interest as I am a member of the Theatre Management Committee. I made it clear at the time that there was no pecuniary interest. There is likely to be a perception of conflict for some people. I continue to be not directly involved in the sale and supply of alcohol at the theatre and I have no personal benefit from the sale of alcohol. Nothing has changed since the release of the original decision and if there is any perceived conflict of interest no particular management intervention is required.

Summary of Evidence

The complete file has been made available to me.

The applicant makes and states a case for a decision in a well documented application. The application does not include any change to the existing licence conditions.

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

The Police have no objection to the renewal application.

The Medical Officer of Health has not reported on the application so I am able to assume that the Officer has no opposition to the renewal applications.

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.

The Westland Community Trust Incorporated is a body corporate and can, accordingly, continue to hold an On-licence. There is no question as to the suitability of the Applicant Company.

I am satisfied that there are no amenity and good order issues to consider.

I have not identified any compelling reason to impose designations and the plans accompanying the renewal application are sufficient to show the extent of the licensed area.

The existing days and hours, Monday to Sunday from 10.00AM to 12 Midnight, of operation will continue.

The renewal application is accompanied by a Host Responsibility Policy which I think is appropriate for the nature of the premises.

The original application intended that the sale and supply of alcohol would be an occasional undertaking and that there would not be regular sales. The inspector has advised that this intention is a reality. The Inspector also notes that if alcohol sales were to occur more often then there would be a need for additional General Managers in addition to the single Duty General Manager employed at the theatre. I agree with his analysis.

Decision and Reasons

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

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **140-2021** and I direct that renewed on-licence 56/ON/012/2018 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 10.00am to 12 midnight.
- (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.
- (c) The extent of the licensed area is the area shown on plans accompanying the renewal application dated 1 September 2021.
- (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 into the theatre foyer from Weld Street, Hokitika”.
 - (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) There shall be a “Host Responsibility Policy” similar to that which accompanied the renewal application in place at all times.

Dated at Hokitika this 7th day of December 2021



Richard Simpson
Chairman, Westland District Licensing Committee

