

**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 39-45 Main  
Road Fox Glacier and known as  
Heartland Hotel Glacier Country by  
Waiho Investments 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 applicant makes and states a case for a decision in a well documented application.

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

Waiho Investments Limited is a New Zealand Private Company 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.

The renewal application does not make a case to change or vary any of the existing conditions but there has been separate negotiation between the Inspector and the Applicant to alter existing designations. I do not think that any party is prejudiced by the oversight of stating that no changes are proposed and then proceeding with a change that is not particularly consequential and seems to be soundly based with common-sense. The change relates to the designation of the restaurant being a supervised area and some storerooms in the lounge bar. It is entirely sensible to have a restaurant undesignated and as far as storage rooms are concerned, they are off-limits to patrons anyway.

The Inspector has made a clear recommendation as to designations and unlicensed areas and I have not identified any reason to not adopt his recommendation.

The existing days and hours, Monday to Sunday from 11.00AM to 2.00AM the following day, of operation will continue.

The renewal application is accompanied by a Host Responsibility Policy which I think is mostly appropriate for the nature of the premises. There does seem to me that the document has a slant towards a premises with a public bar that caters for local people. The Heartland Hotel Glacier Country seems to me to be mostly geared towards a tourist clientele that are unlikely to be using the option of taking up an offer to be driven home by a staff member in the hotel car. In addition, the Policy is silent as to the serving of alcohol by way of room service to individual rooms. I think that the licensee should look at the relevance of the Policy to the operation that exists. The Policy is a fine start, and I would expect to see some changes when the next renewal occurs.

It is worth observing that the premises is currently closed and not operating because of the National Covid-19 response. The Inspector has indicated that the premises may remain closed until at least October 2021.

### **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 **003-2021** and I direct that renewed on-licence 56/ON/012/2018 be issued pursuant to s.64 of the Act.

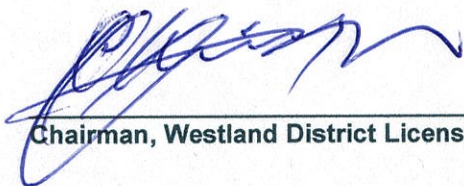
The renewal is for a period of three years from the date of expiry and is subject to the following conditions:

- (a) Alcohol may be sold only on the following days and during the following hours:  
**Monday to Sunday 11.00am to 2.00am 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.
- (c) The extent of the licensed area is all the land and buildings at 39-45 State Highway 6 at Fox Glacier with the exception that the lobby, reception area, toilets and storage rooms adjacent to the Lounge Bar, which do not form part of the licensed area.
- (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 reception area off Main Road Fox Glacier”.
  - (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: Lounge Bar
    - (ii) Supervised Area: Lounge.



(iv) There shall be a "Host Responsibility Policy" similar to that which accompanied the renewal application in place at all times.

Dated at Hokitika this 27<sup>th</sup> day of January 2021



Chairman, Westland District Licensing Committee

