

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

AND

IN THE MATTER of an application for an on-licence pursuant to s. 99 in respect of premises situated at 113 Upper Kokatahi Road, Kokatahi 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, Kokatahi 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.

Preliminary:

For the sake of minimising “the paper work” and keeping processes simple this decision combines two applications as described in the preamble above. I record that there were two complete applications as required by the Sale and Supply of Alcohol Act 2012.

Summary of Evidence

I am in possession of a copy of the complete files relating to both applications.

The applications seek an On Licence and an Off Licence. The premises has been used as an hotel for many years and the nature of the premises is an hotel with accommodation and meals for guests as well as a bar area for the sale of alcohol to guests and patrons. The premises also acts as a café and off-sales are made across the bar.

The Valley Hub Limited was operating under the provisions of a Temporary Authority at the Kokatahi Hotel. The Hotel is an important component of the Kokatahi community both in terms of the service provided to the tourist industry and as a community facility. Regretfully both the Temporary Authority and the underlying licence expired before a new application was lodged and determined. This oversight resulted in the closure of the premises while the applicant company went about the process of getting applications together. The applicant is a New Zealand Registered Company and is, accordingly, permitted to hold an alcohol licence. It appears from the comments made by the Inspector that the premises was well operated during the brief period that it operated under the Temporary Authority.

The applications are sufficiently detailed to provide an insight into the way the applicants intend to operate the premises. The Inspector refers to the applicant's Host Responsibility Policy and judging by the Inspector's analysis of the document it is a comprehensive document that covers those areas of operation that are important at an hotel.

The days and hours sought are Monday to Sunday from 8.00am until 2.00am the following day for the On- Licence and Monday to Sunday from 8.00am to 11.00pm for the Off-Licence.

The Inspector has reported but uncharacteristically he has not made a recommendation. I suspect that this is an oversight because the body of his report makes positive comments particularly around the issue of appropriate systems, staff and training.

The Police have no objection to the application.

The Medical Officer of Health has no opposition to the application.

Evaluation of Evidence and Reasons

It is noteworthy that both the Police and the Medical Officer of Health had opposition to the applications and my understanding from the files is that there was a period of clarification and amendment earlier on the process and the files now record that there is now no opposition from the those reporting entities. This augurs well for the future where the applicant must now be acutely aware of the particular responsibilities that it is faced with and the enforcement agencies can be relaxed that the applicant actually understands it's statutory duties.

I have viewed a document accompanying the application that is not named but I presume that it is the Host Responsibility Policy referred to by the Inspector. There are some generic components that do not sit well with me and it should be a priority for the applicant to keep the document under review and make it particular to the Kokatahi Hotel; it should also be clear that it is a Host Responsibility Policy and not simply a list of platitudes. I anticipate a more adequate document at the time of renewal.

I have not identified any amenity or good order issues and the limited areas to be designated are appropriate for the premises and the area that it serves.

The Inspector has reported and I have concluded that the applicant is suitable to hold a licence and that the hours proposed and the nature of the premises are satisfactory

The applicant is a New Zealand limited company and the directors and shareholders are Lauren Daphne Sandrey and Jared William Baxter. Mr. Baxter is now the holder of a Manager's Certificate.

I have considered the applications on the basis of the uncontested reports received and I have noted that there have also been no public objections. The matters can, therefore, be dealt with on the papers.

I am satisfied as to those matters provided for in s.105 of the Act.

Decision

The applications are granted on the papers pursuant to s.202 (1) of the Act as Decision Numbers **062 and 063-2021** and I direct that licenses be issued pursuant to s.64 of the Act.

The terms and conditions will be:

On-Licence

(a) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday from 8.00AM to 2.00AM the following day to any person

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 following steps must be taken to promote the responsible consumption of alcohol:
- (i) There shall be a “Host Responsibility Policy”, similar to that which accompanied the application dated 3 February 2020, in place at all times.
 - (ii) The Principal Entrance is to be described as “the entrance to the bar area from Upper Kokatahi Road”.
 - (iii) The following parts of the premises as shown on a plan submitted with the application and titled “Kokatahi Hotel Floor Plan” shall be designated as Supervised areas:
 - The bar area.
 - The outdoor seating area.
 - (iv) 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.

Off-Licence

- (a) Alcohol may be sold only on the following days and during the following hours:
- Monday to Sunday from 8.00am until 11.00pm the same day

Except when the licensee also holds a special licence for the premises no alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person.

- (b) the following steps must be taken to promote the responsible consumption of alcohol:
- (i) Pursuant to section 116(2)(c) of the Act, drinking water shall be freely available to all customers at each point of consumption while alcohol is being supplied free as a sample at all times that the licence is being exercised.
 - (ii) There shall be a “Host Responsibility Policy”, similar to that which accompanied the application dated 3 February 2020, in place at all times.
 - (iii) The Principal Entrance is to be described as “the entrance to the bar area from Upper Kokatahi Road”.
 - (iv) The following parts of the premises as shown on a plan submitted with the application and titled “Kokatahi Hotel Floor Plan” shall be designated as Supervised areas:
 - The bar area.
 - The outdoor seating area.

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 licences, these licence continue 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 a 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 13th day of May, 2021



Chairman, Westland District Licensing Committee

