

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 81 Seddon Street, Kumara and known as The Theatre Royal Hotel by Kumara Hotel 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 81 Seddon Street, Kumara and known as The Theatre Royal Hotel by Kumara Hotel 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

For the sake of simplicity both applications are proceeding in the form of a single combined decision. This is an expedient step but there are many matters in common to both applications that are best dealt with together.

The complete file has been made available to me.

The applicant makes 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 opposition 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.

Kumara Hotel Limited is a New Zealand limited Company and can, accordingly continue to hold On and Off licences. 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.

There are no existing designations and the renewal application does not seek to change that. The extent of the licensed premises has not been clear and the Inspector's report makes reference to the applicant being of the desire to remove the upstairs area from the licensed area. I am assuming that the Council has advised the Police of this matter as the police have specifically referred to a plan that is "of very poor quality and difficult to define the boundaries." As at 16 February 2023 the police had not received a better quality plan even though numerous requests had been made. I do not know to whom the requests were made; the Council or the applicant, so I am hopeful that the Police have been appraised of the change.

There is a plan accompanying the applications that shows the extent of the licensed premises being confined to the ground floor area. The Inspector advises that the top floor of the premises is not part of the licensed area as it is not practical to monitor the consumption of alcohol in the hotel bedrooms and no sales or supply of alcohol occur in the upstairs area. Sale and supply of alcohol occurs in the ground floor area from the bar and off sales are also across the bar. Areas for the consumption of alcohol occur throughout the downstairs area and outside in defined areas under the verandah and a deck and grass area at the western end of the premises

The existing days and hours, Monday to Sunday from 10.00AM to 2.00AM the following day, of operation will continue for the On-licence, and Monday to Sunday from 10.00AM to 10.00PM for the **Off-Licence**, are not subject to a request for alteration and will continue as a consequence of renewal..

The renewal application includes a copy of the premises Host Responsibility Policy which is a comprehensive document that relates to the premises and proactively addresses those matters that are essential behavioral areas in a place where alcohol is served, sold and consumed.

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 **048 and 049-2023** and I direct that renewed on-licence 56/ON/104/2019 and renewed off-licence 56/OFF/103/2019 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 10.00am to 2.00am the following day.

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 a plan accompanying the application for renewal dated 21 September 2022 and includes all the land and buildings at 81 Seddon Street, Kumara with the exception of the area of the first floor of the building which is specifically excluded from 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 off Seddon Street, Kumara".
 - (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.

Off-Licence

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

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

Monday to Sunday from 10.00AM to 10.00PM the same day.

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

- (b) While alcohol is being supplied free as a sample, drinking water shall be freely available at any tasting location.
- (c) The Principal Entrance is to be described as "The entrance off Seddon Street, Kumara".
- (d) The extent of the licensed area is shown on a plan accompanying the application for renewal dated 21 September 2022 and includes all the land and buildings at 81 Seddon Street, Kumara with the exception of the area of the first floor of the building which is specifically excluded from the licensed area.

Dated at Hokitika this 9 day of May 2023


Richard Simpson
Chairman, Westland District Licensing Committee

