

Decision number: 092-2023

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

AND

IN THE MATTER of an application by **Railway
Hotel Hokitika Limited**
pursuant to s127 of the Act
for the renewal of the ON
Licence in respect of
premises situated at 34 Weld
Street, Hokitika
known as the "**Railway
Hotel Hokitika**"

BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE

The Application

Railway Hotel Hokitika Limited applies for the renewal of the ON Licence in respect of premises situated at 34 Weld Street, Hokitika known as the "**Railway Hotel Hokitika**".

The business is Hotel that offers food, alcohol and accommodation to the locals, tourists and tour parties.

The current days and hours are **Monday to Sunday 8.00am to 3.00am the following day. No changes are sought.**

These hours are within the default national maximum trading hours for ON licensed premises.

The application was publicly notified on the council website from the 16th of June 2023. No objections were received from members of the public.

Reasons for the Decision

Neither the Police nor the Medical Officer of Health has raised any matters in opposition.

The inspector reports that the amenity and good order of the area has not been reduced by more than a minor extent.

We also note that the applicant seeks a Restricted Area designation in the gaming room.

We will not be drawn into designating a gaming room as a Restricted Area purely to accommodate gaming machines in line with previous decisions of the Liquor Licensing Authority.

In Thomas Edmund Leon Downes PH 485/2002 and Sporting Investments Limited PH 486/2002¹ the Authority gave a clear ruling incorporating three principals at paragraph 49, but the one of relevance to this case is:

Gaming rooms per se will not be designated. Where the room or place in which the gaming machines are situated is not a bar within the confines of a hotel or tavern, a designation is inappropriate on the basis that the sale, supply or consumption of liquor is not the principal or exclusive activity."

In Premier Restaurant & Tavern Limited² the Liquor Licensing Authority said at paragraph [62]:

"If gaming machines are not the concern of this Authority, then why should this Authority impose a designation to enable the site operator to run a gaming parlour? ... In the final analysis we have a duty to exercise our discretion 'in the manner that is most likely to promote the object of the Act'. (s.4(2)). If gaming machines are beyond our purview, then why would we exercise a discretion which will not only encourage the spread of such machines, but bring the sale and supply (of alcohol) into disrepute?"

In Kim Ashton Williams LLA 2291/96³ at paragraph [46] the Authority said:

*We have come to the view that in assessing which parts of any premises should be designated, our duty is **to impose a designation on any bar or other area used principally or exclusively for the sale or consumption of liquor**" (our emphasis)*

In line with these decisions, we intend to designate the bars and gaming areas as Supervised Area at all times. If the applicant chooses to designate the gaming

¹ Thomas Edmund Leon Downes PH 485/2002 and Sporting Investments Limited PH 486/2002

² Premier Restaurant & Tavern Limited

³ Kim Ashton Williams LLA 2291/96

room as a **Restricted Area** under their obligations under the **Gambling Act 2003** that is a matter for them.

I am satisfied as to the matters to which we must have regard as set out in s.131 of the Act.

I deal with the application on the papers.

DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Railway Hotel Hokitika Limited** for the renewal of the ON Licence in respect of premises situated at 34 Weld Street, Hokitika known as the “**Railway Hotel Hokitika**” subject to conditions.

We refresh the licence conditions to reflect best practice.

Conditions:

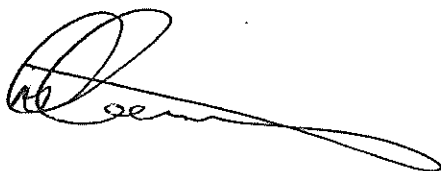
The ON licence is subject to the conditions listed below:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:
Monday to Sunday 8.00am to 3.00am the following day;
 2. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to dine or lodging on the premises;
 3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
 4. The whole of the premises is designated as a **Supervised Area** other than the restaurant and outdoor dining area that are to remain undesignated.
 5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages.
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6. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted;
7. A properly appointed certificated, or Acting or Temporary, manager must be on duty at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;
8. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises;
9. The Licensee must display:
 - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
 - c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises;

The renewal will be for three years from the expiry of the current licence and a replacement licence is to be issued.

DATED at Hokitika this 4th day of August 2023



Murray Clearwater
Chairperson/Commissioner
Westland District Licensing Committee

