

010/2023

**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 289 Kaniere  
Road, Kaniere, Hokitika and known as  
The Kaniere Empire Hotel by KEH  
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.

No changes are sought to the existing licence conditions.

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

The Police have no objection to the renewal application.

The Medical Officer of Health has no opposition to the renewal application but recommends that the closing time be amended to 2.00AM.

**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.

KEH Limited is a New Zealand limited Company and can, accordingly hold an On-licence. The Company is represented on the premises by Grant Peter Symons who is the sole Director of the Company. Grant Symons has many years of association with the Hospitality Industry, and he has been mine-host at the Empire Tavern for a long time. 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. It is encouraging that the application was not subject to public objection.

There is an existing designation which is shown on a plan accompanying the renewal application. The designation involves the bar area only with a supervised designation. The dining area is not designated. I am of the view that the existing designation is appropriate and should continue.

The existing days and hours, Monday to Sunday from 9.00AM to 3.00AM the following day, are not subject to an application for variation. The Medical Officer of Health has recommended that the hours of operation

be reduced with a closing time of 2.00AM to bring the premises into conformity with three other similar premises within 12 kilometers of the Kaniere Empire Tavern. The salient point to be taken from the Officer's report is that she has no opposition to the application but is making a recommendation. The recommendation is rejected on the basis that such a procedure is not a process envisaged by the Act. It is a material change which could adversely affect the way in which the business of a hotel is carried out and so the appropriate way to proceed is for opposition to be stated and the matter can then go to a hearing with all parties and, importantly, the applicant involved and part of the decision-making process.

The renewal application is accompanied by a Host responsibility Policy which is appropriate for the nature of the premises which is a hotel that is part of a residential area. I think that it is a good policy, and it appears to me to be specific to the Kaniere Empire Hotel.

### **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 **010-2023** and I direct that renewed on-licence 56/ON/054/2018 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 9.00am to 3.00am 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 to be all the buildings at 289 Kaniere Road, Hokitika.

- (c) 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 Renewal application dated 2 February 2021, in place at all times.

(ii) The Principal Entrance is to be described as "The entrance from Kaniere Road into the Bar area".

(iii) The entire area of the bar shown on a floor plan date stamped as received by the Westland District Council on 30 November 2022 is to be a supervised 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.

Dated at Hokitika this 16 day of April, 2023

  
Richard Simpson  
Chairman, Westland District Licensing Committee

