

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

**AND**

**IN THE MATTER** of an application for the variation of a  
condition to an On-Licence pursuant to  
s. 120 in respect of premises situated at  
80 Gibson Quay, Hokitika and known as  
the Pioneer Hotel by Hokitika Pioneer  
hotel Limited.

**DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON UNCONTESTED  
APPLICATIONS**

**Authority:**

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 (the Act) 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.

**The application:**

The Hokitika Pioneer Hotel operates under an existing On-Licence number 56/ON/020/2019 granted on 11 March 2019. I understand that several alterations have occurred to the internal layout at the premises and the applicant now wishes to alter the various designations put in place. The application is for Variation of conditions of a licence and the secretary's office provides a specific application form to assist any applicant. The application requests the "extension of undesignated area for dining purposes". The reasons for the Variation are " " Porton (sic) of proprietors (sic) flat that was a storeroom is now a dining room. Extension of area through Hallway to toilets to enable minors unserviced(sic) access to this area. Pool table will be repositioned to cater for larger functions if required".

**Summary of Evidence**

The complete file has been made available to me.

The application is reasonably well documented and a new plan of the premises is associated with the application.

A report from the Inspector effusively concludes that the applicant is a "very responsible operator".

The Police advise that there is no objection to the application.

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

**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.

It seems to me that the applicant has requested a variation to the extent of the licensed premises in that the area of the extended dining room will not be designated at all and a change to the designation of a passageway will see a supervised area become undesignated. This is to allow unaccompanied minors to

be in the dining room and the change will result in minors being able to visit the toilet area without adult supervision; which seems to be sensible. The application is accompanied by two plans; one that shows the current designations and one that shows the designated areas amended as a result of the enlarged dining area. Both plans are coloured in the way an optometrist's colour blindness chart looks but, none the less I think that I have the necessary clarity. However, which existing condition is to be amended is not as clear.

The application and the accompanying reports are unspecific as which particular condition of the licence is subject to the variation request. I have concluded that all parties are expecting me to come to an appropriate conclusion as to the final look of the licence conditions having a regard for the variation application.

Existing condition (d)(iv) refers to areas that are designated; the Gaming Area is restricted and the Bar area is supervised.

Existing condition (c) provides that "*(c) Except that the area known as and referred to in the application dated 20 December 2017 as the "outside garden area at the rear of the premises" is to be part of the licensed premises on Monday to Sunday from 8.00am to 10.00pm only.*"

A close look at the existing licence and the conditions reveals that both existing conditions (b) and (c) commence with the word "Except". These exceptions relate to condition (a) and are not conditions in themselves but are "exceptions to existing condition (a) and would appear to be drafting errors.

The accompanying reports are silent as to existing condition (c) in so far as the "outside garden area" is concerned. This area is specifically not part of the licensed premises between the hours of 10.00pm and 8.00am. Nothing in the Application or the accompanying reports suggests that this provision should change.

I have come to the view that what is being applied for and what has been approved by the accompanying reports is that existing condition (d) is to be amended by the addition of a sub-clause (v) referring to the extent of the licensed premises being that which is delineated on a plan entitled "Revised undesignated areas of Hotel to include extended dining area" and accompanying the application for variation dated 27 November 2019.

I do invite the Inspector and the other reporting agencies to consider how minors will be able to enter the dining room within the confines of the law.

I have not identified any amenity and good order issues to be addressed.

### **Decision and Reasons**

I am reasonably satisfied as to those matters provided for in s.120 of the Act.

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Numbers **001-2020** and I direct that licence 56/ON/020/2019 may be issued.

For the avoidance of doubt it is existing condition (d) that is varied to include a sub-clause (v) referring to the extent of the licensed premises being that which is delineated on a plan entitled "Revised undesignated areas of Hotel to include extended dining area" and accompanying the application for variation dated 27 November 2019.

The licence is issued for a period of three years from the date of this decision 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**

**8.00am to 2.00am the following day**

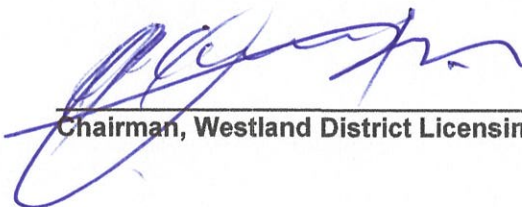
Except when the licensee also holds a special licence for the premises, no alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day to any person who is not—

- (i) residing or lodging on the premises; or
- (ii) present on the premises to dine.

Except that the area known as and referred to in the application dated 20 December 2017 as the “outside garden area at the rear of the premises” is to be part of the licensed premises on Monday to Sunday from 8.00am to 10.00pm only.

- (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 Renewal application dated 24 January 2019, in place at all times.
  - (ii) The Principal Entrance is to be described as “The entrance off Gibson Quay”.
  - (iii) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers at the bar and in the gaming room at all times that the licence is being exercised.
  - (iv) Each of the following parts of the premises are designated as:
    - (i) Restricted Area: Gaming Area
    - (ii) Supervised Area: Bar Area
  - (v) the extent of the licensed premises is that which is delineated on a plan entitled “Revised undesignated areas of Hotel to include extended dining area” and accompanying the application for variation dated 27 November 2019.

Dated at Hokitika this 10<sup>th</sup> day of February 2019

  
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Chairman, Westland District Licensing Committee

