

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

AND

IN THE MATTER of an application for a special licence  
pursuant to s. 137 by Anne Daniel and  
Jane Churchwell in respect of premises  
known as The Old Lodge Theatre a 11  
Revell Street, Hokitika.

**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**

A special licence is sought for the purposes of providing an alcohol service at The Old Lodge Theatre at 11 Revell Street, Hokitika on six occasions during 2019, namely; Wednesday 13 February, Wednesday 20 March, Wednesday 3 July, Sunday 18 August, Friday 13 September, Saturday 9 November, between the hours of 7.00PM and 10.30PM which are occasions of "Arts On Tour" sponsored events.

A report from the Inspector concludes that the applicant is suitable to hold a special licence.

I note that the application refers to two separate individuals being the applicant. The application also makes it clear that the applicant is a natural person. This is simply not physically or statutorily possible and I have presumed that the status of the applicant is the partnership of Anne Daniel and Jane Churchwell.

The Police have no objection to the grant of the special licence.

The Medical Officer of Health has no opposition to the grant of the special licence.

**Evaluation of Evidence**

I have considered the application on the basis of the uncontested reports received and the complete file which has been made available to me. The application was not publicly notified. The matter can, therefore, be dealt with on the papers.

I note that the several functions are intended to be managed by two individuals (Rob Daniel and Michael McEwen) neither of whom are qualified to hold manager's certificates. The Inspector has suggested a waiver pursuant to s. 213(2).

Michael McEwen and Rob Daniel have extensive experience in operating previous special Licences issued in respect of the Old Lodge Theatre and the grant of a waiver is appropriate.

**Decision and Reasons**

I am satisfied as to those matters provided for in s.142 of the Act.

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **011-2019** and I direct that a licence be issued pursuant to s.64 of the Act.

Pursuant to s. 213(2) of the Sale and Supply of Alcohol Act 2012, the licensee is exempt from the duty to appoint a manager on the basis that the licensee and the people nominated by the licensee are demonstrably capable of managing the premises.

The terms and conditions will be:

The Licence may be exercised for the sale and supply of alcohol to any person lawfully attending the premises on Wednesday 13 February, Wednesday 20 March, Wednesday 3 July, Sunday 18 August, Friday 13 September, Saturday 9 November, from 7.00PM through to 10.30PM the same day.

Pursuant to section 147 (3)(b) of the Act drinking water shall be freely available from the bar, to all customers at all times that the licence is being exercised.

Dated at Hokitika this 14<sup>th</sup> day of January, 2019

  
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Chairperson, Westland District Licensing Committee

