

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

AND

IN THE MATTER of an application for an on-licence pursuant to s. 99 in respect of premises situated at 34 Weld Street, Hokitika and known as the Railway Hotel by Railway Hotel Hokitika 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.

Conflict of Interest

Many, many people will know that I am a regular guest at the Railway hotel on a Friday evening. Judging by some of the mentally immobilized comments in the *Hokitika Guardian* letters section and locally established sites on social media platforms, it is highly likely that there will be someone who will determine on my behalf that I have a conflict of interest in this application. A conflict of interest can be either pecuniary or non-pecuniary. The documents associated with the application are very clear in that I have no pecuniary interest in Railway Hotel Hokitika Limited. A non-pecuniary conflict is the only conflict of interest that I could have. An intellectually challenged person could take the view that because I attend the Railway Hotel in a personal capacity my judgement could be affected in my public capacity. On a Friday evening I enjoy the craic with a group of men and women who, by and large, are interesting and intelligent people and supportive to each other. We are united in our collective admiration for *Guinness* a well known and admirable elixir of the Emerald Isle.

My role in this application is established by a delegation from the Westland District Council and by the Sale and supply of Alcohol Act 2012. I am only permitted to make a decision to grant the licence (see "Authority" above). I am not permitted to decline the application as that sort of decision can only be made by a quorum of the Westland District Licensing Committee. I think that if there is a Conflict of Interest it would only be manifested by my granting approval and so protecting my Friday Evening ritual! Given that the Police, the Medical Officer of Health and an Inspector are not in opposition to the application it would be most unlikely that anything other than a decision to grant the application can result. Slainte!

Summary of Evidence

I am in possession of a copy of the complete file relating to this application.

Railway Hotel Hokitika Limited has purchased the existing hotel at 34 Weld Street, Hokitika which has been known as the Railway Hotel for many years. The applicant currently operates under a temporary authority. The applicant is a company and the sole director and Shareholder is Janine Marie Grainger.

The application is detailed and appears to have been made with some conviction.

The Inspector has reported and has concluded that the applicant is suitable to hold a licence, the hours proposed (Monday to Sunday from 8.00am until 3.00am the following day) are reasonable and that the nature of the premises is satisfactory.

The Police have no objection to the grant of this new on-licence.

The Medical Officer of Health has no opposition to the grant of this new on-licence.

Evaluation of Evidence and Reasons

I have considered the application on the basis of the uncontested reports received and I have noted that there have also been no public objections. The matter can, therefore, be dealt with on the papers.

I do note that the applicant has adopted a Host Responsibility Policy for the premises and it is good to know that the applicant is taking those matters seriously. I regard such a policy as important because it sends a clear message to the enforcement agencies and the public that the Railway Hotel can be regarded as a safe place to purchase and consume alcohol and that the licence holder is prepared to work in partnership with the enforcement agencies and the public.

The application and the inspector's report addresses the need for designations to apply to particular parts of the premises. The designations proposed seem to be functional.

I am satisfied as to those matters provided for in s.105 of the Act.

Decision

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number 036-2019 and I direct that a licence be issued pursuant to s.64 of the Act.

The terms and conditions will be:

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

Monday to Sunday from 8.00am 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 following steps must be taken to promote the responsible consumption of alcohol:

(i) There shall be a "Host Responsibility Policy", similar to that which is entitled "Hokitika Railway Hotel Host Responsibility Policy", in place at all times.

(d) The Principal Entrance is to be described as "The entrance to the public bar off Weld Street".

(e) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers at the bar and in the restaurant at all times that the licence is being exercised.

(f) Each of the following parts of the premises are designated as:

- (i) Restricted Area: Gaming Area.
- (ii) Supervised Area: public bar, TAB, upstairs lounge bar, upstairs deck and down stairs smoking areas.

Duration

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

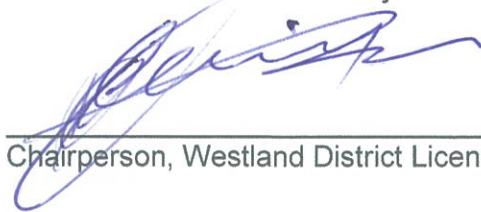
(a) either—

- (i) until the close of the period for which it was last renewed; or
- (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

(b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—

- (i) until the close of the period of 3 years after the period for which it was last renewed; or
- (ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

Dated at Hokitika this 13th day of March, 2019.



Chairperson, Westland District Licensing Committee

