

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 1128 Woodstock
Rimu Road and known as The West
Coast Treetop Walk and Cafe by
Hokitika Rimu Treetop Walk Limited
Partnership.

**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.

The applicant makes and states a case for a decision in a well documented application.

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

The Police have no objection to the renewal applications.

The Medical Officer of Health has no opposition to the renewal applications.

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.

Hokitika Rimu Treetop Walk Limited Partnership is the Partnership of Shane Able and Neil Wade and can, accordingly hold an On licence. There is no question as to the suitability of the applicant.

I am satisfied that there are no amenity and good order issues to consider.

There are no existing designations and the renewal application does not seek to change that. I have not identified any reason to impose designations.

There is a plan accompanying the applications that shows the extent of the licensed premises being confined to the ground floor area of the building. It is notable that there is no intention to provide or allow the consumption of alcohol to occur on the walkway itself or on the outdoor eating area adjacent to the main building. I hope that this is the case and that there has not been an oversight. It does seem to me that the outside area used for dining would be a natural extension of the food and beverage service provided in the

main building and that it could be a very pleasant location for pre or postprandial activities. If an error has been made and it is the intention of the applicant to use areas outside of the building for the provision of an alcohol service then the applicant should apply immediately for a variation.

The existing days and hours, Monday to Sunday from 10.00AM to 10.00PM the same day, of operation will continue and are not subject to a request for alteration and will continue as a consequence of renewal. I note that the application and the Inspector's report considers the possibility of some functions having a duration longer than the hours that have been applied for. The applicant appears to be well aware of the provisions of the Act relating to Special Licenses and this seems to be a prudent way to proceed.

Decision and Reasons

I am satisfied as to those matters provided for in s.131 of the Act.

The applications are granted on the papers pursuant to s.202 (1) of the Act as Decision Numbers 086-2020 and I direct that renewed on-licence 56/ON/123/2018 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) except when the licensee also holds a special licence for the premises no alcohol is to be sold on the premises on Good Friday, 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) alcohol may be sold only on the following days and during the following hours:
Monday to Sunday from 10.00AM to 10.00PM.
- (c) the following steps must be taken to promote the responsible consumption of alcohol:
 - There shall be food available, similar to that described in the menu which accompanied the application dated 14 December 2019, at all times that the premises are being used for the sale and supply of alcohol.
- (d) The Principal Entrance is to be described as "The entrances from the concourse".
- (e) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers at all times that the licence is being exercised with bottled water being available at all dining tables.
- (f) The extent of the licensed area is shown on a plan accompanying the application for renewal dated 14 December 2019

Dated at Hokitika this 20th day of July 2020



Chairman, Westland District Licensing Committee

