

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 962 Ruatapu
Road and known as the Lake
Mahinapua Hotel by Lake
Mahinapua Hotel 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

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

Lake Mahinapua Hotel Limited has purchased the existing licensed premises at Mahinapua known as The "Lake Mahinapua Hotel" which is a premises best described as an hotel. The applicant currently operates under a temporary authority.

The application is detailed and appears to have been made with conviction. The application includes a document titled "Host Responsibility Policy" which purports to be designed to ensure that people attending the premises will enjoy themselves. It is probably a somewhat generic document and I would anticipate that at the time of renewal a document that more particularly relates to the premises will be submitted.

The days and hours sought are Monday to Sunday from 9.00am until 3.00am the following day to any person lodging on the premises and on Monday to Sunday from 9.00am to 1.00am the following day to any other persons. These are the current hours and days and no change is applied for.

The Inspector has reported and has concluded that the applicant is suitable to hold a licence, the hours proposed are satisfactory and that the nature of the premises is satisfactory.

The Police and The Medical Officer of Health initially had an objection and opposition to this application but subsequent to an on-site visit by all parties there was a change of approach and opposition was set aside after some changes to designations and layout were considered.

There is a worrying aspect referred to in the Inspector's report. An incident occurred in January 2020 where there was a possible assault involving a patron. The Inspector helpfully outlines all the circumstances but is unable to make any conclusion for various reasons including the departure of key staff and the Covid 19 lockdown which hindered face to face investigation. There is a sinister aspect to the case but without conclusion there is little weight that the events of that night can be applied to this licensing process. My understanding is that the Police are still considering the circumstances and weighing the events that can be verified. In the meantime, the inspector has advised that the incident that occurred is being treated as an incident of importance and that his contention that the applicant is suitable to hold a licence should stand on the basis that the premises has been operated and managed appropriately over the years with the

singular exception of the event that is now well and truly recorded on the files and may result in the enforcement agencies taking a more frequent and closer look at management procedures at the Mahinapua Hotel. It is appropriate, in my view, that the matter lies there and that the review procedures relating to the suspension or cancellation of a certificate or licence can be utilized when investigations can be properly concluded.

Evaluation of Evidence and Reasons

The applicant is a New Zealand limited company and the sole director and shareholder is Michael Harry Warren who is no stranger to Westland and has a deep and abiding interest in the tourist and hospitality industry in Westland.

The premises is easily recognised and an essential component of the iconic *Kiwi Experience* tours. It is the intention of the company to expand the use of the premises to include other travel companies as well as independent travellers and group travellers.

I have noted that the applicant and the statutory agencies have met together and considered the issues relating to designations and hours. At first glance the outcome seems to be somewhat cumbersome but with all parties being in agreement I have no doubt that the different approaches to different parts of the premises at times will assist in the safe management of the Hotel and will assist in ensuring that people attending the premises will enjoy themselves.

I have not identified any amenity or good order issues requiring particular conditions.

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 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 **089-2020** 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 9.00AM to 3.00AM the following day to any person lodging on the premises; and
Monday to Sunday from 9.00AM to 2.00AM the following day to any other person

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 accompanied the application dated 21 October 2019, in place at all times.

(ii) The following designations shall apply and are shown on a plan submitted to support the application and dated 28 January 2020:

Supervised areas:

- (i) **Outside Courtyard area** between 10.30pm and 3.00am the following day for in house guests and between 10.30pm and 1.00am the following day for all other guests.
 - (ii) **External dining area** between 10.30pm and 3.00am the following day for in house guests and between 10.30pm and 1.00am the following day for all other guests.
 - (iii) **Interior Dining area** between 10.30pm and 3.00am the following day for in house guests and between 10.30pm and 1.00am the following day for all other guests.
 - (iv) **Bar Area** at all times.
- (c) The Principal Entrances are to be described as “the Eastern entrance to the public bar area”; and “the Southern entrance to the Public Bar area”.
- (d) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers at the bar at all times that the licence is being exercised.

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—

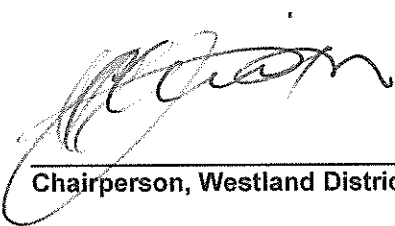
(a) either—

- (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 20th day of July, 2020.



Chairperson, Westland District Licensing Committee

