

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 19 Aylmer
Street, Ross and known as the Empire
Hotel by Mark William Browne and
Paulette Claire Browne.

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**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 reasonably 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.

Mark William and Paulette Claire Browne are a partnership and accordingly may hold an On-licence. There is no question as to the suitability of the Applicant.

There are existing Designations. The Inspector has made clear recommendations as to designations and I have not identified any reason to not adopt his recommendation.

There is a plan accompanying the applications that shows the designations requested and the extent of the licenced premises which includes part of the footpath in Aylmer Street and an area of land to the north that immediately adjoins the premises.

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

The days and hours of operation provided for in the existing on-licence are Monday to Sunday from 11.00AM to 2.00AM the following day. The application does not make any request to change these hours although the Inspector has reported on the basis that that a change has been requested to extend the hours from 8.00AM to 2.00AM the following day. The public notice reflects this. The statement in the application that no changes or variations are sought is clearly wrong but I do not see any conflict for the wider public and I have concluded that the error is simply an administrative oversight rather than an attempt to gain a few extra hours by some other means. Taken as a whole the application could be Described as clear but imprecise. I am readily able to consent to the additional three hours requested. The proposed hours for the off-licence are unchanged from those which exist. Those hours are Monday to Sunday from 11.00am to 10.00pm.

The application includes some strong statements about how the applicant intends to ensure that the sale, supply and consumption of alcohol from the premises is responsibly carried out, Those statements reflect the fact that the applicant partnership has 45 years' experience in the industry and that the Westland District Licensing Committee can have confidence in the abilities of the licensee.

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 Number 098-2020 and I direct that renewed on-licence 56/ON/066/2017 and renewed off-licence 56/OFF/068/2017 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:

On-Licence

- (a) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 11.00am to 2.00am the following day.
- (b) 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.
- (c) The extent of the licensed area is shown on a plan accompanying the application for renewal
- (d) the following steps must be taken to promote the responsible consumption of alcohol:

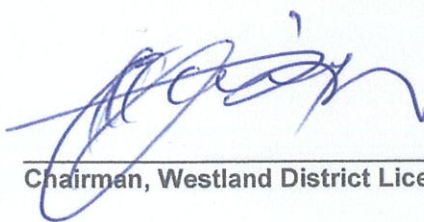
- (i) The Principal Entrance is to be described as "The entrance into the bar from Aylmer Street, Ross".
- (ii) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers at the bar at all times that the licence is being exercised.
- (iii) The bar area is designated as a supervised area.

Off-Licence

The renewal is for a period of three years from the date of expiry and is subject to the existing terms and conditions with the exception of the following:

- (a) alcohol may be sold only on the following days and during the following hours:
Monday to Sunday from 11.00AM to 10.00PM the same day.
- (b) No alcohol is to be sold on or delivered from the premises on Good Friday, Easter Sunday, Christmas Day or before 1.00pm on ANZAC Day
- (c) While alcohol is being supplied free as a sample, drinking water shall be freely available at any tasting location.
- (d) The Principal Entrance is to be described as "The entrance into the bar from Aylmer Street, Ross".
- (e) The extent of the licensed area is shown on a plan accompanying the application for renewal

Dated at Hokitika this 11th day of August 2020



Chairman, Westland District Licensing Committee

