

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 2 Weld Street,
Hokmitika and known as Stumpers Bar
and Cafe by Westland Developments
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

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 a license.

The Police have no objection to the renewal application.

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

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.

Westland Developments Limited is a private Company and can, accordingly continue to hold an On licence. There is no question as to the suitability of the Applicant Company.

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

There are existing designations and the renewal application does not seek to change that.

There is a plan accompanying the application that shows the extent of the licensed premises being confined to the ground floor area including a small area on the Revell street frontage that is exterior to the building.

The existing days and hours, Monday to Sunday from 8.00AM to 4.00AM the following day, of operation are not subject to a request for alteration, although the Inspector has noted that these hours are the maximum permissible under the Act's default national trading hours provisions and goes on to make a less than committed effort to recommend that trading should cease at 3.00AM. The inspector offers no reason for the recommendation and goes on to note that the premises has not been brought to his attention with

regard to significant issues of non-compliance and that the applicant is well aware of his statutory responsibilities. The inspector concludes that the applicant has demonstrated that they (sic) sell alcohol responsibly and abide by the requirements of the Act. I am not the least bit convinced that the Westland District Licensing Committee should restrict the hours of operation even in a minor way.

The renewal application includes a copy of the premises Host Responsibility Policy which is a comprehensive document that relates to the premises and proactively addresses those matters that are essential behavioral areas in a place where alcohol is served, sold and consumed. The Westland District licensing Committee holds that a Host Responsibility Policy is an important signal that a licensee intends taking the sale, supply and consumption of alcohol seriously. It is important that such a document is reviewed from time to time and not simply used as a document to favourably accompany an application and there will be a condition requiring the continuation of the Policy for the life of the licence.

It would appear that both the applicant and the Inspector have come to the conclusion that a further entrance to the premises should be defined as a "principal entrance". Given the layout of the premises I think that a further entrance being so defined is sensible but in so doing I do note that no alterations to existing conditions are requested. However, the identification and definition of a principal entrance is a management tool which assists in achieving the good order of a premises. A further "principal entrance" will be defined.

Decision and Reasons

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

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number 104-2020 and I direct that renewed on-licence 56/ON/071/2018 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:

On-Licence

- (a) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 8.00am to 4.00am 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 dated 30 July 2020
- (d) the following steps must be taken to promote the responsible consumption of alcohol:
 - (i) Principal Entrances are to be described as "The entrances on the Weld/Revell Streets corner, the entrance at the northern end of the premises from Revell street into the bar and the entrance from Weld Street Adjacent to the accommodation entrance".
 - (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) Each of the following parts of the premises are designated as:
 - (i) Supervised area: the area north of the dining room and bar dividing wall.
 - (ii) Restricted area: The casino area.
- (iv) There shall be a "Host Responsibility Policy", similar to that which accompanied the application dated 30 July 2020, in place at all times.

Dated at Hokitika this 2nd day of September 2020



Chairman, Westland District Licensing Committee

