

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

AND

IN THE MATTER of an application for a special licence pursuant to s. 137 in respect of premises situated at 42 Hamilton Street, Hokitika and known as Hokitika Club Incorporated by Hokitika Club Incorporated.

**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 applicant seeks a special licence for an event referred to in the application as Kelvin Taylor's 50th Birthday celebration.

The event is to occur on Saturday 24 October 2020 from 4.00PM until 3.00AM the following day.

A report from the Inspector concludes that the applicant is suitable to operate the event under a special licence.

The Inspector's report advises that the Medical Officer of Health does not have any concerns. I am unable to verify this statement and acknowledge that the Inspector could be more up to date than the complete file suggests.

A report from the Police has no objection to the grant of a licence.

Evaluation of Evidence

I have considered the application on the basis of the uncontested reports received and the complete file which has been made available to me. The application was not publicly notified. The matter can, therefore, be dealt with on the papers.

The applicant is Hokitika Club Incorporated which is an incorporated Society and is, accordingly, permitted to hold a special licence.

In common with almost every previous special licence application from Hokitika Club Incorporated the application and the supporting reports are of little value in determining why the application has been applied for. There could be several reasons for the application; the event could exceed the permitted hours or days of opening, there may be people attending the event who are not members of the club or there may be some other purpose that I can't identify.

The hours applied for are from 4.00pm on Saturday 24 October 2020 to 3.00am the following day. These hours and this day are readily able to be accommodated by the Club's substantive licence. I am left with the concluding assumption that the purpose of the application is to allow people who are not members of the Club on the premises for the purpose of attending the birthday celebration, or to allow alcohol sales and consumption after 1.30AM which is the latest hour permissible under the substantive licence. None of the tri-agency reports address this issue and I have readily come to the view that the purpose of the application is to allow people on the premises who are not members of Hokitika Club Incorporated.

I am of the view that the Westland District licensing Committee can have confidence in the Hokitika Club Incorporated's application as it is a licence holder of considerable experience with Special licenses in particular.

Although the inspector's report suggests that no designations are required, I have taken a different view and cannot identify any reason to ignore the substantive licence and treat the gaming room separately for the Fund-Raising event. The Gaming Room will be restricted for the evening.

Decision and Reasons

I am satisfied as to those matters provided for in s.142 of the Act.

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **111-2020** and I direct that a licence be issued pursuant to s.64 of the Act.

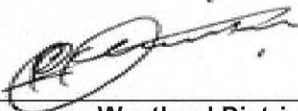
The terms and conditions will be:

The Licence may be exercised for the sale and supply of alcohol to any person attending the premises on Saturday 24 October, 2020 from 4.00PM until 3.00AM the next day.

Pursuant to section 147 (3)(b) of the Act drinking water shall be freely available to all customers from the bar and from the water chiller at all times that the licence is being exercised.

The gaming Room is to be designated a restricted area.

Dated at Hokitika this 1st day of October, 2020



Chairman, Westland District Licensing Committee

