

**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 23 Weld Street,  
Hokitika and known as Hokitika's  
Regent Theatre by Westland  
Community Centre 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.

**Conflict of Interest**

I am a member of the Westland Community Centre Incorporated and I am a member of the Theatre Management Committee. Prima Facie, there is a conflict of interest which needs to be clearly identified. The conflict is not a pecuniary (direct or indirect) interest; I personally have nothing to gain or lose financially. My conflict is one of association and is more likely to be a perception than a reality. The important issue is that I am not delegated by the Westland District Council any function other than to approve an application. The expectation is that I will grant any application (most probably subject to conditions) where prerequisites are established. I have very little room to maneuver so any conflict is surpassed by the substantive delegation from the Council. That said, I have no doubt that there will be someone somewhere who will see things differently so it is sensible for me to make a definitive statement that any perceived conflict of interest requires no particular management except an open mind which is anticipated with regard to all applications that fall to me for my consideration.

**Summary of Evidence**

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

The Westland Community Center Incorporated owns and manages Hokitika's Regent Theatre on behalf of the community and the WCCI is entitled by the Sale and Supply of Alcohol Act 2012 to hold a licence.

The application is detailed and appears to have been made with some conviction.

The Inspector has reported and has concluded that the applicant is suitable to hold a licence, the hours proposed (Monday to Sunday from 10.00am until 12.00 midnight) are reasonable and that the nature of the premises is satisfactory.

The Police have no objection to the grant of this new on-licence.

The Medical Officer of Health has no opposition to the grant of this new on-licence.

### **Evaluation of Evidence and Reasons**

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.

The Westland Community Centre Incorporated is no stranger to licenses granting the sale and supply of alcohol. Many applications have been granted in the past for Special Licenses for particular events that have been held at the Theatre. Without exception these events have never captured the attention of the Council, the Police or the Medical Officer of Health for the wrong reasons. The applicant has provided a copy of its Host Responsibility Policy and its contents would suggest that the applicant has relevant experience in the sale and supply of alcohol and has a sound understanding of the importance of safe sale and supply practices.

The application and the inspector's report address the need for designations. It is proposed that the entire building should be undesignated, and this would seem to be functional. No designations are required.

There are no amenity and good order issues identified. It is worth noting that the Applicant does not intend selling and supplying alcohol at all times that the theatre is open. An alcohol service will only be available on occasions and at events. I would anticipate that this is an intention that will be monitored by the Tri-agencies. The Inspector has noted in his report that the applicant has access to staff who are qualified managers or who have sufficient experience in operating a safe alcohol service.

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 123-2020 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 10.00am to 12.00 Midnight

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 is entitled "Host Responsibility Policy: Hokitika's Regent Theatre", in place at all times.
- (c) The Principal Entrance is to be described as "The entrance to the cinema off Weld Street".
- (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

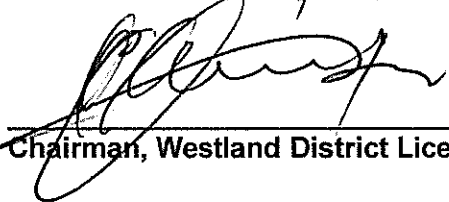
(ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

(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 23<sup>rd</sup> day of October, 2020.



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Chairman, Westland District Licensing Committee