

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 by Westland Racing
Club Incorporated in respect of
premises known as The Hokitika Race
Course at Dalton Street, Hokitika.

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

A special licence is sought for the purposes of providing an Alcohol Service at the Westland Racing Club meeting at the Hokitika Race Course on 15 January 2019.

A report from the Inspector concludes that the applicant is suitable to hold a special licence.

The Police have no opposition to the grant of the special licence.

The Medical Officer of Health has no opposition to the grant of the special 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 application is well made and well documented and indicates that the Applicant is well aware of the need to ensure that an environment capable of supporting the notion that the consumption of alcohol should be undertaken safely and responsibly.

I note that suitably qualified managers have been appointed to oversee the responsible sale and supply of alcohol.

The complete file includes a copy of a document entitled *Alcohol Management Plan for Hokitika Races*. This document indicates to me that the Westland Racing Club takes its responsibilities seriously and that the applicant Club clearly intends selling and supplying alcohol safely and responsibly.

I do note commentary in the Inspector's report referring to section 235 of the Act which relates to offences associated with allowing an unlicensed premises to be used as a place of resort and that The applicant will allow the public to bring and consume alcohol at the Racecourse on Race day. The Inspector advises that he has told the applicant of the provisions of section 235 and that he applicant's stance is that the Club will not be acting out of conformity with Section 235 as the Hokitika Race Day is a family fun day and that the availability of alcohol is a minor consideration only. The inspector observes that the Club's approach could be tested by potential action by the police. This is not an issue that stands in the way of making a decision on this application to grant the Special Licence applied for; but I do observe that there would appear to be a confrontational element that does not bode well for the applicant should the police proceed with prosecution relying on Section 235. I hope that the Club has taken proper and considered advice. The Westland District Licensing Committee would not be pleased if action ensued and was successful because the Applicant Club failed to heed a warning; although, on the face of it, the racing club will be using the Racecourse for the purposes that it intended rather than as a place to which the public can resort to for the purposes of consuming alcohol; unless the Applicant Club advertises to the contrary.

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 **239-2019** and I direct that a licence be issued pursuant to s.64 of the Act.

The terms and conditions will be:

1. The Licence may be exercised for the sale and supply of alcohol to any person lawfully attending the premises on Tuesday 15 January from 11.00AM through to 7.00PM the same day.
2. Pursuant to section 147 (3)(b) of the Act drinking water shall be freely available from the bar areas to all customers at all times that the licence is being exercised.
3. A copy of the Westland Racing Club "Alcohol Management Plan for Hokitika Races" (first page only) shall be clearly posted at each point of sale.

Dated at Hokitika this 8th day of January, 2018



Chairperson, Westland District Licensing Committee

