

Decision number: 050-2024

**IN THE MATTER** of Sale and Supply of Alcohol  
Act 2012(the Act)

**AND**

**IN THE MATTER** of an application by  
**Westland Developments  
Limited** pursuant to s120  
and 127 of the Act for the  
renewal and variation of the  
ON Licence in respect of  
premises situated at 2 Weld  
Street, Hokitika  
known as the "**Stumpers  
Bar & Cafe**"

**BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE**

**The Application**

**Westland Developments Limited** applies for the renewal and variation of the ON Licence in respect of premises situated at 2 Weld Street, Hokitika known as "**Stumpers Bar & Café**".

The business is tavern that offers food, alcohol and accommodation to the locals, and traveling tourists.

The current days and hours are **Monday to Sunday 8.00am to 4.00am the following day. A reduction of hours to 3.00am is sought.**

These hours are within the default national maximum trading hours for ON licensed premises.

The application was publicly notified on the council website from the 18<sup>th</sup> of October 2023. No objections were received from members of the public.

**Reasons for the Decision**

Neither the Police nor the Medical Officer of Health has raised any matters in opposition.

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The inspector reports that the amenity and good order of the area has not been reduced by more than a minor extent.

We also note that the applicant seeks a Restricted Area designation in the gaming room.

We will not be drawn into designating a gaming room as a Restricted Area purely to accommodate gaming machines in line with previous decisions of the Liquor Licensing Authority.

In **Thomas Edmund Leon Downes PH 485/2002 and Sporting Investments Limited PH 486/2002**<sup>1</sup> the Authority gave a clear ruling incorporating three principals at paragraph 49, but the one of relevance to this case is:

*Gaming rooms per se will not be designated. Where the room or place in which the gaming machines are situated is not a bar within the confines of a hotel or tavern, a designation is inappropriate on the basis that the sale, supply or consumption of liquor is not the principal or exclusive activity.”*

In **Premier Restaurant & Tavern Limited**<sup>2</sup> the Liquor Licensing Authority said at paragraph [62]:

“If gaming machines are not the concern of this Authority, then why should this Authority impose a designation to enable the site operator to run a gaming parlour? ... In the final analysis we have a duty to exercise our discretion ‘in the manner that is most likely to promote the object of the Act’. (s.4(2)). If gaming machines are beyond our purview, then why would we exercise a discretion which will not only encourage the spread of such machines, but bring the sale and supply (of alcohol) into disrepute?”

In **Kim Ashton Williams LLA 2291/96**<sup>3</sup> at paragraph [46] the Authority said:

*We have come to the view that in assessing which parts of any premises should be designated, our duty is **to impose a designation on any bar or other area used principally or exclusively for the sale or consumption of liquor**” (our emphasis)*

In line with these decisions, we intend to designate the bars and gaming areas as Supervised Area at all times. If the applicant chooses to designate the gaming

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<sup>1</sup> Thomas Edmund Leon Downes PH 485/2002 and Sporting Investments Limited PH 486/2002

<sup>2</sup> Premier Restaurant & Tavern Limited

<sup>3</sup> Kim Ashton Williams LLA 2291/96

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room as a **Restricted Area** under their obligations under the Gambling Act 2003 that is a matter for them.

I am satisfied as to the matters to which we must have regard as set out in s.120 and 131 of the Act.

I deal with the application on the papers.

### **DECISION**

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Westland Developments Limited** for the renewal and variation of the ON Licence in respect of premises situated at 2 Weld Street, Hokitika known as “**Stumpers Bar & Café**” subject to conditions.

We refresh the licence conditions to reflect best practice.

### **Conditions:**

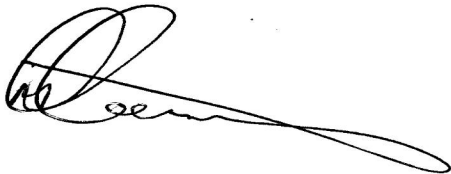
The ON licence is subject to the conditions listed below:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:  
**Monday to Sunday 8.00am to 3.00am the following day;**
  2. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to dine or lodging on the premises;
  3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
  4. The bar area and gaming room are designated as **Supervised Areas**. The restaurant side and outdoor dining area that are to remain undesignated.
  5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages.
  6. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with
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- the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted;
7. A properly appointed certificated, or Acting or Temporary, manager must be on duty at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;
  8. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises;
  9. The Licensee must display:
    - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
    - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
    - c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises;

The renewal will be for three years from the expiry of the current licence and a replacement licence is to be issued.

**DATED** at Hokitika this 10<sup>th</sup> day of April 2024



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**Murray Clearwater**  
**Chairperson/Commissioner**  
**Westland District Licensing Committee**

