

636. The holders of both publicans' and accommodation licenses are innkeepers (see the definition of innkeeper in section 4 of the Licensing Act, 1908). Under section 165 of the Act, which virtually states the obligation of an innkeeper at common law, every innkeeper commits an offence if he fails, except for some valid reason, to supply lodging, meals, or accommodation to travellers. He is entitled to refuse for a valid reason. One valid reason exists when the house is full.

The innkeeper is under no legal obligation to supply accommodation to persons who are not travellers. It is a question of fact whether, in all the circumstances, the person staying at an hotel ceases to have the status of a traveller. On the other hand, the innkeeper may make a special contract for board and residence. The relationship of innkeeper and guest does not then exist. The rights of the parties are regulated by the contract.

637. In New Zealand, innkeepers often have permanent boarders. The number of permanent boarders reduces the accommodation for travellers. We accept the view that licensees are entitled to take in permanent boarders, even though the accommodation for travellers is thereby reduced. Some permanent boarders are relatives of the licensee (R. 897 and 907). But some licensees try to avoid their duty of taking in guests. They say that they are full when they are not (R. 233, 2817, 3014, and 7120). One instance was given of a licensee who had placed articles of clothing in a bedroom to give the appearance of having a boarder when he had not (R. 7121). The Commissioner of Police stated that when the police investigated complaints with reference to licensees not providing accommodation, the explanation very often was that the bell was not working or that the licensee did not hear the application. In some cases the police themselves had had to give travellers accommodation at their own houses (R. 543).

638. There are also hotels which could easily be made suitable guest-houses, but where the proprietor would not provide decent accommodation by a small expenditure on furnishings and appointments. There was one fairly large hotel in Auckland where this was the position (R. 7120).

SECTION 5.—THE QUALITY OF SERVICE IN HOTELS

(See para. 583)

639. Another aspect of hotel accommodation is the quality of the service. An hotel should aim to provide the traveller with the comfort and convenience of a modern hotel. He should be made to feel that he is welcome. He should be efficiently and courteously served from the time he enters the hotel. He should have a warm, well-lighted, comfortable, and tastefully furnished room. He should be served with appetizing, wholesome, and properly cooked food. He should be able to entertain his friends in a comfortable and tastefully furnished lounge. He should have available suitable rooms and aids for business purposes. In using these amenities, he should have courteous and pleasant service from the hotel staff.

640. We think it is not likely that there will be adequate hotels for the travelling public until there is a widespread realization by proprietors of the true function of an hotel. If the proprietor regards the hotel primarily as a place in which to sell beer instead of to provide accommodation, the accommodation is likely to suffer. If he regards the hotel as primarily a place to provide accommodation and only secondarily as a place at which to supply the liquor that may be required by guests, the accommodation will improve. In New Zealand the percentage of profit attributed to the bar is much greater than to accommodation. In Canada the reverse is the case. We were informed by Mr. J. W. Collins, who was the New Zealand Trade and Tourist Commissioner in Canada and the United States of America between 1930 and 1938, that in Canada 60 per cent. of the revenue of hotels is derived from the accommodation and only 40 per cent. from liquor (R. 1789).