

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **OCEAN VIEW
CATERERS COMPANY LIMITED**
for an On- Licence pursuant to section
100 of the Sale and Supply of Alcohol Act
2012, in respect of the premises situated
at 119 Tennyson Street, Napier South,
Napier and known as “Theatre Catering”.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application for a new On-Licence was advertised in the Hawkes Bay Today on the 21 and 28 February 2020; together with statutory signage on the building. No objections were received and no s. 103 reports noted any opposition.

Therefore the matter is considered by the Napier District Licensing Commissioner on the papers contained in the full file provided by the secretary in accordance with the provisions of s.202 (1) and 191(2) of the Sale and Supply of Alcohol Act 2012.

Commissioner: Stuart Hylton

RESERVED DECISION OF THE NAPIER DISTRICT LICENSING COMMITTEE

Application

- (1) The application was made on the 20 February 2020 on the prescribed form. The application seeks to establish a new license for an existing Function Centre at 119 Tennyson Street, Napier South, Napier. The applicant has obtained the necessary resource consent and lease to hold and manage a Liquor Licence. The general nature of the business will continue to be that of a function centre which used to operate under a ‘caterers style’ ON licence. After appropriate discussions with the Inspector, the applicant decided to apply for ‘function style’ ON licence as this better reflected the type of operation.
- (2) The premises at 119 Tennyson Street, Napier South, Napier is owned by Napier City Council who have given permission for this application. The licensed area is to include the three main areas of the building as previously licensed and as demarcated on the application’s floor plan dated 20 February 2020. The principle entrance is that off Tennyson Street, Napier.
- (3) The applicant is an incorporated company with two directors/shareholders. The applicant was the same entity which held the previous licence on the premises.

- (4) The premise will continue to be known as ‘Theatre Catering’ and is seeking to remain ‘undesignated’ throughout.
- (5) The complete file that the District Licensing Committee received included evidence that the following was provided as part of the application –
 - The application
 - Certificate of incorporation
 - Floor plan
 - A s. 100(f) RMA/ Building Act compliance letter from Council
 - Letter from applicant’s landlord agreeing to the application to be licensed.
 - Letter from landlord representative as having the necessary evacuation scheme
 - Copy of public notice on the building
 - Host Responsibility Policy
 - Full menu
 - Public Advert wording
 - Reports from Police, Medical Officer of Health and Inspector

Decision Making

- (6) In considering this application for On-Licence the District licensing Committee (here in after referred to as the ‘Committee’) had regard to the criteria specified under s. 105 of the Act.
- (7) **the object of this Act:**

This is a change of type of licence with an existing licensed premise. The applicant provided a Host Responsibility Policy that shows how alcohol will be sold in a responsible manner under the licence. If followed this should ensure the object of the Act continues to be complied with.
- (8) **the suitability of the applicant:**

The applicant, Ocean View Caterers Company Limited, is an incorporated company with two directors and two shareholders. The directors have an interest to ensure the licence is a success and the statutory responsibilities are adhered to. The Inspector reports there has been no previous issues with the applicant under the old licence.

Three certified managers are named on the licence application. This is seen as adequate.
- (9) The inspector and reporting agencies do not challenge suitability of the applicant and neither do I.
- (10) **any relevant local alcohol policy:**

The Napier LAP has been adopted. The inspector has noted that the application accords with the LAP.

(11) **the days on which and the hours during which the applicant proposes to sell alcohol:**

The applicant has applied for the following days and hours –

- **Monday to Sunday, 8.00am to 2.00am the following day,**

These are the same hours that have operated under the previous licence and they accord with the national default maximum trading hours.

(12) **the design and layout of any proposed premises:**

The application included a floor plan that shows the area to be licensed which is the three main areas under existing licensed footprint. The whole of the licensed premise is to be undesignated which is supported by the inspector.

(13) **whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:**

No.

(14) **whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:**

Within the agency reports there are no concerns about the possible reduction in amenity and good order from any licence issue.

The premise is an existing use in an appropriately zoned area which should ensure the amenity and good order of the locality are not effected by more than a minor extent.

(15) **whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—**

(i) **they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but**

(ii) **it is nevertheless desirable not to issue any further licences:**

No concerns raised.

(16) **whether the applicant has appropriate systems, staff, and training to comply with the law:**

If the host responsibility policy is followed the licence holder should have no problems with compliance. The applicant has taken their licensing responsibilities seriously previously and there is no reason to suggest this will not continue.

Reporting Agencies

(17) The following reports were received under section 103 of the Act.

(18) **Police** – Report received on 4 March 2020, offering no opposition.

- (19) **Medical Officer of Health** - Report received on 25 February 2020, offering no opposition.
- (20) **Licensing Inspector**
Full report dated 6 April 2020. The inspector provided a comprehensive report into the application, has met the applicant and concluded that the application is complete, appears to meet the criteria for a new on-licence and therefore has no opposition to the application. The inspector has suggested possible conditions.

Committees Decision and Reason

- (21) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my assessment above, I conclude that the application meets the s. 105 criteria under the Act to be granted an on-licence for the premise situated at 119 Tennyson Street, Napier and known as 'Theatre Catering'.
- (22) Accordingly the application is **approved** for issue for one year subject to the following conditions and payment of any outstanding fees, if any.
- (23) The licence will be subject to the following conditions:
- (a) The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol, at reasonable prices, a reasonable range of non-alcoholic drinks and low alcohol drinks.
 - (b) The licensee must have free drinking water available for customers at each bar whilst open for business.
 - (c) Liquor may only be sold only on the following days and during the following hours:
 - **Monday to Sunday, between 8.00am and 2.00am the following day,**

EXCEPT THAT on Good Friday, Easter Sunday, and Christmas Day, or before 1pm on Anzac Day, no alcohol is to be sold or supplied on the premises unless the buyer is a person who is present on the premises to dine or residing or lodging on the premises.
 - (d) Food must be available for consumption on the premises at all times when the premises are open for the sale of alcohol in accordance with the menu submitted with the application, or variations of that menu of a similar range and standard.
 - (e) The licensee must ensure that, at any time customers are lawfully on the premises,—
 - (i) there is readily available to the customers, free, comprehensive, and accurate information about the forms of transport from the premises that are available at that time; and
 - (ii) there are on the premises, and readily accessible to the customers, staff able to give them comprehensive and accurate information about the forms of transport from the premises that are available at that time; and

- (iii) those staff will on demand give any customer appropriate advice free.
- (f) The licensee must ensure that for each principal entrance to the premises there is displayed at all times a sign attached to the inside or outside of the premises, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the premises are open for the sale of alcohol
- (g) The licensee must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—
 - (i) attached to the inside of the premises concerned; and
 - (ii) so as to be easily read by people entering each principal entrance.
- (h) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (i) The licensee and managers on duty must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

3 Decision

Accordingly the application is **Approved** for issue from this date.

Dated at Napier District this 11 April 2020.

Signed



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Stuart Hylton
Napier District Licensing Commissioner