

DECISION NUMBER

1284/2020

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Banbury Cross Limited** for a new Off- Licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 40 Hastings Street, Napier South, Napier and known as “Bistronomy Vino Tech”.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application for a new Off-Licence was advertised in the Hawkes Bay Today on the 9 and 16 July 2020 with no objections received. A site notice was also displayed in accordance with s. 101(a) of the Act.

No matters of opposition were raised under section 103 reports; therefore the matter was 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) This application is for a new off licence by **Banbury Cross Limited** at 40 Hastings Street, Napier South, Napier and known as “Bistronomy Vino Tech”. This is a new business for a premise that holds an On-licence already and it’s intended to be designated as ‘Supervised’.

(2) The application for new off-license was made on 3 July 2020 on the prescribed form. The general nature of the business will continue to be that of a Tavern (On-Licence) with over the counter alcohol sales (Off-licence). The premise owners have given written permission for the applicant to operate an off licence from the premise and they have Council certificate to say the activity complies with the properties resource consent. The principle entrance is to be located off Hastings Street.

(3) The premises would be designated as ‘Supervised’.

(4) The complete file that I received included –

- The application
- Certificate of incorporation
- Social Responsibility Policy
- Lease deed
- Floor plan
- Photos of s. 101(a) compliance
- Copy of Newspaper advertisement
- Council Building and Resource Management Compliance Statement
- Fire evacuation declaration from owner

- Building and Planning Certificates of compliance
- Reports from Police, Medical Officer of Health and Inspector

Decision Making

(5) In considering this application for Off-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.

Sections 105 Analyses:

(6) the object of this Act:

The Inspector inquired into the application seeking evidence that the object of the Act will be complied with under this licence. The applicant provided a host responsibility policy and alcohol management plan that if followed should ensure statutory compliance. In any event the first licence period of a year should be suitable time to assess compliance with the object of the Act before first renewal period.

(7) the suitability of the applicant:

The applicant is a private company incorporated in 2009 with one director/two shareholder.

The applicant supplied names of three certified manager to be employed on the premises, which is seen as appropriate for this type of premises.

The inspector and reporting agencies do not challenge suitability of the applicant and neither do I.

(8) any relevant local alcohol policy:

Application accords with local policy.

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

Applicant has applied for the following hours –

Monday to Sunday 9.00am to 10.00 pm.

These hours are within the national trading hours and are considered reasonable for this type of operation.

(10) the design and layout of any proposed premises:

The premise is a relatively small tavern type premise that is defined on the plan date stamped as received by the Council on 3rd July 2020. No concerns by the agencies with layout etc.

(11) 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:

I accept the inspectors assessment that there have been no complaints about nuisance type offences in the area in the past and that if managed well this should continue with no or little reduction in amenity due to the issue of the licence.

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

The applicant has nominated three managers to manage the licence. The inspectors report notes the premise has appropriate systems and knowledge.

Reporting Agencies

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

(14) **Police** – Report received on 17 July 2020, of no opposition.

(15) **Medical Officer of Health** - Report received on 20 July 2020, of no opposition.

(16) **Licensing Inspector**

Full report dated 10th August 2020. The inspector provided, amongst other things, his assessment of the application in relation to the Act. The inspector also assessed the application against s105 criteria. This assessment has been referred to in this report.

The inspector concluded that the application is complete and will likely meet the criteria for a new off – licence. No opposition raised within the inspectors report and draft conditions suggested.

Committees Decision and Reason

(17) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my site inspection and my assessment above, I conclude that the application generally meets the s. 105 criteria under the Act to be granted a new off-licence for the premise situated at 40 Hastings Street, Napier South, Napier and known as “Bistronomy Vino Tech”.

(18) Accordingly the application is **approved** for issue for one year subject to the conditions outlined in the Inspectors report and payment of any outstanding fees, if any.

Dated at Napier District this 11th day of August 2020.

Signed



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Stuart Hylton
Napier District Licensing Commissioner