

**DECISION NUMBER**

**1462/2020**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **ML and SONS HOSPITALITY GROUP 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 246 Gloucester Street, Taradale, Napier and known as “The Village Restaurant and Bar”.

**BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE**

The application for a new On-Licence was advertised in the Hawkes Bay Today on the 6 and 11 June 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 28 April 2020 on the prescribed form. The application seeks to establish a new license for an existing bar/restaurant that has changed hands. The premises is at 246 Gloucester Street, Taradale, Napier.

The general nature of the business will be a ‘tavern style’ ON-licence.

- (2) The premises at 246 Gloucester Street, Taradale, Napier is owned by Thomas Brummer who has given permission for this application. The licensed area is the Bar and Restaurant areas of the building as previously licensed, as demarcated on the application’s floor plan dated 28 April 2020. The principle entrance is that off Gloucester Street, Napier. There is two small areas on the footpath that require Council’s ‘licence to occupy’. This is being procured.
- (3) The applicant is an incorporated company with one director and two shareholders.
- (4) The premise will be known as ‘The Village Restaurant and Bar’ and is seeking to remain ‘supervised’ 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 new licence within an existing licensed premise which comes about from a change of ownership. 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, ML and SONS HOSPITALITY GROUP LIMITED, is an incorporated company with one director and two shareholders. The director and shareholders 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 Temporary Authority.

Three certified managers are named for 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 1.00am 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. The whole of the licensed premise is to be 'supervised' 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 11 May 2020, offering no opposition.

- (19) **Medical Officer of Health** - Report received on 1 May 2020, offering no opposition.

- (20) **Licensing Inspector**

Full report dated 24 August 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 246 Gloucester Street, Napier and known as ‘The Village Restaurant and Bar’.

- (22) Accordingly the application is **approved** for issue for one year subject to the conditions identified in the Inspectors report and a Licence to Occupy being procured for the public places.

**3 Decision**

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

**Dated at Napier District this 31 August 2020.**

**Signed**



.....  
**Stuart Hylton**  
**Napier District Licensing Commissioner**