

DECISION NUMBER

1287/2020

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Gobsmackingly Good 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 31 Napier Terrace, Hospital Hill, Napier and known as “The Damson Collection”.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application for a new Off-Licence was advertised in the Hawkes Bay Today on the 23 and 30 October 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 Committee 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 is a new licence for a remote sales style off-licence resulting from a change of business premises location. The licence i.e. 30/OFF/1279/2019, was issued to the applicant in relation to the address at 45 Napier Terrace, Napier. That licence has expired and the applicant is now located at 31 Napier Terrace, Hospital Hill, Napier, hence the new application.
- (2) The application for new off-licence was made on the prescribed form. The general nature of the business will continue to be that of a ‘Remote Seller’ Style OFF-licence. As such sales will be made via the computer. The premise is located in a residential zone and the application included a certificate of compliance with Resource Management Act 1991 and NZ Building Code.
- (3) The file contained evidence that the business is an approved type for which off-licences may be issued in terms of the Act.
- (4) The complete file that I received included –
 - The application
 - Certificate of incorporation
 - Host Responsibility Policy
 - Floor plan
 - Copy of Newspaper advertisement
 - 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 that if followed should ensure statutory compliance.

(7) **the suitability of the applicant:**

The applicant is a company with the same structure as on the previous licence.

The applicant supplied the name of one certified manager, which is seen as appropriate.

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

(8) **any relevant local alcohol policy:**

The application accords to the local alcohol policy.

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

Applicant has applied for the following hours –

At any hour on any day.

These hours are within the national trading hours.

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

The premise is a residential premise from which orders are taken over the internet. No concerns noted with design and nor should there be.

(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 one manager.

Reporting Agencies

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

- (14) **Police** – Report received on the 30 October 2020, of **no opposition**.

(15) **Medical Officer of Health** - Report received on 22 October 2020, of **no opposition**.

(16) **Licensing Inspector**

Full report dated 8 December 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 (remote seller). **No opposition** raised within the inspectors report and relevant conditions suggested for this type of licence.

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 31 Napier Terrace, Hospital Hill, Napier, and known as “The Damson Collection”.

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

Dated at Napier City this 9 December 2020.

Signed



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Stuart Hylton
Napier District Licensing Commissioner