

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **Indigo  
Napier Limited** for a  
variation of On Licence  
pursuant to section 120 of  
the Supply of Alcohol Act  
2012.

**BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE**

The application for variation of On Licence (030/ON/1266/2019) was publically advertised in the Hawkes Bay Today on 10 and 17 October 2020 along with a display notice attached to the premise in accordance with the Regulations, with no objections received.

As no matters of opposition were raised under section 102 and 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.

**Commissioner:Stuart Hylton**

**RESERVED DECISION OF THE NAPIER DISTRICT LICENSING COMMITTEE**

**1. Application**

On the 21 October 2020, **Indigo Napier Limited** on the prescribed form made application for variation of an On-licence.

The application for variation of On-Licence is in relation to the premises known as '*Indigo*' situated at 24a Hastings Street, Napier South, Napier.

The general nature of the business is that of a 'Restaurant Style On licence'. The variation application seeks to extended the licensed footprint to accommodate the footpath in the front of the premises.

The complete file included –

- The application
- Fire evacuation compliance statement
- Host Responsibility Plan
- Owner permission letter
- Food/Drinks list
- Floor plan
- Photo's
- Copy of draft public notice and public display
- Existing Licence
- Reports from Police, Medical Officer of Health and Inspector

**2. Decision Making**

In considering this application for On-Licence the licensing committee had regard to the criteria under section 105/120 of the Act. Section 105 assessments were made

referencing the inspector's full report and own assessment. I accept the inspector's assessment and recommendations.

Key matters raised in the application including the inspector's report were –

- The applicant is a private company with no changes to company structure.
- The premise has not come to the notice of authorities in an adverse manner.
- The applicant provided a host responsibility policy that if followed should ensure the object of the act is met.
- The applicant appears to have appropriate systems, staff and training to comply with the law.
- There were no reports questioning suitability and therefore neither do I.
- The current hours are not changing i.e.

**Monday to Sunday, between 10.00am to 2.00am the following day.**

- Floor plan provided works well for the general nature of the business held on the premises. The whole of the premises will remain 'Undesignated' and the extended area has a licence to occupy that was also shown on the revised site map.
- An environmental scan of the area suggests there is no reason to believe the amenity and good order of the locality would likely to be increased, more than a minor extent, by the effects of a refusal to vary the licence.
- The applicant has satisfactory systems for staff training and performance.

**3 Reporting Agencies**

The following reports were received under section 103 of the Act and taken into account during the decision.

**3.1 Police** – Report received on 30 October 2020, of no opposition.

**3.2 Medical Officer of Health** – Report received on 22 October 2020, of no opposition.

**3.3 Licensing Inspector** – Full report dated 16 December 2020. The inspector has no opposition to the application and assessed the application against s. 105 matters with no matters of opposition raised. The inspector concludes that the application meets the criteria for variation of the licence as sought.

**4 Conclusion**

Based on the evidence provided to me within the complete file, my assessment above of section 105 matters and the past operation of the premise/licensee, I conclude that the application by **Indigo Napier Limited** meets the statutory criteria to be granted a variation of On-Licence under the Act.

The licence will be subject to the existing conditions on the licence with the extended licensed area (Variation).

**5 Decision**

Accordingly the application is **Approved** for issue immediately.

**Dated at Napier District this 17 day of December 2020.**

**Signed**

A handwritten signature in blue ink, appearing to read 'Stuart Hylton', is written over a faint circular stamp.

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