

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **Painuli Limited** for a renewal of On Licence pursuant to section 127 of the Supply of Alcohol Act 2012.

**BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE**

The application for renewal of BYO On Licence (030/ON/1434/2019) was publically advertised in the Hawkes Bay Today on 19 March 2020 along with a display notice attached to the premise in accordance with the Regulations, with no objections received. The notice of renewal incorrectly listed the trading hours. The Committee does not believe the error was willful or that anyone was discernably disadvantaged so we issue a s. 208 waiver for this inaccuracy.

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 17 March 2020, **Painuli Limited** on the prescribed form made application for renewal of an On-licence. This is the second renewal application by the licensee.

The application for renewal of On-Licence is in relation to the premises known as '*Flavour of India*' situated at 132 Kennedy Road, Marewa, Napier.

The general nature of the business is that of a 'BYO Restaurant Style On Licence'. The renewal application seeks to renew with the same existing conditions. The premise has not come to the notice of authorities in an adverse manner during the renewal period.

The complete file included –

- The application
- Fire evacuation compliance statement
- Host Responsibility Plan

- 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 131 and 105 of the Act. Section 105 assessments were made using the inspector's full report and own assessment. I accept the inspector's assessment and recommendations.

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

- The applicant is a private company who have operated this licence for five years. No managers are named for the licence which is adequate for a BYO licence.
- The premise has not come to the notice of authorities in an adverse manner during the renewal period.
- The applicant provided a host responsibility plan that if followed should ensure the object of the act is met.
- The applicant is 'hands on' in the business. The applicant appears to have appropriate systems, staff and training to comply with the law.
- There were no reports questioning suitability and neither do I.
- The current hours wanting to be renewed have operated without incident i.e.

**Monday to Sunday, between 11.00am to 12.00 midnight.**

- Floor plan provided works well for the nature of the business held on the premises. The premise will continue to be 'Undesignated' which is normal for a BYO restaurant type ON-licence.
- No CPTED or amenity or good order issues raised with renewal. 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 renew the licence.
- The applicant has satisfactory systems for staff training and performance.

- The application accords with the Napier LAP.

### 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 28 April 2020, of no opposition.

**3.2 Medical Officer of Health** – Report received on 20 March 2020, of no opposition.

**3.3 Licensing Inspector** – Full report dated 20 May 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 is complete and recommends renewal of the licence with existing conditions.

### 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 **Painuli Limited** meets the statutory criteria to be granted a renewal of a BYO On-Licence under the Act for a period of three (3) years, from the expiry date of the previous licence.

The licence will be subject to the existing conditions.

### 5 Decision

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

**Dated at Napier District this 22 day of May 2020.**

**Signed**



.....

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