

Decision Number **4870/2020**

Application number: **SP4870**

IN THE MATTER of the Sale and Supply of Alcohol Act
2012 (the Act)

AND

IN THE MATTER of an application by **Herschell House
Limited** for a special licence pursuant to
section 137 of the Act on the occasions of
'Escape Nights' events to be held at 14
Herschell Street, Napier South, Napier.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

Chairperson
Mr Stuart Hylton

DECISION

1. Introduction

This is an application by **Herschell House Limited** for a special licence in regard to a series of events to be held at 14 Herschell Street, Napier South, Napier and known as Archies Bunker. The nature of the events for which the licence is sought are 'Escape Nights'.

The dates and hours sought are –

- Saturday 28 November 2020, between 2:00pm & 11:00pm
- Friday 4 December 2020, between 2:00pm & 11:00pm
- Saturday 5 December 2020, between 2:00pm & 11:00pm
- Thursday 10 December 2020. between 2:00pm & 11:00pm
- Friday 11 December 2020, between 2:00pm & 11:00pm
- Saturday 12 December 2020, between 2:00pm & 11:00pm
- Thursday 17 December 2020, between 2:00pm & 11:00pm
- Friday 18 December 2020, between 2:00pm & 11:00pm
- Saturday 19 December 2020, between 2:00pm & 11:00pm
- Thursday 18 February 2021, between 2:00pm & 11:00pm
- Friday 19 February 2021, between 2:00pm & 11:00pm
- Saturday 20 February 2021, between 2:00pm & 11:00pm

Note: The dates/hours have changed since first lodged and the Committee has accepted the Inspector's comment that the above dates/hours are what's requested.

2. Application

The application was received on the 2nd November 2020 and included a site plan showing the area to be licensed.

The application was not advertised and no opposition or notice of desire to be heard has been received under section 141 of the Act. Accordingly we deal with the matter on the papers in accordance with section 202(1).

In considering the application for special licence the committee had regard to the following criteria under section 142 of the Act:

- (a) the object of this Act:
- (b) the nature of the particular event for which the licence is sought and, in particular,—
 - (i) whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and
 - (ii) whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:
- (c) the suitability of the applicant:
- (d) any relevant local alcohol policy:
- (e) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence:
- (f) the days on which and the hours during which the applicant proposes to sell alcohol:
- (g) the design and layout of the premises concerned:
- (h) whether the applicant has appropriate systems, staff and training to comply with the law:
- (i) any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas:
- (j) any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed:
- (k) the applicant's proposals relating to—
 - (i) the sale and supply of non-alcoholic drinks and food; and
 - (ii) the sale and supply of low-alcohol drinks; and
 - (iii) the provision of help with or information about alternative forms of transport from the premises:
- (l) any matters dealt with in any report from the Police, the Medical Officer of Health, or an inspector made under [section 141](#).

3. Reporting Agencies

The following reports were received under section 141 of the Act.

Police Report – No opposition within report received on 5 November 2020.

Medical Officer of Health – No opposition within report received on 5 November 2020.

Licensing Inspector Report – Full report provided by the inspector including assessment of application against section 142 criteria. The Inspector concludes that the application is complete and will likely meet the criteria of the Act. Draft conditions are also offered by the inspector.

The file, including inspectors report, included the following key matters –

- The applicant is a registered company with one shareholder/director. The event is a series of events designed to create a business within the facility going forward. The applicant has held similar type special licences previously with no apparent issues.
- Suitability is not challenged.

- The premise is an old backpackers that has been in existence for a number of years and an extra special licence should not reduce amenity and good order of the locality.
- The premise is suitable for the type of event. The marked floor plan was included with no designations sought.
- The hours appear relevant for the event being undertaken.
- Three non-certified managers are nominated for the events requesting s. 213(2) exemption which is supported.
- Both the Police and MOH have no opposition to the application.

4. Decision

The Committee is satisfied as to the matters under the Act to allow the application to be granted. The application for Special Licence is **Approved** for issue subject to the conditions outlined in the inspectors report.

DATED at Napier this 22 November 2020.



Chairperson
Napier District Licensing Committee