

**DECISION NUMBER**

**1288/2020**

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER**

of an application by **Napier City Council** 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 On Licence (030/ON/1288/2017) was publically advertised in the Hawkes Bay Today on 14 and 21 August 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 12 August 2020, **Napier City Council** on the prescribed form made application for renewal of an On-licence.

The application for renewal of On-Licence is in relation to the premises known as '*Museum Theatre Gallery*' situated at 1 Tennyson Street, Napier.

The general nature of the business is that of a 'Function Centre Style On Licence'.

The renewal application seeks to renew with a varied condition to extend the licensed area. Currently most of the ground floor, first floor and basement are licensed and the applicant wants to increase the footprint to include the library area and entrance forecourt on the ground floor. The inspector supports the variation.

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 Territorial Authority who has operated this licence without known issues. The applicant has named four managers for the licence which is seen as adequate for this type of 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 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 are -

**Monday to Saturday, between 8.00am and 1.00am the following day.**

**Sunday, between 8.00am and 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 function 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 25 August 2020, of no opposition.

**3.2 Medical Officer of Health** – Report received on 17 August 2020, of no opposition.

**3.3 Licensing Inspector** – Full report dated 8 September 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 including extension of licensed area as requested.

**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 **Napier District Council** meets the statutory criteria to be granted a renewal of 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 along with an amended licensed footprint to include the variation request as shown within site/floor plan dated 12 August 2020.

**5 Decision**

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

**Dated at Napier District this 16 day of September 2020.**

**Signed**



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