

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **Beat
Not Fish 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 On Licence (030/ON/1372/2018) was publically advertised in the Hawkes Bay Today on 8 and 15 July 2021 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 5 July 2021, **Beat Not Fish 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 '*The Cabana*' situated at 11 Shakespeare Road, Napier.

The general nature of the business is that of a 'Function Centre 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
- 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 131 and 105 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 registered private company with no changes to structure.
- The applicant named one manager to manage the licence that is normally considered inadequate however notes the licensee is the manager and only opens when there's a function and should also be there.
- The premise has not come to the notice of authorities in an adverse manner during the renewal period. This is the second renewal application.
- 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 wanting to be renewed have operated without incident i.e.

Monday to Sunday, between 8.00am to 2.00am the following day.

- Floor plan provided works well for the general nature of the business held on the premises. The whole licensed premise is to remain undesignated.
- 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 renew 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 2 August 2021, of no opposition.

3.2 Medical Officer of Health – Report received on 19 July 2021, of no opposition.

3.3 Licensing Inspector – Full report dated 25 August 2021. 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 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 **Beat Not Fish Limited** 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 exiting conditions on the licence.

5 Decision

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

Dated at Napier District this 27 day of August 2021.

Signed

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

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Stuart Hylton
Napier District Licensing Commissioner