

**Decision Number**                    **4888/2021**

**Application number:**            **SP4888**

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

**AND**

**IN THE MATTER**                    of an application by **Maison Noire  
Limited** for a special licence (off style)  
pursuant to section 137 of the Act on the  
occasion of a 'Farmers Market' to be held  
at Lower Emerson Street, Napier.

**BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE**

Chairperson

Mr Stuart Hylton \_\_\_\_\_

**DECISION**

**1. Introduction**

This is an application by **Maison Noire Limited** for a special licence (off style) in regard to an event to be held at Lower Emerson Street, Napier and known as 'the Farmers Market'. The nature of the event for which the licence is sought is a 'Farmers Market Event'.

**The dates and hours sought are every Saturday for the year commencing –**

- **Saturday 30 January 2021, 8:30am to 1:00pm, and ending**
- **Saturday 29 January 2022, 8:30pm to 1:00pm.**

**2. Application**

The application included a site plan showing the areas 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 18 January 2021.

**Medical Officer of Health** – No opposition within report received on 14 January 2021.

**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 small wine producing Company who run a weekly stall at the farmers market to sell wine to persons for consumption off the premises. This is not the first special the company has applied to run and similar types of special licences have run without any known issues.
- Suitability is not challenged.
- The premise is a stall that the applicant is allocated each week and is within the area of the farmers market. A continuation of this licence should not reduce amenity and good order of the locality.
- The stall is suitable for the type of event and layout has been suitable in the past. The marked floor plan was included.
- The hours appear relevant for the event being undertaken.
- A certified manager is nominated for the event.
- 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 27 January 2021.

A handwritten signature in blue ink, appearing to be 'M. D.', written in a cursive style.

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Chairperson  
Napier District Licensing Committee