

**DECISION NUMBER**

**1477/2021**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **ROCK MY LIMITED** for a new On- Licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 80a Emerson Street, Napier South, Napier, to be known as “Rock My Belly”.

**BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE**

The application (ON1477) for a new On-Licence was advertised in the Hawkes Bay Today on the 16 and 23 January 2021; together with statutory signage on the building. No objections were received and no s. 103 reports noted any opposition.

Therefore the matter is considered by the Napier District Licensing Commissioner on the papers contained in the full file provided by the secretary in accordance with the provisions of s.202 (1) and 191(2) of the Sale and Supply of Alcohol Act 2012.

**Commissioner:Stuart Hylton**

**RESERVED DECISION OF THE NAPIER DISTRICT LICENSING COMMITTEE**

***Application***

(1) The application was made on the 11 February 2021 on the prescribed form. The application seeks to establish a new license for a premises that has previously not held a licence for a while. The applicant has obtained the necessary resource consent and lease to hold and manage a Liquor Licence. The general nature of the business will be that of a ‘restaurant style’ ON licence.

(2) The premises at 80a Emerson Street, Napier South, Napier is owned by Tony Jeffrey who have given permission for this application. The licensed area is the first floor of the premises, as demarcated on the application’s floor plan dated stamped 11 February 2021. The principle entrance is that off Emerson Street, Napier.

(3) The applicant is an incorporated company with three directors/shareholders.

(4) The premise will be known as ‘Rock My Belly’ and is seeking to be ‘undesignated’ throughout.

(5) The complete file that the District Licensing Committee received included evidence that the following was provided as part of the application –

- The application
- Certificate of incorporation
- Floor plan
- A s. 100(f) RMA/ Building Act compliance letter from Council
- Letter from applicant’s landlord agreeing to the application to be licensed.
- Letter from landlord representative as having the necessary evacuation scheme
- Copy of public notice on the building
- Host Responsibility Policy

- Full menu
- Public Advert wording
- Reports from Police, Medical Officer of Health and Inspector

### ***Decision Making***

(6) In considering this application for On-Licence the District licensing Committee (here in after referred to as the 'Committee') had regard to the criteria specified under s. 105 of the Act.

#### **(7) the object of this Act:**

This is a new licence of an existing licensed premise. The applicant provided a Host Responsibility Policy that shows how alcohol will be sold in a responsible manner under the licence. If followed this should ensure the object of the Act continues to be complied with.

#### **(8) the suitability of the applicant:**

The applicant, Rock My Belly Limited, is an incorporated company with three directors/ shareholders. The applicant has only supplied the name of one certified manager. The inspector is of the mind this person, being the chef and owner of the business, should ensure he is there at all times.

(9) The inspector and reporting agencies do not challenge suitability of the applicant and neither do I.

#### **(10) any relevant local alcohol policy:**

The application accords with the Napier LAP.

#### **(11) the days on which and the hours during which the applicant proposes to sell alcohol:**

The applicant has applied for the following days and hours –

- **Monday to Sunday, 8.00am to 12.00 midnight**

#### **(12) the design and layout of any proposed premises:**

The application included a floor plan that shows the area to be licensed. This is an existing licensed footprint contained on the first floor. The whole of the licensed premise is to be undesignated which is supported by the inspector.

#### **(13) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:**

No.

#### **(14) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:**

Within the agency reports there are no concerns about the possible reduction in amenity and good order from any licence issue.

The premise, where it is, should ensure the amenity and good order of the locality are not effected by more than a minor extent.

(15) **whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—**

**(i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but**

**(ii) it is nevertheless desirable not to issue any further licences:**

No concerns raised.

**(16) whether the applicant has appropriate systems, staff, and training to comply with the law:**

If the host responsibility policy is followed the licence holder should have no problems with compliance. The applicant appears to be taking their licensing responsibilities seriously which should assist the premise to be run in a compliant manner.

***Reporting Agencies***

(17) The following reports were received under section 103 of the Act.

(18) **Police** – Report received on 18 February 2021, offering no opposition.

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(19) **Medical Officer of Health** - Report received on 16 February 2021, offering no opposition.

(20) **Licensing Inspector**

Full report dated 9 March 2021. The inspector provided a comprehensive report into the application, has met the applicant and concluded that the application is complete, appears to meet the criteria for a new on-licence and therefore has no opposition to the application.

***Committees Decision and Reason***

(21) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my assessment above, I conclude that the application meets the s. 105 criteria under the Act to be granted an on-licence for the premise situated at 80a Emerson Street, Napier South, Napier and known as 'Rock My Belly'.

(22) Accordingly the application is **approved** for issue for one year subject to the conditions outlined in the Inspectors report and payment of any outstanding fees, if any.

**3 Decision**

Accordingly the application is **Approved** for issue from this date.

**Dated at Napier District this 15 March 2021.**

**Signed**



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