

DECISION NUMBER

1483/2021

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **LAKE HILL HOLDINGS 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 147 Emerson Street, Napier South, Napier, to be known as “Kolachi Café and Eatery”.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application (ON1483) for a new On-Licence was advertised in the Hawkes Bay Today on the 23 and 30 April 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 21 April 2021 on the prescribed form. The application seeks to establish a new license for a premises that has previously held a licence as a café since 2019. The applicant is currently operating the licence under Temporary Authority. 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 ‘cafe style ON-licence’.

(2) The cafe at 147 Emerson Street, Napier South, Napier, is owned by RW Snijders Trust who has given permission for this application. The licensed area is the indoor and outdoor areas of the relatively small café as detailed on the floor plan date stamped 21 April 2021. The principle entrance is that off the Emerson Road, Napier.

(3) The applicant is an incorporated company with one director and four shareholders.

(4) The premise will be known as ‘Kolachi Café and Eatery’ and is seeking to be ‘undesigned’ 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 is an incorporated company with one director and four shareholders. The applicant has only supplied the name of one certified manager which is a bare minimum.

(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 10.00pm**

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

The application included a floor plan that shows the areas to be licensed. This is an existing licensed footprint for the cafe. 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 7 May 2021, offering no opposition.

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(19) **Medical Officer of Health** - Report received on 10 May 2021, offering no opposition.

(20) **Licensing Inspector**

Full report dated 18 May 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 147 Emerson Street, Napier South, Napier and known as 'Kolachi Café and Eatery'.

(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 18 May 2021.

Signed

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

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Stuart Hylton
Napier District Licensing Commissioner