

DECISION NUMBER **4979/2021**

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

AND

IN THE MATTER of an application by **Bona Fide Brewing Limited** for a special licence pursuant to section 137 of the Act on the occasion of a 'Winemakers Showcase' to be held at 3/42 Tennyson Street, Napier South, Napier.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

Chairperson
Mr Stuart Hylton

DECISION

1. Introduction

This is an application by **Bona Fide Brewing Limited** for a special licence in regard to events to be held at 3/42 Tennyson Street, Napier South, Napier and known as the Georgia on Tennyson. The nature of the event for which the licence is sought is a 'Winemakers Showcase'.

The dates and hours sought are –

- Friday 29 October 2021, between 4:00pm & 10:00pm
- Friday 5 November 2021, between 4:00pm & 10:00pm
- Friday 12 November 2021, between 4:00pm & 10:00pm
- Friday 19 November 2021, between 4:00pm & 10:00pm
- Friday 26 November 2021, between 4:00pm & 10:00pm
- Friday 3 December 2021, between 4:00pm & 10:00pm
- Friday 10 December 2021, between 4:00pm & 10:00pm
- Friday 17 December 2021, between 4:00pm & 10:00pm
- Friday 7 January 2022, between 4:00pm & 10:00pm
- Friday 14 January 2022, between 4:00pm & 10:00pm
- Friday 21 January 2022, between 4:00pm & 10:00pm
- Friday 28 January 2022, between 4:00pm & 10:00pm

2. Application

The application was received on 2 October 2021 and included a site plan showing the area 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 13 October 2021.

Medical Officer of Health – No opposition within report received on 11 October 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 private company who which to hold a special licence for twelve dates to sell wines by Hawkes Bay Winemakers.
- Suitability is not challenged.
- The Inspector rightly raises the question whether a substantive On-licence is more appropriate than special licence for these events. The Inspector has raised this with the applicant who suggests if the events are successful they will consider applying for an On-licence. I consider this sufficient at this stage.

- The area to be licensed is a relatively small indoor/outdoor area as shown on the plan. The premises is zoned for such events and a continued special licence should not reduce amenity and good order of the locality.
- The premise is suitable for the type of event and layout has been suitable in the past. The marked floor plan was included which shows the entire premises will be licensed. No designation is requested.
- The hours appear relevant for the events being undertaken.
- One certified is nominated for the events. This is supported by the inspector.
- 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 15 day of October 2021.



Chairperson
Napier District Licensing Committee

