

DECISION NUMBER

1337/2021

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by **CKS
Developments Limited** for a
variation of On-licence pursuant to
section 120 of the Supply of Alcohol
Act 2012.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application for renewal of On Licence (030/ON/1337/2019) was publically advertised in the Hawkes Bay Today on 29 July and 5 August 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 26 July 2021, **CKS Developments Limited** on the prescribed form made application for variation of an On-licence.

The application for variation of On-Licence is in relation to the premises known as '*The Thirsty Whale*' situated at 62 West Quay, Ahuriri, Napier.

The general nature of the business is that of a 'Tavern Style On-licence'. The renewal application seeks to renew with varied conditions. The premise has not come to the notice of authorities in an adverse manner during the renewal period.

The variation sought is to restrict the licensed area as shown on the submitted varied site plan to make way for another new licensed premises on the site. Each licensed premises on the site will be separate with separate principle entrances.

The complete file included –

- The application
- Fire evacuation compliance statement
- Host Responsibility Plan
- 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 using the inspector's full report and own assessment. I accept the inspector's assessment and recommendations.

Key matters raised in the complete file including the inspector's report were –

- The applicant is a private company who have operated this licence for many years.
- 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 neither do I.
- The current hours wanting to be retained with the variation have operated without incident.

- Floor plan provided, date stamped 26 July 2021, shows the extent of the variation sought. **The whole premises is still to be designated 'supervised'.**
- No CPTED or amenity or good order issues raised with renewal. 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.
- The application accords with the Napier LAP.

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 18 August 2021, of no opposition.

3.2 Medical Officer of Health – Report received on 29 July 2021, of no opposition.

3.3 Licensing Inspector – Full report dated 16 September 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 is complete and appears to meet the criteria for variation of the licence with existing conditions apart from revised licensed floor area.

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 **CKS Developments Limited** meets the statutory criteria to be granted a varied On-licence under the Act for the period left on the current licence i.e. to the 26th November 2022.

The licence will be subject to the conditions currently contained on the licence apart from adjusted licensed area.

5 Decision

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

Dated at Napier District this 20 September 2021.

Signed

A handwritten signature in blue ink, appearing to read 'Stuart Hylton', is written in a cursive style.

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Stuart Hylton
Napier District Licensing Commissioner