

DECISION NUMBER

0066/2022

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by **Crab Farm
Winery Limited** for a renewal of
On-licence pursuant to section 127 of
the Supply of Alcohol Act 2012.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application for renewal of On Licence (030/ON/0066/2019) was publically advertised in the Hawkes Bay Today on the 24 June and 1 July 2022 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 21 June 2022, **Crab Farm Winery Limited** on the prescribed form made application for renewal of an On-licence.

The application for renewal of On-licence is in relation to the premises known as '*Crab Farm Winery*' situated at 511 Main North Road, Bay View, Napier.

The general nature of the business is that of a 'Restaurant Style On-licence'. The renewal application seeks to renew with a variation to conditions with altered hours of trade for the outdoor area. The premise has not come to the notice of authorities in an adverse manner during the renewal period. This is at least the sixth renewal of the licence since 2005.

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 complete file including the inspector's report were –

- The applicant is a private company who have operated this licence without known issues and there are no changes to the structure of the company.
- The applicant has named three managers for the licence which is seen as adequate for this type of licence.
- The premise has not come to the notice of authorities in an adverse manner during the renewal period.
- The applicant provided a host responsibility plan 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 are -

Indoor Area: Monday to Sunday, between 9.00am and 12.00am midnight.

Outdoor Area: Monday to Sunday, between 11.00am and 9.00pm

The Inspector in his report notes the previous renewal in 2019 sought a variation to extend the licensed area to cover an outdoor area to allow the sale and supply of alcohol in this area for small concerts.

The hours of trade were restricted to 9.00pm for the outdoor area because of the proximity of housing which is close the rear of this premises. The area has been used for this purpose since the variation was granted and there have been no complaints of any kind.

The applicant now seeks another variation to extend the hours of trade for the outdoor area. They would like to run outdoor movie nights over the summer and are seeking to extend the outdoor area hours of trade to 11.00pm.

They now requested the following change in conditions:

Indoor Area Monday to Sunday, between 9.00am and 12.00am midnight.

Outdoor Area Monday to Sunday, between 11.00am and 9.00pm (for live music events)

Outdoor Area Monday to Sunday, between 11.00am and 11.00pm (for outdoor cinema events)

These hours are within the default maximum trading hours allowable and are not opposed by the inspector nor other reporting agencies.

The Committee has no reason to not approve this variation of hours with the statutory mitigation measures being the District Plan/RMA noise rules which would be available to regulatory agencies should nuisance situations arise from the extended hours.

- Floor plan provided works well for the nature of the business held on the premises. The premise will continue to be undesignated which is normal for this type of On-licence.
- 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 30 June 2022, of no opposition.

3.2 Medical Officer of Health – Report received on 29 June 2022, of no opposition.

3.3 Licensing Inspector – Full report dated 17 August 2022. 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 recommends renewal of the licence with existing conditions apart from the varied hours.

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 **Crab Farm Winery Limited** meets the statutory criteria to be granted a renewal of On-Licence under the Act for a period of three (3) years, from the expiry date of the previous licence.

The licence will be subject to the existing conditions on the licence apart from the varied hours as sought.

5 Decision

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

Dated at Napier District this 19 day of August 2022.

Signed



.....
Stuart Hylton
Napier District Licensing Commissioner