

DECISION NUMBER

1513/2022

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **THE UNION HOTEL (2019) LIMITED** for an On-licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 3A Waghorne Street, Ahuriri, Napier and known as “Three Doors Up Restaurant, 4th Door House Bar”.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application for a new On-licence was advertised in the Hawkes Bay Today on the 22 and 29 June 2022; 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 13 June 2022 on the prescribed form. This is an existing premises trading as an unlicensed restaurant since 2008, apart from some special licences on occasions, and is about to be taken over by the applicant who wishes it to be a licensed restaurant. The premises is a well-known popular restaurant.

The premises is at 3A Waghorne Street, Ahuriri, Napier, with the principal entrance accessed off Waghorne Street.

The general nature of the business will continue to be a ‘Restaurant Style’ On-licence.

(2) The premises is owned by Union Ventures Limited who have given consent and tenure for the licensed operation. The floor plan provided with the application clearly shows these areas to be licensed

which will be undesignated as shown on floor plan dated 13 June 2022. The premises includes the main restaurant, outdoor courtyard and separate bar area. The restaurant is beside another licensed premises called Union Hotel.

(3) The applicant is an incorporated company with one director/shareholder.

(4) The premise will be known as 'Three Doors Up Restaurant, 4th Door House Bar' and is seeking to be undesignated.

(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 license for an existing unlicensed restaurant. 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, The Union Hotel (2019) Limited, is an incorporated company with one director/shareholder. The applicant has an interest to ensure the licence is a success and the statutory responsibilities are adhered to. The Inspector reports there are no issues with the applicant and their suitability.

Two certified managers are named for the licence application. This is seen as adequate to operate the premises.

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

(10) any relevant local alcohol policy:

The Napier LAP has been adopted. The inspector has noted that the application accords with the 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 including designations which are supported by the inspector –

Monday to Sunday –

- **8.00am to 1.00am the following day,**

These hours' best reflect the anticipated operation and they accord with the national default maximum trading hours. The applicant and inspector have one year to monitor whether they are suitable before possible renewal.

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

The application included a floor plan that shows the area to be licensed. The licensed area is undesignated which is usual for this type of premises.

(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 is an existing use in an appropriately zoned area which 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 has taken their licensing responsibilities seriously previously and there is no reason to suggest this will not continue.

Reporting Agencies

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

(18) **Police** – Report received on 27 June 2022, offering no opposition.

(19) **Medical Officer of Health** - Report received on 20 June 2022, offering no opposition.

(20) Licensing Inspector

Full report dated 15 July 2022. 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. The inspector has suggested possible conditions.

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 3 Waghorn Street, Ahuriri, Napier, and known as “Three Doors Up Restaurant, 4th Door House Bar”.

(22) Accordingly the application is **approved** for issue for one year subject to the conditions identified in the Inspectors report.

3 Decision

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

Dated at Napier District this 19 July 2022.

Signed



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Stuart Hylton

Napier District Licensing Commissioner