

**DECISION NUMBER**

**1482/2022**

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER**

of an application by **Appleborn Ltd**  
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/1483/2021) was publically advertised in the Hawkes Bay Today on the 4 and 11 June 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 29 April 2022, **Appleborn Ltd** on the prescribed form made application for renewal of an On-licence. This is the first renewal application by the licensee.

The application for renewal of On-Licence is in relation to the premises known as '*Three Wise Birds Portside Bar*' situated at 49 Marine Parade, Napier South, Napier.

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

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 one year. 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. This is the first renewal application.
- 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 renewed have operated without incident i.e.

**Monday to Sunday, between 8.00am to 2.00am, the following day.**

- The licensed area is the same as that currently licensed with the same configuration. This appears to work well. The premises carry a split designation as follows:

**Between the hours of 8:00am to 9:00pm the whole of the premises is undesignated.**

**Between the hours of 9:00pm to 2:00am the following day the whole of the premises is 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 11 May 2022, of no opposition.

**3.2 Medical Officer of Health** – Report received on 3 May 2022, of no opposition.

**3.3 Licensing Inspector** – Full report dated 29 June 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 appears to meet the criteria for renewal of the licence with existing hours and conditions.

**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 **Appleborn Ltd** 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 conditions currently contained on the licence.

**5 Decision**

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

**Dated at Napier District this 18 July 2022.**

**Signed**



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**Stuart Hylton**  
**Napier District Licensing Commissioner**