

**DECISION NUMBER**

**0036/2022**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **Napier Operatic Society Incorporated** for a renewal of Club Licence pursuant to section 127 of the Supply of Alcohol Act 2012.

## **BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE**

The application for renewal of Club Licence (030/CL/0036/2019) was publically advertised in the Hawkes Bay Today on the 24 December 2021. A notice was also placed on the premise door as required. No objections were received.

No matters of opposition were raised under section 128 and 129 reports; therefore the matter is 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**

**Napier Operatic Society Incorporated** made the application on the prescribed form received on 22 December 2021. The application for renewal of Club Licence is in relation to the clubs premises situated at 18 Coronation Street, Bay Ahuriri, Napier.

The general nature of the business is that of a social club style club licence. The Club has been incorporated and operating as a Club for a few years.

The renewal seeks to keep the same conditions as the current licence and the premise has not come to the notice of officials during the renewal period. Monitoring inspections conducted in the renewal phase found compliance with licence conditions.

- The complete file included –
- The application
- Floor plan
- Reports from Police, Medical Officer of Health and Inspector
- Host Responsibility Policy
- Fire Evacuation Scheme statement of compliance
- Food menu
- Supporting letter from landlord
- Copy of current licence
- Notice of renewal
- Copy of public advertisement

## **2. Decision Making**

In considering this application for Club-Licence the licensing committee had regard to the criteria under section 131 and 105 of the Act.

### **Section 105/131 assessments:**

#### **(a) the object of this Act:**

The file contains and the inspector notes the applicant has a Host Responsibility Policy stating the measures to be undertaken to ensure the responsible sale and supply of alcohol. There have been no issues raised concerning previous operations so if the policy is followed then compliance with the object of the Act should be able to be achieved.

#### **(b) the suitability of the applicant:**

The applicant is an incorporated society and located on the current site for a few years.

The applicant has supplied the name of one certified manager for the licence which is the minimum considered to be suitable to manage the licence.

The inspector notes that the current licence has been monitored by authorities with no issues noted.

The suitability of the applicant is not challenged.

#### **(c) any relevant local alcohol policy:**

Accords with local LAP.

#### **(d) the days on which and the hours during which the applicant proposes to sell alcohol:**

The applicant has applied for the following same days and hours.

- **Monday to Sunday, 10.00am to 1.00am the following day,**

#### **(e) the design and layout of any proposed premises:**

An inspection of the premises by the inspector identified no concerns with CPTED principles or design and layout of the premises. The floor plan indicates that there are no changes to layout have been made since the previous renewal. The layout appears to function satisfactorily.

**(g) whether the applicant is engaged in, or proposes on the premises 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:**

Normal club ancillary services.

**(j) whether the applicant has appropriate systems, staff, and training to comply with the law:**

Previous operations have been satisfactory and therefore systems seem appropriate. There is documentation of staff training and systems.

**(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#). (see 3 below)**

**(s.131(1)(b))whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:**

No issues raised within the file and in the Committee's opinion the amenity and good order of the locality should not be compromised by the issue of the renewal licence.

**(s.131(1)(d))the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.**

No issues raised within file.

### **3. Reporting Agencies**

The following reports were received under section 103 and 129 of the Act and taken into account during the decision.

**3.1 Police** – Report received on 28 December 2021 of no opposition.

**3.2 Medical Officer of Health** - Report received on 6 January 2022 of no opposition.

**3.2 Licensing Inspector** – Full report dated 1 March 2022. The inspector was satisfied the application met the relevant criteria and therefore supported the renewal of a club licence to **Napier Operatic Society Incorporated** subject to existing conditions.

### **4. Conclusion**

Based on the evidence provided to me within the complete file, my assessment above of section 105/131 matters and the past operation of the premise/licensee, I conclude that the application meets the statutory criteria to be granted a renewal of Club-Licence under the Act for a period of three (3) years.

**5. Decision**

The licence can be issued immediately subject to the existing licence conditions.

**Dated at Napier District this 2 March 2022.**

**Signed**



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**Stuart Hylton**

**Napier District Licensing Commissioner**