

DECISION NUMBER **1425/2022**

IN THE MATTER of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER of an application pursuant to section
136 of the Sale and Supply of Alcohol
Act 2012 by **TREVORS CAFE
LIMITED** for a Temporary Authority
in respect of the premises at 28
Tennyson Street, Napier South,
Napier and currently known as 'Art
Deco Bistro'.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

Commissioner
Mr S G Hylton _____

DECISION

1. Introduction

This is an application by **TREVORS CAFE LIMITED** for a Temporary Authority in respect of the premises situated at 28 Tennyson Street, Napier South, Napier and currently known as 'Art Deco Bistro'.

The application comes about from a change of ownership and is required to allow the applicant to continue trading while the application for a new licence is processed by the Licensing Committee. This is the **third** Temporary Authority made by the applicant against the licence.

The fact this is the third Temporary Authority application is worrying in itself as usually one is enough to allow the business to continue whilst a new substantive licence is procured by the applicant. There is no reason given for the third application and we can only suspect there is some kind of 'hold up' to getting a substantive On-licence through. Normally this Committee would not issue a third Temporary Authority unless there was some exceptional external reason for the delay.

In this case the applicant can only have another Temporary Authority until 30 January, when the existing substantive on-licence expires. For that reason this will be the last Temporary Authority issued.

2. Application

The application is made against on-licence **030/ON/1426/2020** which has an expiry date of 30 January 2023.

The application was not advertised and no objection or notice of desire to be heard has been received under section 103 of the Act. Accordingly we deal with the matter on the papers in accordance with sections 136 and 202(1) of the Act.

In considering the application for temporary authority the committee had regard to the object of the Act and reports furnished by Police and Inspector.

3. Reporting Agencies

The following reports were received under the Act.

Police Report – No opposition from Police.

Licensing Inspector Report – The inspector notes that the applicant is a private company with two directors/shareholders and the application notes there is one named certified manager.

The Inspector notes this is the third Temporary Authority application which he would normally oppose except the substantive licence precludes any further Temporary Authority being issued.

The inspector concludes that the application is complete and meets the criteria of the Sale and Supply of Alcohol Act 2012.

I concur with the inspector's assessment and I think the Inspectors report sends a strong message to the applicant that they have three months to get their substantive application sorted or have to close.

4. Decision

Accordingly the application for a third Temporary Licence is **Approved**, valid from the expiry date of second temporary authority until 30/01/23 or when the Substantive Licence Application lodged by the applicant is determined, whichever is the sooner.

The Temporary Authority can be issued with the standard conditions pertaining to Temporary Authorities.

DATED at Napier this 3 day of November, 2022.



Commissioner

Napier District Licensing Committee