

**DECISION NUMBER**

**1520/2022**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **JOHN N EVE 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 88 Dickens Street, Napier South, Napier and known as “@ 88 Dickens Street Restaurant and Bar”.

**BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE**

The application for a new On-licence was advertised in the Hawkes Bay Today on the 28 October 2022 and 5 November 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 6 October 2022 on the prescribed form. This is a licence for a new premises that has not previously been licensed before. It is a small to medium sized restaurant.

The premises is at 88 Dickens Street, Napier South, Napier, with the principal entrance accessed off Dickens Street.

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

(2) The premises is owned by Alice Toeava who have given consent and tenure for the licensed operation. The floor plan provided with the application shows these areas to be licensed which will be undesignated as shown on floor plan dated 7 June 2022. The premises does not include footpath dining.

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

(4) The premise will be known as '@ 88 Dickens Street Restaurant and 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 premises. 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 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 manage the premises and licence.

(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 which are supported by the inspector –

**Monday to Sunday –**

- **11.00am to 10.00pm,**

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 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 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 14 October 2022, offering no opposition.

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

(20) **Licensing Inspector**

Full report dated 25 November 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 88 Dickens Street, Napier South, Napier, and known as “@ 88 Dickens Street Restaurant & 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 28 November 2022.**

**Signed**



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**Stuart Hylton**

**Napier District Licensing Commissioner**