

Decision number: 048/2023/HCDLC/048

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

**AND**

**IN THE MATTER** of an application by NDK  
Hospitality Limited pursuant to s.14  
to 16 and 64 of the Act for an On  
Licence renewal in respect of  
premises situated at 8 Evans Street,  
Stokes Valley, Lower Hutt known  
as The Hardware Bar & Restaurant

### **BEFORE THE HUTT CITY DISTRICT LICENSING COMMITTEE**

This is an application by NDK Hospitality Limited for an On Licence renewal in respect of premises situated at 8 Evans Street, Stokes Valley, Lower Hutt, known as The Hardware Bar & Restaurant.

The application was duly advertised and no objection, opposition or notice of desire to be heard has been received. Accordingly I deal with the matter on the papers.

Pursuant to the Sale and Supply of Alcohol Act 2012, the application by NDK Hospitality Limited for an On Licence renewal is **granted** subject to conditions.

I am satisfied as to the matters to which we must have regard as set out in s.105 and s.106 of the Act.

### **STATUTORY CRITERIA**

#### **Sale and Supply of Alcohol Act 2012**

##### *105 Criteria for issue of licences*

- (1) *In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
  - (a) *the object of this Act:*
  - (b) *the suitability of the applicant:*
  - (c) *any relevant local alcohol policy:*
  - (d) *the days on which and the hours during which the applicant proposes to sell alcohol:*
  - (e) *the design and layout of any proposed premises:*
  - (f) *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:*

- (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:*
  - (h) *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:*
  - (i) *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:*
  - (j) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
  - (k) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#).*
- (2) *The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.*

#### 106 *Considering effects of issue or renewal of licence on amenity and good order of locality*

- (1) *In forming for the purposes of [section 105\(1\)\(h\)](#) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to –*
  - (a) *the following matters (as they relate to the locality):*
    - (i) *current, and possible future, noise levels:*
    - (ii) *current, and possible future, levels of nuisance and vandalism:*
    - (iii) *the number of premises for which licences of the kind concerned are already held; and*
  - (b) *the extent to which the following purposes are compatible:*
    - (i) *the purposes for which land near the premises concerned is used:*
    - (ii) *the purposes for which those premises will be used if the licence is issued.*

(2) *In forming for the purposes of [section 131\(1\)\(b\)](#) an opinion on whether the amenity and good order of a locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew a licence, the licensing authority or a licensing committee must have regard to the following matters (as they relate to the locality):*

- (a) *current, and possible future, noise levels:*
- (b) *current, and possible future, levels of nuisance and vandalism.*

#### 131 *Criteria for renewal*

- (1) *In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
  - (a) *the matters set out in paragraphs (a) to (g), (j), and (k) of [section 105\(1\)](#):*

- (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:
  - (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of [section 129](#):
  - (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.
- (2) The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.

## **REASONS FOR THE DECISION**

No objections raised by reporting agencies.

## **DECISION**

The District Licensing Committee Chair, acting pursuant to the Sale and Supply Of Alcohol Act 2012, and under the provisions of the Hutt City Local Alcohol Policy, **grants** an application by NDK Hospitality Limited for an On Licence renewal for the premises at 8 Evans Street, Stokes Valley, Lower Hutt, trading as The Hardware Bar & Restaurant, subject to conditions.

The licence is approved for renewal until 15 December 2025

### **Conditions:**

The licence is subject to the conditions listed on licence no. 048/ON/0038/22

**DATED** at LOWER HUTT this 15<sup>th</sup> day of February 2023



**Simon  
Edwards**

Digitally signed by Simon  
Edwards  
Date: 2023.02.15  
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**Granted by: Simon Edwards  
Chair**

**Melissa Grace  
Harward**

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Melissa Grace Harward  
Date: 2023.02.15  
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**Approved by: Melissa Harward  
Secretary**