

Decision number: 048/2023/HCDLC/090

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

AND

IN THE MATTER of a variation by Northern
Frontier Limited pursuant to s.
120, 17 to 20 and 64 of the Act
for an Off Licence Variation in
respect of premises situated at
10 Oroua Sreet, Eastbourne,
Lower Hutt known as
Eastbourne Four Square

BEFORE THE HUTT CITY DISTRICT LICENSING COMMITTEE

This is an application by Northern Frontier Limited for an Off Licence Variation in respect of premises situated at 10 Oroua Sreet, Eastbourne, Lower Hutt, known as Eastbourne Four Square.

The licence will expire three years from the date of expiry of the period for which it was last renewed, being the maximum period which can be granted under the Act for a variation.

The variation 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 Northern Frontier Limited for an Off Licence Variation 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.

120 Criteria for variation

- (1) The holder of a licence may at any time apply to the licensing committee to vary or cancel any condition of the licence (whether the condition was imposed by the licensing authority or the committee).
- (2) The application must be made in the prescribed form and manner and be accompanied by any prescribed fee.
- (3) The applicant must comply with the notification requirements in section 101.
- (4) A person may object to the grant of the application if he or she has a greater interest in the application than the public generally.
- (5) Every objection must comply with the requirements set out in section 102(2) to (5).
- (6) Sections 103 and 104, with any necessary modifications, apply to applications under this section.
- (7) In considering the application, the licensing authority or licensing committee concerned must have regard to any relevant matter that is specified in section 105.
- (8) In deciding whether or not, or to what extent, to vary any conditions imposed on a licence, the licensing authority or licensing committee concerned must have regard to any inconsistency between the conditions as proposed to be varied and any relevant local alcohol policy.

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 Northern Frontier Limited for an Off Licence Variation for the premises at 10 Oroua Sreet, Eastbourne, Lower Hutt, trading as Eastbourne Four Square, subject to conditions.

The licence is approved for variation until 9 October 2023.

Conditions:

The licence is subject to the conditions listed on licence no. 048/OFF/0016/20

DATED at LOWER HUTT this 15th day of March 2023



Simon
Edwards

Digitally signed by Simon
Edwards
Date: 2023.03.13
18:29:06 +13'00'

**Granted by: Simon Edwards
Chair**

Melissa Grace
Harward

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Melissa Grace Harward
Date: 2023.03.14
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**Approved by: Melissa Harward
Secretary**