

NOTICE OF RENEWAL OF OFF LICENCE

Section 135 of the Sale and Supply of Alcohol Act 2012

Baylands Brewery Limited
22 Victoria Street
Petone
LOWER HUTT 5012

Licence **048/OFF/0025/21** replaces licence 048/OFF/0023/18

The Off Licence in respect of the premises situated at 22 Victoria Street, Petone known as **Baylands Brewery** is renewed.

The present conditions of the Off Licence continue to apply.

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, the licence continues in force-

- Until the close of the period for which it is renewed; or
- If an application for the renewal of the licence is duly made before it would otherwise expire, until the close of the period of 3 years after the period for which it is renewed.

The period for which the licence is renewed is three years expiring on **17th December 2024**

Melissa Grace
Harward

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Melissa Grace Harward
Date: 2022.12.09
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Melissa Harward
Secretary
Lower Hutt District Licensing Committee

Renewal notice originally issued: 9th February 2022

Reissued with variation: 30th November 2022

Lower Hutt

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), Baylands Brewery Limited (the licensee) is authorised to sell alcohol on the premises situated at 22 Victoria Street, Petone and known as "Baylands Brewery", to any person for consumption off the premises and to supply alcohol free, as a sample, for consumption on the premises.

The licensee is also authorised to sell alcohol on or from the premises and deliver it somewhere else.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with subpart 7 of Part 2 of the Act.

Conditions

This licence is subject to the following conditions:

- (a) no alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day.
- (b) No alcohol is to be delivered to the buyer (or to any other person on the buyer's behalf) at any time after 11.00pm on any day and before 6.00am the following day.
- (c) alcohol may be sold only on the following days and during the following hours:

Monday to Sunday 9.00am to 10.00pm

- (d) A properly appointed Certificated, Acting or Temporary Manager must be on duty at all times when the premises is open for the sale and supply of alcohol, and their full name must be on a sign prominently displayed in the premises.
- (e) the following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed. The licensee or manager must ensure that:
 - i. alcohol is not sold to intoxicated persons,
 - ii. statutory restrictions on the supply of alcohol to minors are observed at all times and evidence of age documents are requested where necessary.
 - iii. signs clearly stating the above requirements be placed at all points of sale.
- (f) drinking water is to be freely available to customers, while alcohol is being supplied free as a sample on the premises from the following location: **Fridge next to tasting area**
- (g) All requirements pursuant to Section 59 of the Sale and Supply of Alcohol Act 2012, and Regulations 14 and 15 of the Sale and Supply of Alcohol Regulations 2013 must be met when alcohol is sold by remote sale.
- (h) The entire area is designated as supervised.

Duration

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

- (a) either—
 - i. until the close of the period for which it was last renewed; or
 - ii. if it has never been renewed, until the close of the period of 12 months after the day it was issued; but
- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—
 - i. until the close of the period of three years after the period for which it was last renewed; or
 - ii. if it has been renewed, until the close of the period of four years after the day it was issued.

Originally dated at Lower Hutt this 17th day of December 2014

**Melissa Grace
Harward**

Melissa Harward
Secretary

Lower Hutt District Licensing Committee
Reissued 30th November 2022 - variation

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Melissa Grace Harward
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Note: This licence replaces licence number 048/OFF/0023/18

The premises situated at 22 Victoria Street, Petone are more precisely identified as outlined in a plan date stamped as received by the Lower Hutt District Licensing Committee on 26th October 2021.

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, the licence expires on:

17th December 2024 unless again renewed

30th November 2022

Baylands Brewery Limited
22 Victoria Street
Petone
LOWER HUTT 5012

Environmental Health
Environmental Consents
sol@huttcity.govt.nz
Our reference 048/OFF/0025/21

Dear Sir/Madam

Application by Baylands Brewery Limited to vary Off-Licence licence approved

I am pleased to advise that Lower Hutt District Licensing Committee has approved your application to vary your off-licence at 22 Victoria Street, Petone where you trade as Baylands Brewery.

The reissued notice of renewal, together with the replacement licence, the decision of the committee and the licensing inspector's report is enclosed.

The expiry date and licence number remain the same as the current licence.

Please note that it is your responsibility to ensure that your licence is renewed on time.

Yours sincerely



Tracy Gibson
Licensing Inspector
On behalf of Lower Hutt District Licensing Committee

Copy to: Licensing Authority; New Zealand Police, Te Whatu Ora – Health New Zealand

Decision number: 048/2022/HCDLC/464

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

AND

IN THE MATTER of a variation by Baylands
Brewery Limited pursuant to s.
120, 17 to 20 and 64 of the Act
for an Off Licence Variation in
respect of premises situated at
22 Victoria Street, Petone,
Lower Hutt known as Baylands
Brewery

BEFORE THE HUTT CITY DISTRICT LICENSING COMMITTEE

This is an application by Baylands Brewery Limited for an Off Licence Variation in respect of premises situated at 22 Victoria Street, Petone, Lower Hutt, known as Baylands Brewery.

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 Baylands Brewery 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 Baylands Brewery Limited for an Off Licence Variation for the premises at 22 Victoria Street, Petone, Lower Hutt, trading as Baylands Brewery, subject to conditions.

The licence is approved for variation until 17 December 2024.

Conditions:

The licence is subject to the conditions listed on licence no. 048/OFF/0025/22

DATED at LOWER HUTT this 30th day of November 2022



**Simon
Edwards**

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Edwards
Date: 2022.12.08
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**Granted by: Simon Edwards
Chair**

**Melissa Grace
Harward**

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Melissa Grace Harward
Date: 2022.12.09
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**Approved by: Melissa Harward
Secretary**

MEMORANDUM



Our Reference 048/OFF/0025/21

TO: The Secretary, District Licensing Committee

FROM: Tracy Gibson, Licensing Inspector

DATE: 25 November 2022

**SUBJECT: Sale and Supply of Alcohol Act 2012
Application for Off Licence variation only by Baylands Brewery Limited trading as Baylands Brewery**

Current licence no.: 048/OFF/0025/21 **expiry:** 17th December 2024

Baylands Brewery Limited applied on 3rd October 2022 for a variation of its Off Licence with respect to the premises situated at 22 Victoria Street, Petone, trading as Baylands Brewery.

Type of Premises Weighting	Alcohol sales time weighting	Enforcement Weighting
Brewery off-licence = 5	Latest licensed hour 10.00pm = 0	0
Rating: 5	Category: Low	
Application fee: \$1158.05	Annual fee: \$1201.75	

A variation to the conditions of the current licence has been sought relating to change the layout of the premises and increase the latest licensed hour by one. As this is just a variation the current licence number and expiry date will remain the same.

An inspection of the premises was carried out on 9th November 2022 and the following information was considered relevant to this application:

1. Hours of opening

The applicant does seek a change to the current hours of operation. Trading hours under the current Licence are:

Monday to Sunday from 9.00am until 9.00pm

Proposed new hours:

Monday to Sunday from 9.00pm until 10.00pm

These hours meet the requirements of the current Hutt City Local Alcohol Policy (HCLAP).

2. Premises

The premises is located at 22 Victoria Street, Petone and is zoned Petone Commercial as per the current City of Lower Hutt District Plan.

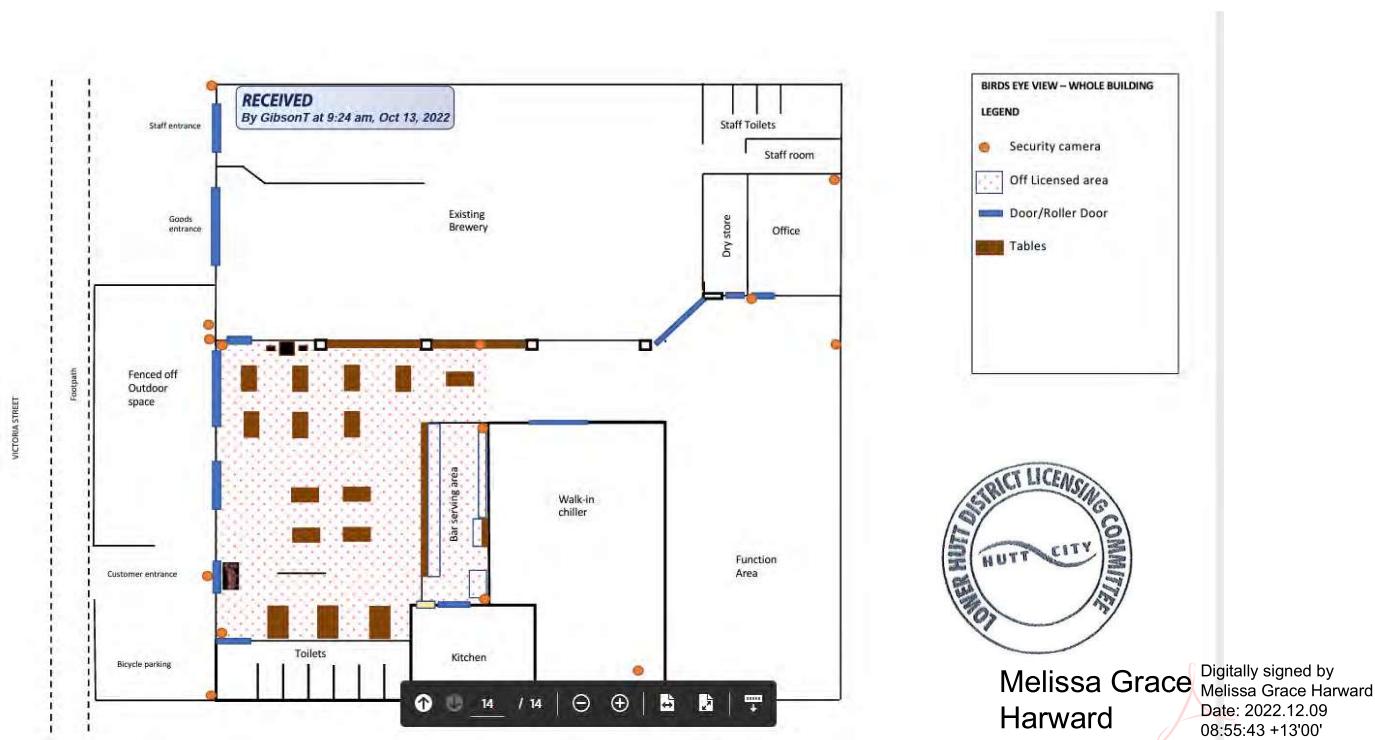
The building is owned by Victoria Summit Limited, 18 Fairfield Road, Epuni, Lower Hutt. The applicant holds a ten year lease with ten year rights of renewal.

The applicant has increased the square footage by taking the lease on the adjacent building and incorporating a taproom. The premises layout for the off-licence consists of the existing brewery with the neighbouring building as shown in the plan provided.

The principal entrance is accessed from 22 Victoria Street, Petone.

An inspection of the premises with regard to CPTED principles revealed no issues or concerns regarding the design and layout of the premises.

The entire premises is designated as supervised.



A new Certificate of Use was issued on 3rd October 2022 confirming that the premises meets the provisions of the Resource Management Act 1991 and the building code as required by section 17 of the Building Act 2004.

3. Public notices

Public Notice Form (7a) was found to be attached to the front entrance as required by the Act.

This application was publicly notified on the Hutt City Council website on 18th October 2022.

4. Objections

No objections from the general public have been received for this application.

A copy of the application was sent to the Police and Medical Officer of Health on 14th October 2022. Replies were received stating no opposition to this renewal application.

5. Recommendations

This is a straightforward Off Licence variation application for Baylands Brewery Limited trading as Baylands Brewery.

Having regard to the information supporting the application and the application meeting the relevant statutory criteria under section 120 of the Act, I support the renewal of the variation of the Off Licence for Baylands Brewery Limited and forward this report to the DLC for its decision.

A handwritten signature in black ink, appearing to read 'Tracy Gibson', is positioned above the printed name.

Tracy Gibson
Licensing Inspector