

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

AND

IN THE MATTER an application by **Sal's
at Trafalgar Nelson Limited** for a new
on-licence pursuant to section 127 of the
Act in respect of premises situated at 276
Trafalgar Street Nelson

BEFORE THE NELSON DISTRICT LICENSING COMMITTEE AT NELSON

Chairperson: Mr Bruce Fraser

Members: Ms Trudie Brand
Mr Laurie Gabites

Hearing at Nelson City Council on 14 August 2026

Decision: 28 August 2026

Appearances

Madlan Pokharel

In person for the applicant

K King

For the Medical Officer of Health

R Hardiman

Licensing Inspector at Nelson City Council

Sergeant S Savage

Alcohol Harm Prevention – Nelson Bays Police

RESERVED DECISION OF THE COMMITTEE

Introduction

1. This decision relates to an application by Sal's at Trafalgar Nelson Limited (**the Company**) for a new licence for premises known as Sal's Authentic New York Pizza, situated at 276 Trafalgar Street, Nelson (**the Premises**). The application is made pursuant to the Sale and Supply of Alcohol Act 2012 (**SSAA**). For the sake of convenience in this decision we refer to the Company and Mr Pokharel as "**the Applicant**".
2. The Premises have been used for hospitality related businesses for a number of years. Prior to the Applicant acquiring the business the Premises were used by a former Sal's pizza franchisee for the same type of business. The premises are located in an established hospitality area in central Nelson.
3. A chronological summary of events is:

- (a) the Company was incorporated on 16 July 2025;
- (b) the Company purchased the business from the prior franchisee and took over on 30 July 2025;
- (c) on 24 February 2026 the Company applied for an on licence to sell alcohol from the Premises.

The Application & Objections

4. An application seeking a new on licence for the Premises in the name of the Applicant was filed with the Nelson City Council on 24 February 2026.
5. The application provides the following details of relevance:
 - (a) Business - restaurant / pizzeria
 - (b) Hours: Monday to Thursday 11.00am to 10.00pm
 Friday to Sunday 11.00am to 12.00pm
 - (c) As stated above, the Premises are located in an established hospitality area and they had previously been used for hospitality purposes, including a Sal's pizzeria.
6. As required by SSAA, the application was publicly notified. No objections were received from the public.
7. All three of the tri-agencies opposed the grant of the on-licence, primarily, but not exclusively, on the grounds of "suitability" of the Applicant – as that term is known in the context of the SSAA.
- 7.1. On behalf of the Police, Sergeant Savage lodged a report which included the following statements:
 - (a) *"There were issues with the application from the outset which raised concerns as to the suitability of the applicant – section 105(1)(b) and the staff, systems and training – sections 105(1)(j)."*
 - (b) *"The most serious concerns arise from the fact that [the Applicant] purchased the Nelson franchise of Sal's on the 30th July 2025, he did not apply for a Temporary Authority to trade ... while he submitted a new application."*

- (c) *"The tri-agencies were unaware that the business had changed hands and that unauthorised sales of alcohol were being made. It only came about when the applicant applied for an alcohol licence ..."*
- (d) *The sergeant's inquiries "showed that 665 units of alcohol were sold [during the period 1 September 2025 to 28 February 2026] with a total value of \$5,477.87."*

7.2. The local alcohol licensing inspector stated in her report that the *"unlicensed trading was identified when a renewal reminder and invoice was sent to the previous owner, who then advised us he had sold the business."* A conversation with Mr Pokharel, the director of the Applicant, followed *"immediately"* and alcohol sales ceased and alcohol signage was removed. The inspector's report makes the following further comments:

- (a) *"The applicant has indicated that the requirements of the Act will be implemented once the licence is granted. However, the extended period of unlicensed trading demonstrates that the applicant did not have adequate systems in place to ensure compliance with the most fundamental legal requirement of holding a valid alcohol licence before commencing trade. This indicated that adequate compliance systems were not in place. The breach is serious and directly relevant to the Committee's assessment of suitability."*
- (b) *"Since the interview on 12 March, Mr Pokharel [the director of the Applicant] has continued to demonstrate a limited understanding of his statutory obligations. This reflects a pattern of misunderstanding rather than an isolated lapse. Mr Pokharel presented the tri-agencies with an LCQ held by an employee who does not hold a Manager's Certificate. No evidence was provided to show that this employee has any experience working in a licensed premises. Mr Pokharel considered this sufficient to support his application for an on-licence. This reflects a fundamental misunderstanding of the statutory requirement for management and supervision under the Act. Further, Mr Pokharel advised in the interview that he had received no training or guidance from the previous owner. However, Police have advised that the previous owner stated he had informed Mr Pokharel of the requirement to obtain a new on-licence."*
- (c) *"The applicant has provided details of one certified manager but has given the undertaking that he will employ a second before the licence is issued. At the time of writing evidence of a second certified manager, other than a casual employee, has not been provided."*
- (d) *"The premises is in the central business district in close proximity to other bars and restaurants. There are no identified concerns regarding noise, nuisance or vandalism that would be exacerbated by the granting of this licence."*

The amenity and good order of a locality is unlikely to be reduced, by more than a minor extent, by the effects of the issue of the licence."

Before concluding:

- (e) *"Having regard to the application and the supporting information, it is considered that the sale and supply of alcohol proposed under these conditions does not meet the criteria under section 105 of the Sale and Supply of Alcohol Act 2012. The unauthorized sale of alcohol over a prolonged period represents a significant failure in both suitability must be proven by the applicant. An applicant's past conduct is highly relevant as to whether they will carry out future responsibilities."*

7.3. The alcohol licensing officer for Health New Zealand outlined a similar fact history to that identified by the sergeant and the licensing inspector. Concerns raised were:

- (a) *"I have concerns about the suitability of the applicant due to the apparent lack of understanding of his responsibilities and the level of implementation of these as an on-licencee. It is relevant that he has a manager's certificate and has previously worked under the Act in an Off-licence premises."*

- (b) *"There are insufficient certified managers for the licensed days and hours proposed in the application."*

This concern was raised at the on-site meeting with the applicant. I subsequently followed up with a follow-up phone call on 30/03/2026 where a proposal from the applicant was received and a corresponding email to confirm this proposal was sent No response was received.

The latest communication was received from the applicant on 13/04/2026 and shows that, should the licence be granted, he would continue to operate without another certified manager, use signage to indicate times when alcohol is not for sale and make no change to hours."

- (c) *"The applicant reported that he was training a staff member from August 2025 to become a duty manager. However, since he was selling alcohol without a licence at this time, any training the staff member received may be inaccurate and insufficient."*

- (d) *"The suitability of the applicant to meet the requirements of the Act 2012 is questionable."*

- (e) *"The applicant's failure to undertake due diligence regarding what was required to operate a business with an existing On-licence demonstrates he lacked understanding of the Act. This inaction resulted in unauthorised sales for a period (6 months), and brings into question the systems, staff and training that relied on his knowledge of the Act."*

- (f) *"Concerns about a sole certified duty manager covering the breadth of licensed hours were communicated to the applicant and these have not adequately been addressed."*

The Evidence

8. At the hearing the alcohol licensing officer for Health New Zealand confirmed her report and in her brief of evidence she outlined concerns regarding some of her communications with the Applicant. Ongoing concerns were said to be:
 - (a) lack of managers being notified to Council. (Such notification was, of course, not required when no licence was held and no alcohol was being sold);
 - (b) the unauthorised sale of alcohol (identified above);
 - (c) The suitability of Mr Pokharel, arising primarily from failure to obtain a temporary authority (reinforced by the vendor's advice to Sgt Savage that he had advised Mr Pokharel "*to get his own licence as soon as possible*").
 - (d) lack of understanding of SSAA, as evidenced by the above, together with a lack of due diligence by Mr Pokharel;
 - (e) content and accuracy of staff training.
9. Responding to questions from the committee, the alcohol licensing officer advised:
 - (a) the hours (and number) of duty managers were a concern;
 - (b) evidence of staff training had been provided;
 - (c) she accepted Mr Pokharel's error (in failing to seek a temporary authority) was a genuine mistake;
 - (d) her concerns on the day of the hearing were:
 - (i) the number of certified duty managers (allied to the hours of operation);
 - (ii) staff training;
 - (iii) suitability.
10. For the Police, Sgt Savage confirmed his objection, as summarised earlier. When questioned by the committee Sgt Savage advised:

- (a) he was “torn” about the application as he described these as “low risk” premises but he found it hard to get past the sales breach - which he also accepted was borne of ignorance, not intent;
 - (b) the coverage of duty managers was an issue. He dismissed the notion that there would be no sales of alcohol if there was no duty manager on the Premises, describing that as “not good practice”;
 - (c) if a licence was to be issued, a condition requiring three duty managers would allay his concerns.
11. The local alcohol licensing inspector confirmed her objection as filed. Responding to questions, she advised:
- (a) duty managers, and numbers, remained a concern, although she too confirmed a condition imposing a requirement for three duty managers would allay that concern;
 - (b) reduced hours would assist in addressing her concerns.
12. Mr Pokharel had filed a statement in advance of the hearing. That statement is notable for its open and candid approach. Of note, Mr Pokharel:
- (a) accepted that alcohol was sold *“even though I did not have a Temporary Authority or a new licence in my name. I understand now that this should not have happened”*;
 - (b) stated the sales were not borne of intention to ignore SSAA or *“avoid my responsibilities”* but happened *“because I misunderstood how the licence worked when ownership of the business changed”*. He accepted this was *“an important mistake”*;
 - (c) advised that he checked the expiry date of the existing licence and believed he could continue to sell alcohol;
 - (d) acknowledged that the vendor had told him to speak to Council, but he *“misunderstood what was required and wrongly believed that checking the expiry date of the existing licence was enough.”* He said he would have applied for a temporary authority *“straight away”* if he had understood it was required;

- (e) summarised his understanding of SSAA as including:
 - (i) “not selling alcohol to minors”;
 - (ii) “not selling alcohol to intoxicated people”;
 - (iii) “making sure alcohol is sold safely and responsibly”;
- (f) advised that he had taken this matter “seriously and [I] have worked to improve my knowledge of the licensing requirements”. Actions taken included joining Hospitality New Zealand – with its access to guidance and support and staff training.
- (g) outlined steps taken to improve the duty manager situation and concerns relating to numbers and training by securing more staff with the LCQ qualification.

13. Responding to the committee, Mr Pokharel further advised that:

- (a) he had agreed to reduce hours for alcohol sales to:

Monday to Thursday	11.00 to 22.00
Friday to Sunday	11.30 to 22.00
- (b) he had put both himself and Sal’s staff through Hospitality New Zealand’s Topsy training, and online training would continue;
- (c) alcohol was a minor part of the business (estimated at 10%);
- (d) he did not have a lawyer acting for him in the purchase, and the franchise training focussed on food;
- (e) expressed the believe that his understanding of SSAA was “a lot better”;
- (f) confirmed no changes had been made to the layout of the premises to that operated by the vendor;
- (g) accepted that he would abide by a three duty manager condition of a licence, if issued.

The Law

14. The law governing licence applications is established and well known. The criteria for consideration are set out in s105 of the Act. That section provides:

“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:*
- (b) *the object of this Act:*
 - (c) *the suitability of the applicant:*
 - (d) *any relevant local alcohol policy:*
 - (e) *the days on which and the hours during which the applicant proposes to sell alcohol:*
 - (f) *the design and layout of any proposed premises:*
 - (g) *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:*
 - (h) *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:*
 - (i) *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:*
 - (j) *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:*
 - (k) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
 - (l) *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.”*

We consider each of these criteria later in this decision, but in the context of the concerns raised in this application two of those justify comment from a legal perspective.

15. The object of SSAA is at the heart of any licensing decision. Section 4 of the Act states the object as follows:

- (1) *The object of the Act is that-*
 - (a) *the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and*
 - (b) *the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*
- (2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes-*
 - (c) *any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
 - (d) *any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damaged, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

16. Commenting on this section the Supreme Court has said that s.4 should be read with s.3, which explains the Act's purpose.¹

17. Section 3 states that:

- (1) *"The purpose of Parts 1 to 3 [which regulate the sale and supply of alcohol and the licensing system] ... is for the benefit of the community as a whole, -*
 - (a) *to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and*
 - (b) *to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.*
- (2) *The characteristics of the new system are that –*
 - (a) *it is reasonable; and*
 - (b) *its administration helps to achieve the object of this Act.*

¹ *Woolworths New Zealand Ltd v Auckland Council* [2023] NZSC 45 @ [53]

18. The Supreme Court summarised the position in the **Woolworths**² decision when it said:

*"The Act introduces a reasonable system of control on the sale and supply of alcohol that seeks to achieve closely related outcomes; that alcohol is sold, supplied and consumed safely and responsibly and harm from excessive and inappropriate drinking is minimised."*²

Suitability of the Applicant

19. The Company is recently incorporated. It has no history – whether in hospitality or otherwise. It was incorporated to acquire and run the Sal's business. We consider therefore that it is appropriate to lift the corporate veil and to look at and consider Mr Pokharel in this context.
20. Each of the tri-agencies expressed concern, in one form or another, about the Applicant's suitability. Not surprisingly, that concern was driven in no small measure by Mr Pokharel's lack of understanding, as evidenced by (inter alia) the unauthorised sales and his staff training and duty managers.
21. The term "suitability" is not defined in the Act. The term was however the subject of discussion by Holland J in **Re Sheard**.³ His honour said the lack of a statutory definition did not surprise him – the word is commonly used in the English language and was well understood. He considered the real issue to be whether the applicant would properly carry out his obligations as licensee⁴.
22. We consider the ARLA decision in **Re Nischay's Enterprises Ltd** to be helpful in clarifying the scope and meaning of the term "suitability" for SSAA purposes. The Authority stated:

*"Rather, suitability is a broad concept and the assessment of it includes the character and reputation of the applicant, its previous operation of premises, its proposals as to how the premises will operate, its honesty, its previous convictions and other matters. It also includes matters raised in reports filed under s.33 of the Act and those reports may raise issues pertaining to the object of the Act as set out in s.4. Thus, whether or not the grant of the licence will result in the reduction or an increase in liquor abuse is a relevant issue..."*⁵

² *Woolworths New Zealand Ltd v Auckland Council* [2023] NZSC 45 @ [83]

³ *Re Sheard* High Court Christchurch AP 119/95, 29 November 1995

⁴ At page 6, lines 6-7

⁵ *Re Nischays Enterprises Ltd* [2013] NZARLA PH837 @ [53]

And continued:

"Traditionally, that test has been interpreted as meaning whether or not an applicant will comply with the penal provisions of the Act. In fact, the test is much wider. To carry out the responsibilities that go with the holding of a licence includes whether or not liquor abuse issues are likely to arise. Thus, it includes the object of the Act as set out in s.4. The Sheard test is not simply about how a business is likely to operate in the future. It is dependent on an assessment of the more generalised factors referred to in the previous paragraph. It includes how a licensee will deal with liquor abuse issues that may arise from the establishment of the business.⁶"

Consideration of the Section 105 Criteria

Object of the Act: s105 (1)(a)

23. It is noteworthy that the object of SSAA is twofold –

- that alcohol sale, supply and consumption should be undertaken safely and responsibly; and
- that harm caused by excessive or inappropriate consumption of alcohol should be minimised.

24. The Act does not ban alcohol sale/supply/consumption. Indeed, s.3 recognises that system controlling such matters is *"for the benefit of the community as a whole"* with controls relating to sale, supply and consumption to achieve the statutory object.

25. We discuss this factor later in this decision.

Suitability of the Applicant: s105 (1)(b)

26. In many ways Mr Pokharel's suitability is a critical issue in this application.

26.1. On the one hand the concerns (rightly) raised by the tri-agencies, especially Health New Zealand, are concerning, if not alarming. These are set out earlier in the decision⁷ but notably include:

- (a) a failure to seek a temporary authority, resulting in
- (b) unauthorised sales of alcohol

⁶ At [54]

⁷ See especially [7.1 – 7.3] & [8], & [10] & [11]

- (c) arguably, inadequate duty managers and lack of systems
 - (d) lack of understanding of SSAA and the obligations it imposes.
- 26.2. On the other hand, Mr Pokharel's evidence and his responses to questions from the committee were encouraging and evidenced that significant steps had been taken prior to the hearing to address concerns⁸. Of note:
- (a) he expressed an awareness of day-to-day responsibilities;
 - (b) he advised he had worked to improve his knowledge of licensing requirements;
 - (c) he has joined Hospitality New Zealand and he has access to advise and to mentors;
 - (d) he and his staff have undergone Typsy training;
 - (e) he has actively sought to address concerns re duty managers.
27. In the context of the failure to seek a temporary authority we note that the advice said to have been given by the vendor referred to Mr Pokharel needing to get a new licence – not the need for a temporary authority. Mr Pokharel looked at the licence and thought he had time. That, particularly with his slack of legal advice on the purchase, is consistent with his lack of intent to trade without a licence.
28. The question of Mr Pokharel's "suitability" in terms of the requirements of the SSAA has been troublesome, particularly in light of the sales made. Like Sgt Savage, we have been somewhat "torn". However a recent decision of the Alcohol Regulatory and Licensing Authority where the question of a party's oversight, (in that case to renew a manager's certificate) resulted in unauthorised sales is helpful. After noting the party had immediately stopped sales, made a "frank admission", and co-operated fully ARLA adopted a pragmatic approach to the issue before it⁹. Taking account of that decision, we do not see that issue as fatal. We consider a balanced overall assessment of the "suitability" in totality is warranted; that is also consistent with the *Nischay's* decision.
29. On balance, we are satisfied that the Mr Pokharel who appeared at the hearing is a far more aware, knowledgeable and focused person (in terms of SSAA obligations) than

⁸ See [13] & [14]

⁹ *Jones v Suter Café Limited* [2026] NZARLA 219-220 @ [4], [7] & [8]

the person who took over the Sal's franchise in mid-2025. He is not the "very green around the gills" person described in the prior franchisee's email to Sgt Savage. We have therefore concluded, by a fine margin, that Mr Pokharel/the Applicant is a suitable person to hold a licence under SSAA.

Relevant Local Alcohol Policy: s105 (1)(c)

30. Nelson City does not have a local alcohol policy and this is not a factor requiring consideration.

Days and Hours of Proposed Trading: s105 (1)(d)

31. As noted earlier¹⁰, Mr Pokharel has agreed to reduce the hours for the sale of alcohol to:

Monday to Thursday	11.00 to 22.00
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Friday to Sunday	11.30 to 22.00
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32. We understand the tri-agencies have agreed that if a licence was to be granted those hours are suitable. We agree.

Design & Layout of the Premises: s105 (1)(e)

33. In response to a question from the Committee Mr Pokharel advised that the design and layout of the premises has not changed since the Applicant took over.
34. None of the tri-agencies raised concerns about design and layout and we do not consider this to be a factor requiring further discussion. We are satisfied the design and layout is appropriate.

Use of Premises for other Sales: s105(1)(f) & (g)

35. The application includes a menu of a variety of food offerings. As the name of the business implies, this leans heavily towards pizza but it also includes fries and chicken wings. Low and no alcohol products are identified, with wine seemingly only offered by the glass, not the bottle. There is no suggestion of other unrelated services being conducted.

¹⁰ See page [13(a)]

36. None of the tri-agencies queried product sales and we do not consider this to be a matter of concern. We are satisfied on this issue.

Amenity & Good Order of the Locality: s105(1)(h) & (i)

37. As noted earlier, there were no objections from the public to this application.
38. The licensing inspector was the only member of the tri-agencies to comment on amenity and good order. The inspector's view was:

"The premises is in the central business district in close proximity to other bars and restaurants. There are no identified concerns regarding noise, nuisance or vandalism that would be exacerbated by the granting of this licence.

The amenity and good order of a locality is unlikely to be reduced, by more than a minor extent, by the effects of the issue of the licence."

39. In our opinion there is no basis for concern that 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 and we conclude accordingly.
40. For the same reasons as outlined above, we do not consider that the amenity and good order of the locality are already so badly affected that the concerns in 105(1)(i) come into play – in our view they are not relevant in the context of this application.

Does the Applicant Have Appropriate Systems, Staff & Training to Comply with the Law: s105(1)(j)

41. Systems, staff and training were a concern common to each of the tri-agencies. On the evidence available and knowledge at the time each of the agencies reported we fully understood those concerns and we accept them.
42. The hearing was however helpful in identifying steps taken over recent months, steps primarily directed towards those concerns. Relevantly in this context:
- (a) as noted above, staff training in accordance with the Hospitality New Zealand Topsy training has been completed by both him and Sal's staff);
 - (b) potential new duty managers, some of whom will required practical experience, have been identified;

(c) a liaison with the local Hospitality New Zealand manager has been established.

43. The evidence satisfies us that with conditions as discussed below, appropriate systems, staff and training to comply with the law are/will be in place if a licence is issued.

Tri-Agencies Reports: s105(1)(k)

44. The reports from the tri-agencies have been canvassed above.
45. We consider that with the conditions imposed below, the concerns identified by the tri-agencies will be addressed.

Decision

46. We have approached this decision with caution, particularly having regard to the breach of trading without a temporary authority. We are mindful of the recent comments of Gardiner J in the High Court in ***Alcohol Licensing Inspector, Auckland Council v Singh 13 Investments Limited*** where his honour commented:

*"Whereas the legislation draws a distinction between new licenses and renewals, no distinction is made for 'new owner' applications in relation to existing licensed premises ... the application is for a new licence and, accordingly, must be evaluated against the mandatory criteria in s105 in the same way as an application concerning new premises. A 'new owner' applicant does not have any advantage – there is no presumption that an application for a new licence will be granted because the previous owner held a licence for the premises ..."*¹¹

47. The breach arising from sales of alcohol without a temporary authority is serious and ignorance is no excuse. Our role however is not to punish/sanction. Our role is to apply the SSAA and to undertake of evaluative assessment of the factor in s105 having regard to the purpose and object of the Act and decide whether or not we are satisfied that if a licence is issued the Applicant will ensure that the sale, supply and consumption of alcohol is undertaken safely and responsibly and harm caused by excessive or inappropriate consumption of alcohol is minimised.

¹¹ *Alcohol Licensing Inspector, Auckland Council v Singh 13 Investments Ltd* [2025] NZHC 2868 @ [35]

48. Standing back and looking at this application and deciding whether or not a licence should be issued with due account of the **Nischay's** decision,¹² we think the following factors are significant.

- (a) the Premises are located in an established hospitality area;
- (b) as Sgt Savage noted, the Premises are "low risk";
- (c) there is no history of concerns or problems either at the Premises or in the immediate vicinity;
- (d) the Applicant responded immediately once he became aware of the requirements. He stopped trading and he was open, transparent and co-operative with the tri-agencies – as he was with us;
- (e) the Applicant has agreed to reduced hours and he has taken positive steps to not only improve his own knowledge and understanding but also to ensure compliance (by, for example, staff training), as discussed above.

49. We have therefore concluded that we are satisfied that the Applicant meets the criteria in s105 and that the Applicant will fulfil their statutory duties such that this is an appropriate application to be granted, subject to what we say below.

50. Section 110 of SSAA empowers a licensing committee to issue an on-licence subject to a number of different conditions, including:

"conditions prescribing steps to be taken by the licensee to ensure that the provisions of this Act relating to the management of the premises concerned are observed": s110(1)(b)

51. Section 117(1) gives a licensing committee far broader power to *"issue any licence subject to any reasonable conditions not inconsistent with this Act"*.

52. Given the concerns of the tri-agencies regarding duty managers, and noting Mr Pokharel's acceptance of a condition regarding numbers of duty managers we grant the on-licence to Sals at Trafalgar Nelson Limited on the terms sought subject to:

- (a) a change of hours to:

¹² Refer to [22]

Monday to Thursday

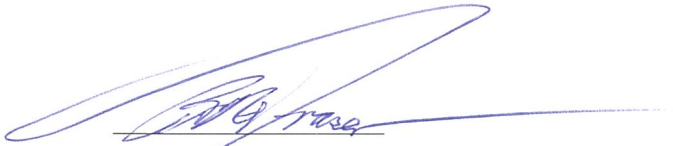
11.30 to 22.00

Friday, Saturday, Sunday

11.00 to 22.00

- (b) a condition that the Licensee is to have not less than three duty managers on its roster (who must each be registered with the local authority) and one such duty manager must be on site and working at all times when the Premises are open for business.

Dated at Nelson this day of *August* 2026



B R Fraser

Chair of the Nelson District Licensing Committee