

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER**

of an application by **Avoca  
Services 2013 Limited** for a  
renewal of On Licence pursuant to  
section 127 of the Supply of  
Alcohol Act 2012.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for renewal of On Licence (036/ON/018/2014) was publically advertised in the Wanganui Chronicle on the 8 and 15 September 2020 along with a display notice attached to the premise in accordance with the Regulations, with no objections received.

As no matters of opposition were raised under section 102 and 103 reports; therefore the matter was considered by the Whanganui District Licensing Commissioner on the papers contained in the full file provided by the secretary.

**Commissioner: Stuart Hylton**

**RESERVED DECISION OF THE WHANGANUI DISTRICT LICENSING  
COMMITTEE**

**1. Application**

On the 8 September 2020, **Avoca Services 2013 Limited** on the prescribed form made application for renewal of an On-licence.

The application for renewal of On-Licence is in relation to the premises known as '*Avoca Hotel*' situated at 448 State Highway 4, Whanganui.

The general nature of the business is that of an 'On Licence Tavern' although previously it was a 'Hotel'. The renewal application seeks to renew with the same existing conditions. The premise is presently designated 'supervised' and has not come to the notice of authorities in an adverse manner during the renewal period.

The complete file included –

- The application

- Fire evacuation compliance statement
- Host Responsibility Plan
- Food/Drinks list
- Floor plan
- Photo's
- Copy of draft public notice and public display
- Existing Licence
- Reports from Police, Medical Officer of Health and Inspector

## **2. Decision Making**

In considering this application for On-Licence the licensing committee had regard to the criteria under section 131 and 105 of the Act. Section 105 assessments were made using the inspector's full report and own assessment. I accept the inspector's assessment and recommendations.

Key matters raised in complete file including the inspector's reports were –

- The applicant is a private company incorporated in 2013 with two directors and three shareholders.
- The premise has not come to the notice of authorities in an adverse manner during the renewal period. This is the third renewal.
- The applicant provided a host responsibility plan that if followed should ensure the object of the act is met.
- Two certified manager's names were put forward for the licence which is considered to be adequate for this type of premise. The applicants are 'hands on' in the business. The applicant appears to have appropriate systems, staff and training to comply with the law.
- There were no reports questioning suitability and neither do I.
- The current hours wanting to be renewed have operated without incident i.e.

**Monday to Sunday, between 9.00am to 2.00am, the following day**

- Floor plan provided works well for the general nature of the business held on the premises. The areas to be licensed includes all bars. All bars are designated 'supervised'.

- No CPTED or amenity or good order issues raised with renewal. There is no reason to believe the amenity and good order of the locality would likely to be increased, more than a minor extent, by the effects of a refusal to renew the licence.
- The applicant has excellent systems for staff training and performance.
- The Whanganui LAP has been adopted and is in a transitional phase of implementation. The LAP allows for discretionary conditions relating to On-licences. The inspector has recommended that the following conditions be placed on the renewal stating –
  - the licensee will record and maintain a register of significant alcohol related incidents and have that register available for inspection by an enforcement officer at any time during trading hours.
  - A one way door policy from 1.00am.

The applicant has signalled they are happy with these conditions to be included in the renewal. On this basis this seems a reasonable recommendation to include. No other discretionary conditions under the LAP were recommended by any of the reporting agencies.

### **3 Reporting Agencies**

The following reports were received under section 103 of the Act and taken into account during the decision.

**3.1 Police** – Report received on 5 October 2020, of no opposition..

**3.2 Medical Officer of Health** – Report received on 12 October 2020, of no opposition.

**3.3 Licensing Inspector** – Full report dated 12 October 2020. The inspector has no opposition to the application and assessed the application against s. 105 matters with no matters of opposition raised. The inspector concludes that the application is complete and appears to meet the criteria for renewal of the licence with existing conditions.

### **4 Conclusion**

Based on the evidence provided to me within the complete file, my assessment above of section 105 matters and the past operation of the premise/licensee, I

conclude that the application meets the statutory criteria to be granted a renewal of On-Licence (Tavern Style) under the Act for a period of three (3) years, from the expiry date of the previous licence.


The licence will be subject to the conditions suggested within the inspectors report.

## 5 Decision

Accordingly the application is **Approved** for issue immediately.

**Dated at Whanganui District this 14 day of October 2020.**

**Signed**



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**Stuart Hylton**  
**Whanganui District Licensing Commissioner**

