

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **BARRACKS
SPORTS BAR LIMITED** for an On-
Licence pursuant to section 100 of the
Sale and Supply of Alcohol Act 2012, in
respect of the premises situated at 170 St
Hill Street, Whanganui and known as
“Barracks Sports Bar”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for a new On-Licence was advertised in the Whanganui Chronicle on the 7 September and 21 September 2018; together with statutory signage on the building as evidenced through photographic receipt on file. No objections were received. 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 in accordance with the provisions of s.202 (1) and 191(2) of the Sale and Supply of Alcohol Act 2012.

Commissioner: **Stuart Hylton**

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

Application

(1) The application was made on the 31 August 2018 on the prescribed form. The application seeks to establish a new on-licensed ‘Sports Bar’ in a premise situated at 170 St Hill Street, Whanganui. The premise will be known as ‘Barracks Sports Bar’ which will operate within the premises formally known as the RSA Club.

(2) The premises at 170 St Hill Street is owned by Mike Paul Properties Limited who has confirmed by way of supporting letters that the premises can be used for what’s being applied for and that an evacuation scheme will be maintained by the owner.

(3) The applicant is an incorporated company (2018) with one director and shareholder. The applicant has supplied the names of two people who are in the process of obtaining their managers certificate along with the prospect of the director and her partner obtaining certificates once they have gained experience in the industry.

(4) The premise will continue to be known as the ‘Barracks Sports Bar’ and is seeking to be designated ‘supervised’ for the majority of the premise with ‘restricted’ designation for games room/deck area. The principal entrance is located at the front of the entrance to the premises

off St Hill Street. The certificate of compliance from the Whanganui District Council, has stated a maximum number of patrons as being 423.

(5) The complete file that the District Licensing Committee received included –

- The application
- Certificate of incorporation
- Floor plan
- A s. 100(f) RMA/ Building Act compliance letter from Council
- Letter from applicant's landlord agreeing to the application to be licensed.
- Letter from applicant around evacuation scheme compliance
- Copy of public notice on the building
- Host Responsibility Policy
- Copy of supporting letter from landlord
- Full menu
- Public Advert wording
- Reports from Police, Medical Officer of Health and Inspector

Decision Making

(6) In considering this application for On-Licence the District licensing Committee (here in after referred to as the 'Committee') had regard to the criteria specified under s. 105 of the Act.

(7) the object of this Act:

This is a new on -licensed tavern (Sports Bar) although the premise up until a few months ago was licensed as an RSA Club.

The applicant provided a Host Responsibility Policy that shows how alcohol will be sold in a responsible manner under the licence. If followed this should ensure the object of the Act continues to be complied with. The applicant has the initial first year to show that they can operate the licence in accordance with the Act and the licence conditions.

(8) the suitability of the applicant:

The applicant, Barracks Sports Bar Limited, is an incorporated company with one shareholder/director. The director is well known in the District with a business background and has an interest to ensure the licence is a success and the statutory responsibilities are adhered to.

As a new licensee there have been some issues getting trained, experienced certified managers for the premise. Two have just been employed and are about to obtain their certificates. The applicant and her partner will also do so once they have gained the necessary experience.

(9) The inspector and reporting agencies do not challenge suitability of the applicant and neither do I.

(10) any relevant local alcohol policy:

No local policy is currently in place.

(11) the days on which and the hours during which the applicant proposes to sell alcohol:

The applicant has applied for the following days and hours –

- **Monday to Sunday, 8.00am to 2.00am the following day.**

These hours seem reasonable for the activity.

(12) the design and layout of any proposed premises:

The application included a floor plan (date stamped 2 October 2018) showing premise layout, area to be licenced and principal entrance.

The majority of the licensed premise is to be designated ‘supervised’ whilst the games room and deck is to be designated ‘restricted’.

(13) 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:

No.

(14) 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:

This is a new licence but replaces an existing licensed Club within a Commercial Zone where the purchase and sale of food and beverages is permitted.

Within the agency reports there are no concerns about the possible reduction in amenity and good order from any licence issue.

(15) 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:

No concerns raised.

(16) whether the applicant has appropriate systems, staff, and training to comply with the law:

If the host responsibility policy and systems followed then the licence holder should have no problems with compliance.

Reporting Agencies

(17) The following reports were received under section 103 of the Act.

(18) **Police** – Report received on 1st October 2018, offering no opposition.

(19) **Medical Officer of Health** - Report received on 28th September 2018, offering no opposition.

(20) **Licensing Inspector**

Full report dated 4th October 2017. The inspector provided a comprehensive report into the application, has met the applicant and concluded that the application is complete, appears to meet the criteria for a new on-licence and therefore there has no opposition to the application.

Committees Decision and Reason

(21) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my assessment above, I conclude that the application meets the s. 105 criteria under the Act to be granted an on-licence for the premise situated at 170 St Hill Street, Whanganui, to be known as ‘Barracks Sports Bar’.

(22) Accordingly the application is **approved** for issue for one year subject to the following conditions and payment of any outstanding fees, if any.

(23) The licence will be subject to the following conditions:

- (a) The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol, at reasonable prices, a reasonable range of non-alcoholic drinks and low alcohol drinks.
- (b) The licensee must have free drinking water available for customers at each bar whilst open for business.
- (c) Liquor may only be sold only on the following days and during the following hours:

Monday to Sunday 8.00am to 2.00am the following day

EXCEPT THAT on Good Friday, Easter Sunday, and Christmas Day, or before 1pm on Anzac Day, no alcohol is to be sold or supplied on the premises unless the buyer is a person who is present on the premises to dine.

- (d) Food must be available for consumption on the premises at all times when the premises are open for the sale of alcohol in accordance with the menu submitted with the application, or variations of that menu of a similar range and standard.
- (e) The licensee must ensure that, at any time customers are lawfully on the premises,—
 - (i) there is readily available to the customers, free, comprehensive, and accurate information about the forms of transport from the premises that are available at that time; and
 - (ii) there are on the premises, and readily accessible to the customers, staff able to give them comprehensive and accurate information about the forms of transport from the premises that are available at that time; and
 - (iii) those staff will on demand give any customer appropriate advice free.

- (f) The licensee must ensure that for each principal entrance to the premises there is displayed at all times a sign attached to the inside or outside of the premises, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the premises are open for the sale of alcohol
- (g) The licensee must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—
 - (a) attached to the inside of the premises concerned; and
 - (b) so as to be easily read by people entering each principal entrance.
- (h) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (i) The licensee and managers on duty must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.
- (j) The whole of the licensed premises is designated '**supervised**' apart from the gaming room and deck which is to be designated '**restricted**'.

3 Decision

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

Dated at Whanganui District this 5th day of October 2018.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner