

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Christopher Hayton** 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/004/2023.1) was publically advertised in the Whanganui Chronicle on 8 May 2024 and again 15 May 2024, 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 9 May 2024, **Christopher Hayton** on the prescribed form made application for renewal of an On-licence with variation.

The application for renewal of On-licence is in relation to the premises known as '*The Teal Lounge*' situated at 40 Drews Avenue, Whanganui.

The general nature of the business is that of a 'Tavern'. The renewal application seeks to renew with a variation to extend hours of trade, both opening and closing. This is a relatively new tavern, small and intimate surrounds located on the second floor of the building. Total patronage is limited to 21 persons at one time. This is the current licensee's first renewal application.

The complete file included –

- The application
- Fire evacuation compliance statement
- Fire Evacuation Plan
- Host Responsibility House Policy
- Food list
- Floor plan
- Photo of public display
- 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 natural person who is recognised as a successful brewer promoting his own distinct beverages at this premises.
- The premises has not come to the notice of authorities in an adverse manner during the renewal period.
- The applicant provided a host responsibility policy that if followed should ensure the object of the act is met. To the inspectors knowledge the applicant has never failed a controlled purchase operation.
- One certified manager was put forward for the licence which is considered to be the bare minimum. The Inspector states he will discuss with the applicant the need for a further certified manager especially given the extended hours. The applicant appears to have appropriate systems, staff and training to comply with the law and is an experienced operator.

- Suitability is not challenged.
- The current hours are –
Monday to Sunday (7 days) 12:00 midday to 11:00pm
The varied hours applied for are –
Monday to Sunday 11.00am to 11.30pm.
The Inspector supports the change in hours as proposed on this occasion.
- Floor plan provided works well for the intimate surroundings.
- Current 'supervised' designation for the premises is sufficient and is to remain.
- 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 appropriate systems for staff training and performance.

3 Reporting Agencies

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

3.1 Police – No opposition.

3.2 Medical Officer of Health – Report received on 4 June 2024, of no opposition.

3.3 Licensing Inspector – Full report dated 12 June 2024. 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 varied conditions as applied for.

3.7 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 under the Act for a period of three (3) years.

The licence will be subject to the current conditions except for the extended hours as applied for.

4 Decision

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

Dated at Whanganui District this 18 day of June 2024.

Signed



Stuart Hylton
Whanganui District Licensing Commissioner

