

**IN THE MATTER**

**AND**

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of the Sale and Supply of Alcohol Act  
2012

of an application by **JARVIA COMPANY LIMITED** for a renewal of Off-licence pursuant to section 127 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 167 Glasgow Street, Whanganui and known as "Pak 'n' Save".

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for renewal of Off-Licence was advertised in the River City Press on the 20 and 27 June 2024 with no objections received.

The matter will be considered by the Whanganui District Licensing Committee on the papers.

**Commissioner: Stuart Hylton**

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

***Application***

(1) The premises at 167 Glasgow Street, Whanganui is currently operating as an off licence 'Supermarket Style' (036/OFF/005/2015) and this application is to renew the licence. This is the third renewal of this license by the applicant.

(2) The application to renew was made on 17th June 2024 on the prescribed form. The application seeks to renew with same existing conditions. The general nature of the business will continue to be that of a 'Supermarket' and this will be the third renewal.

(3) The applicant's store is of sufficient floor area to have status as a supermarket under s. 32 (1) (e) of the Act for which an Off-licence may be issued.

(4) The complete file that I received included –

- The application
- Supplementary information from applicants agent
- Site Plan
- Certificate of Incorporation
- List of duty managers
- Floor plan showing revised single alcohol display area
- Draft renewal advertisement
- Fire evacuation scheme declaration from owner
- Copy of existing licence
- Reports from Police, Medical Officer of Health and Inspector

***Decision Making***

(5) In considering this application for renewal of Off-Licence the District licensing Committee (here in after referred to as; the Committee) had regard to the criteria specified under s. 131 of the Act.

(6) The Committee must also have regard to the stores display and promotion of alcohol and set a condition in relation to 'single alcohol area/s' in accordance with s. 112 of the Act. That section is copied for clarity:

***s. 112 Compulsory conditions relating to display and promotion of alcohol in single area in supermarkets and grocery stores***

*(1)The purpose of this section and sections 113 and 114 is to limit (so far as is reasonably practicable) the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol, and advertisements for alcohol.*

*(2)The licensing authority or licensing committee concerned must ensure that, when it issues or renews an off-licence for premises that are a supermarket or grocery store, it imposes on the licence*

*a condition describing one area within the premises as a permitted area for the display and promotion of alcohol.*

*(3)On the renewal of an off-licence for premises that are a supermarket or grocery store, any single-area condition imposed when the licence was issued (or was last renewed) expires.*

*(4)Subsection (3) is subject to [section 115\(4\)](#).*

(7) Sections 113 to 115 go on to further describe the requirements when determining 'single alcohol area/s'.

(8) The purpose of a single alcohol area under the Act is to limit (so far as is reasonably practicable) the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol.

(9) The application contained the following information to assist the Committee to make its decision on the s.112 matter:

- A copy of a premise floor plan indicating a single alcohol area.
- Inspectors report that concludes that the single area as marked on the plan, complies with the s. 112 to114 requirements.

(10) The premise is a large sized supermarket for Whanganui standards with the Single Alcohol Area located along the far corner (south east) as you walk into the store, away from the direct line of the check out and main thoroughfare of the store.

(11) This Committee concludes that the Single Alcohol Area is along the wall that most persons would not go down unless to shop for alcohol and associated goods. The Committee therefore again concludes that the Single Alcohol Area, as submitted, is indeed compliant.

(12) This area, in the Committee's view, is outside –

- the most direct pedestrian route between the entrance to the premises and the general point of sale.
- the most direct pedestrian route between the main body of the premises and the general point of sale.

This is a requirement of s.113 (5)(b).

(13) The reporting agencies have all enquired into the application, offered no opposition to the Single Alcohol Area or the substantive licence. Therefore based on the information supplied within the complete file and my site inspection, I am of the opinion that the proposed Single Alcohol Area as shown on the 'file' floor plan, is compliant with s. 112 – 115 requirements.

#### ***Sections 105/131 Analyses:***

##### **(14) the object of this Act:**

Both the Inspector and Medical Officer of Health inquired into the application seeking evidence that the object of the Act will be complied with under this licence. Neither raised concerns in their reports.

The applicant's Host Responsibility Policy, if continued to be followed, should ensure that the object of the act is complied with.

##### **(15) the suitability of the applicant:**

The applicant is a private company incorporated in 2005 and operates the local Pak n Save Supermarket for which the licence is sought. The applicant has two directors and two shareholders. The applicant supplied twelve names of certified managers employed on the premises which is considered suitable for this type of licence and premise. The Inspector notes there is no evidence of non-compliance in the past by this licensee.

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

##### **(16) any relevant local alcohol policy:**

The application accords with the LAP with adjusted hours as applied for.

##### **(17) the days on which and the hours during which the applicant proposes to sell alcohol:**

**Monday to Sunday 7.00am to 10.00 pm.**

These hours are within the national trading hours and same as the hours contained in the current licence. These are considered fit for purpose and have operated without incident in the past.

**(18) the design and layout of any proposed premises:**

The application is an existing licence with no changes to layout or issues reported. I see no issue with design and layout. Single Alcohol Area layout is discussed earlier in this report.

**(19) 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 accept the inspectors assessment that there have been no complaints about nuisance type offences in the area in the past and that if managed well this should continue.

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

The applicant has nominated twelve managers of varied experience and skills. The inspector notes the applicant maintains excellent levels of staff training and performance and runs a mystery shopper programme and internal franchise compliance audits with no failures recorded.

**Reporting Agencies**

(21) The following reports were received under section 103/129 of the Act.

(22) **Police** – Report received on 27 June 2024, of no opposition.

(23) **Medical Officer of Health** - Report received on 9 July 2024, of no opposition.

**(24) Licensing Inspector**

Full report dated 29 July 2024. The inspector provided, amongst other things, his assessment of the application in relation to the Act. He also assessed the application against s105 criteria. This assessment has been referred to in this report.

The inspector concluded that the application is complete and will likely meet the criteria for renewal on the conditions presently attached to the licence.

**Committees Decision and Reason**

(25) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my site inspection and my assessment above, I conclude that the application generally meets the s. 105/131 criteria under the Act to be granted renewal of an Off-licence for the premise situated at 167 Glasgow Street, Whanganui, known as 'Pak n Save Whanganui'.

(26) Accordingly the application is **approved** for renewal for three years subject to the conditions outlined within the Inspectors report.

**Dated at Whanganui District this 31st day of July 2024.**

**Signed**



**Stuart Hylton**  
Whanganui District Licensing Commissioner

