

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Joamarie Van Der Walt** for a renewal of an Off-licence pursuant to section 127 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 181-183 Victoria Avenue, Whanganui and known as 'Joa's Wines'.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of Off-Licence was advertised in the Whanganui Chronicle on the 6 and 13 September 2024 with no objections received. No matters of opposition were raised under section 128 and 129 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 premises at 181-183 Victoria Avenue, Whanganui is a section 40 endorsed remote sales Style Off-licence (036/OFF/002/2023) to sell alcohol for consumption 'off' the premise. This application is to renew the Off-licence which was first issued a year ago and was the subject to a hearing before this Committee due to opposition voiced from the reporting agencies. The license allows for wine sales only.

(2) The application to renew was made on 22 August 2024 on the prescribed form. The application seeks to renew with varied conditions to extend the hours of possible sale to those permissible under the Act i.e. Monday to Sunday 7.00am to 11.00pm. The general nature of the business will continue to be that of an endorsed remote sales Off-licence and this will be the applicants first renewal of the licence.

- (3) The complete file that I received included –
- The application
 - Site Plan
 - Certificate of Incorporation
 - List of duty managers
 - Floor plan
 - Draft renewal advertisement
 - Fire evacuation scheme declaration from owner
 - Copy of existing licence
 - Reports from Police, Medical Officer of Health and Inspector

Decision Making

(4) 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.

Sections 105/131 Analyses:

(5) 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. The applicant's Host Responsibility Policy, if followed correctly, should ensure that the object of the act is complied with. The licence is rated low risk and the Inspector reports that the applicant has managed the licence without blemish or concern.

(6) the suitability of the applicant:

The applicant is an individual who has not attracted any adverse reports or comments during the renewal period. The applicant supplied her own name as the certified manager for the licence. This is considered suitable for the type of premises.

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

(7) any relevant local alcohol policy:

The application is contrary to the off licence 'cap' in the local alcohol policy and this matter was subject to a hearing at its inception. On all other aspects the renewal application is LAP compliant.

(8) the days on which and the hours during which the applicant proposes to deliver alcohol:

Applicant has applied to renew with varied 'delivery' hours i.e.

- **Monday to Sunday 7:00am to 11:00pm.**

These hours are within the national trading hours. These are considered fit for purpose and are not opposed by any of the reporting agencies.

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

The premises is modest in size and is defined in a floorplan provided to the application and date stamped as 22 August 2024.

(10) 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 inspector's assessment that there has been no concerns raised in this respect which is what you'd expect for this type of licence.

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

The applicant has nominated herself as the certified manager for the licence. The inspector notes the applicant maintains good levels of self-training and reporting.

Reporting Agencies

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

(13) **Police** – No opposition within Police report dated 9 September 2024.

(14) **Medical Officer of Health** - Report received on 18 September 2024, of no opposition.

(15) Licensing Inspector

Full report dated 14 October 2024. The inspector provided, amongst other things, his assessment of the application in relation to the Act. The Inspector 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 with the varied delivery hours, as applied for.

Committees Decision and Reason

(16) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, I conclude that the application generally meets the s. 105/131 criteria under the Act to be granted renewal of a remote sales Off-licence for the premise situated at 181-183 Victoria Avenue, Whanganui, and known as the **Joa's Wines**.

(17) Accordingly the application is **approved** for renewal for three years subject to the current conditions of the license, apart from varied delivery hours as applied for.

Dated at Whanganui District this 14th day of October 2024.

Signed



Stuart Hylton
Whanganui District Licensing Commissioner

