

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Yeezus Limited for
an On- Licence pursuant to section 100
of the Sale and Supply of Alcohol Act
2012.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for On Licence was advertised in the Wanganui Chronicle on the 11th and 18th August 2016 with no objections 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.

Commissioner: **Stuart Hylton**

RESERVED DECISION OF THE WHANGANUI DISTRICT LICENSING COMMITTEE

1. Application

Yeezus Limited made application on the prescribed form dated 9th August 2016. The application for On Licence is in relation to the premises to be known as ‘La Quattro Restaurant’ situated at 13 Victoria Avenue, Whanganui.

The general nature of the business will be that of a Licensed Café/Restaurant. The applicant is currently running the bar under a temporary authority from previous licences. The proposed premise is located in a block of commercial buildings within a Central Commercial Zone where the sale of alcohol is a permitted activity. The premises includes licensed areas of public pavement on Victoria Avenue. The ‘licence to occupy’ granted by the District Council for this public area, overrides the Liquor Ban for this general public area. The licence to occupy also specifies that the sale and supply of alcohol in this area shall be limited to the hours of 9am to 11pm which is consistent with other similar type operations in this zone.

Lease agreements are in place and building and resource consent certificates were supplied. The principle entrance is located off Victoria Avenue.

The complete file that I received included –

- The application
- Premise floor plan
- Site plan
- Host Responsibility Policy
- Menu
- Company Certificates

- Building owners consent form.
- Newspaper advertisement
- Copy of licence to occupy
- Council RMA/Building Compliance Certificate
- Notice of evacuation scheme exemption from fire service
- 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 following criteria under section 105 of the Act.

(a) the object of this Act:

The applicant provided a Host Responsibility Plan that shows how alcohol will be served in a professional and responsible manner under the licence. If followed the object of the Act should not be compromised.

(b) the suitability of the applicant:

The applicant is Yeezus Limited with shareholder/directors being Manjot Singh. He currently operates a Temporary Authority at the premise. Two certified managers are supplied and as the Inspector notes, should be adequate for this type of premise. The inspector does not challenge the applicant's suitability and I have no reason to also.

(c) any relevant local alcohol policy:

No local policies currently in place although it's noted the premises is within a liquor ban area.

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

The applicant has applied for Monday to Sunday 8.00am to 1.00am the following day. The hours are at the outer limit of what could be expected for most premises of this type in Wanganui.

Although not raised in the inspectors report, the Wanganui District Councils Licence to Occupy agreement provided with the application states that... 'any supply or consumption of liquor in this area shall be limited to between the hours of 9.00am and 11.00pm'. This is at odds with the hours sought in this application but can be accommodated using split hours to inside and outside areas of the premise.

This should not be a problem and will be up to the licensee and managers to actively enforce.

Therefore the areas covered by the licence to occupy will be limited to the hours of 9.00am to 11.00pm.

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

No CPTED assessment received with application but the floor plan provided confirms no changes to the layout that has previously been licenced and operated satisfactorily.

(f) 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 the applicant does not.

(g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:

No the applicant does not.

(h) 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:

No record of previous amenity and good order issues noted in inspectors report.

(i) 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 issues raised.

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

If the host responsibility policy is followed there should be no problems.

(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#). (see below)

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 18th August 2016, of no objection.

3.2 Medical Officer of Health - Report received on 22nd August 2016 offering no opposition.

3.2 Licensing Inspector – Full report dated 2nd September 2016. The inspector has no opposition to the application after having regard to the criteria under the Act and the evidence supplied.

4 Conclusion

Based on the evidence provided to me within the complete file, my assessment above of section 105 matters, I conclude that the application meets the statutory criteria to be granted an On-Licence under the Act.

5 Decision

Accordingly the application is **Approved** for issue for one year 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:

On such days and during such hours:

- **Monday to Sunday 8.00am to 1.00am the following day for the interior part of the premise, and**
 - **Monday to Sunday 9.00am to 11.00pm for those public areas of the wider premises delineated on the licence to occupy site plan for the purpose of seating and consumption of food and beverages.**
- (d) The licensee must ensure that, at any time customers are lawfully on the premises,—
 - 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
 - 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
 - those staff will on demand give any customer appropriate advice free.
 - (e) 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
 - (f) 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.
 - (g) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.

- (h) 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.
- (i) The whole of the premise is undesignated.
- (j) The outside areas of the licenced premises shall be suitably marked when in use to clearly delineate boundaries to patrons, public and enforcement agencies.

Dated at Wanganui District this 8th day of September 2016.

Signed



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Stuart Hylton
Wanganui District Licensing Commissioner