

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER**

of an application by **Liffiton  
Castle Limited** 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/9/2005) was publically advertised in the Rivercity Press on the 17th November 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**

The application was received on 10<sup>th</sup> November 2016 on the prescribed form from Liffiton Castle Limited.

The application for renewal of On Licence is in relation to the premises known as 'Liffiton Castle Restaurant' situated at 26 Liffiton Street, Wanganui.

The premise is currently classified as an on-licence restaurant and is undesignated. There were no changes sought to the conditions of the existing licence and the application attracted no matters of public objection or agency opposition. The premises has not come to the notice of authorities in an adverse manner during the renewal period.

The complete file included –

- The application.
- Host Responsibility Policy.
- Copy of public notice.
- Floor plan

- Menu/drinks list
- Existing licence
- Letter from the manager attesting to the premise being exempt from having a Fire Evacuation Scheme.
- 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 report notes, s. 103(3) (b) report information and the committee's own assessment. I accept the inspector's assessment and recommendations.

The inspectors report raised the following matters for the Committee's consideration.

- The applicant is a private company, managed by a person who is highly experienced in the restaurant trade.
- Only one manager has been named for the premises which is seen as very light for the type of premise. The licensee intends to apply for his manager's certificate early in 2017.
- Suitability is not challenged.
- The base hours for the premise are Monday to Sunday between 11.00am and 11.30pm each day.
- The amenity and good order of the area is unlikely to be compromised by the issue of the licence. The premise has been in this location since 1991.
- The floor plan indicates no changes to the original layout.
- No opposition raised within Police/MOH reports.

The inspector's report failed to raise any other matters of concern after assessing section 105 matters.

## **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 report received within statutory timeframe therefore it's taken as no opposition.

**3.2 Medical Officer of Health** - Report received on 24th November 2016, offering no opposition.

**3.3 Licensing Inspector** – Full report dated 14th November 2016. The inspector has no opposition to the application and assessed the application against s. 105 matters with no matters of opposition raised.

#### **4. Conclusion**

I accept the information contained within the statutory reports including that of the inspector.

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 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 days and during such hours as the premises are being operated as a restaurant but not other than the following days and hours:

**Monday to Sunday 11.00am to 11.30pm each day**

- (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,—
  - 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.

- (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 licensed premise is ‘undesigned’.

**5. Decision**

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

**Dated at Whanganui District this 13th day of January 2017.**

**Signed**



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**Stuart Hylton**  
**Whanganui District Licensing Commissioner**