

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **Lunartech Limited** for a renewal of On Licence pursuant to section 127 of the Supply of Alcohol Act 2012, in respect of the premise situated at 30-40 Drews Avenue, Whanganui.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for renewal of On Licence (036/ON/005/2019.1) was publically advertised in the Whanganui Chronicle on the 5<sup>th</sup> October and 12th October 2023 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 4th October 2023, **Lunartech Limited** on the prescribed form made application for renewal of an On-licence with a variation.

The application for renewal of On-Licence is in relation to the premises known as '*Porridge Watson*' situated at 30-40 Drews Avenue, Whanganui. This is the second renewal application.

The general nature of the business is that of a 'Tavern'. The renewal application seeks to renew with a variation to extend the licensed footprint to a small bar off the courtyard bar and to extend opening time of 10.00am and closing time to 1.00am. The landowner for the extension has given approval for the use of the building.

The complete file included –

- The application
- Fire evacuation compliance statement
- Fire Evacuation Plan
- Host Responsibility House Policy
- Food list
- Marked up 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 private company incorporated in 2019 which runs a popular tavern type bar specializing in boutique beers. The applicant has one sole director/shareholder.
- 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.
- Three certified managers were put forward for the licence which is considered to be the minimum for this type of busy tavern. 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 hours wanted under the renewal are -  
**Monday to Sunday 10.00am to 1.00am the following day**

The previous hours were:

**Monday to Sunday 12.00 midday to 12.00 midnight**

None of the agency reports oppose this increase in hours.

- Current floor plan will extend to the new bar which increases the floor area by 10 square meters. The Licensee's attention has been brought to keeping a vigilant eye when open of all licensed areas, especially at busy times. The new bar will actually provide an extra viewing platform over the outside bar when in operation. The inspector report notes that the new bar will be run by a person with a certified manager's certificate.
- The current designation of '**Supervised**' for the whole premises will continue and extend to include the extended licensed footprint.
- 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. An inspection on the 17<sup>th</sup> November 2023 resulted in no issues detected by the inspector.
- The Inspector recommends the three LAP conditions remain which have been agreed to by the applicant.

### 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 31 October 2023, of no opposition.

**3.2 Medical Officer of Health** – Report received on 31 October 2023, of no opposition. The MOH raised an issue with signage and records which has been raised with the licensee. An inspection by the Licensing Inspector on 17 November 2023 noted these matters had been improved.

**3.3 Licensing Inspector** – Full report dated 4 October 2023. 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 amended conditions to reflect the variations.

### 4 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, including the extended licensed area, under the Act for a period of three (3) years.

The licence will be subject to the conditions outlined in the Inspectors report apart from Condition (n).

### 5 Decision

Accordingly the application is **Approved** for issue subject to the varied conditions.

**Dated at Whanganui District this 5th day of December 2023.**

**Signed**



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

