

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **Radhe Govind Liquor and Wines Limited** for a new OFF-licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 291-293 Victoria Avenue, Whanganui and known as "Liquorland Whanganui".

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for a new Off-Licence was advertised in the Wanganui Chronicle on the 9<sup>th</sup> and 16<sup>th</sup> November 2022 with no objections received.

A site notice was also displayed in accordance with s. 101(a) of the Act.

No matters of opposition were raised under section 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 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 applicant is currently trading an OFF-licence 'Bottle Store' at 291-293 Victoria Avenue, Whanganui under a second Temporary Authority whilst ownership changes hands and this licence is procured. The premise is owned by Fernilea Investments Limited who have provided written evidence of long term lease to the applicant.

(2) The application for new OFF-licence was made on the 7 November 2022 on the prescribed form. The general nature of the business will continue to be that of a 'Liquor Store'. The premise has been licensed as an OFF-licence for a number of years. The premise is located in a commercial zone and the application included a certificate of compliance with Resource Management Act 1991 and NZ Building Code.

(3) The file contained evidence that the business is an approved type for which OFF-licences may be issued in terms of s. 28 and 32 of the Act.

(4) The complete file that I received included –

- The application
- Certificate of incorporation
- Social Responsibility Policy
- Owners consent letter
- Lease deed
- Floor plan
- Photos of s. 101(a) compliance
- Copy of Newspaper advertisement
- Existing licence and TA
- Fire evacuation declaration from owner
- Building and Planning Certificates of compliance
- Reports from Police, Medical Officer of Health and Inspector

***Decision Making***

(5) In considering this application for Off-Licence the District licensing Committee (here in after referred to as; the Committee) had regard to the criteria specified under s. 105 of the Act.

### ***Sections 105 Analyses:***

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

The Inspector inquired into the application seeking evidence that the object of the Act will be complied with under this licence. The applicant provided a host responsibility policy and alcohol management plan that if followed should ensure statutory compliance.

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

The applicant is a private company incorporated in 2022 with a sole director/shareholder.

The applicant supplied names of three certified managers to be employed on the premises, which is seen as appropriate.

The applicant has operated under two Temporary Authority without any apparent issues.

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

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

The application accords with the LAP.

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

Applicant has applied for the following hours –

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

These hours are within the national trading hours, Local Alcohol Policy and the same as the hours contained in the current licence. These are considered reasonable.

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

The premise is an existing premise/bottle store. It's requested the whole store be supervised which is suitable for this type of licence.

#### **(11) 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 with no or little reduction in amenity due to the issue of the licence.

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

The applicant has nominated two managers of varied experience and skills. The inspectors report notes the store has appropriate plans in place and staff receive training in their responsibilities.

### ***Reporting Agencies***

(13) The following reports were received under section 103 of the Act.

(14) **Police** – Report received on the 30 November 2022, of **no opposition**.

(15) **Medical Officer of Health** - Report received on 29 November 2022, of **no opposition**.

#### **(16) Licensing Inspector**

Full report dated 1 December 2022. 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 a new OFF-licence (bottle store). **No opposition** raised within the inspectors report.

***Committees Decision and Reason***

(17) 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 criteria under the Act to be granted a new OFF-licence for the premise situated at 291-293 Victoria Avenue, Whanganui, to be known as 'Liquorland Whanganui'.

(18) Accordingly the application is **approved** for issue for one year subject to the conditions suggested by the Inspector and payment of any outstanding fees, if any.

**Dated at Whanganui District this 2nd December 2022.**

**Signed**



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

