

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 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 291-293 Victoria Avenue, Whanganui and known as "Liquorland Whanganui".

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of Off-licence was advertised in the River City Press on the 8 August 2023 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 291-293 Victoria Avenue, Whanganui currently operates an Off-licence (036/OFF/004/2022) to sell alcohol for consumption off the premise. This application is to renew the Off-licence.

(2) The application to renew was made on 28 July 2023 on the prescribed form. The application seeks to renew with existing conditions. The general nature of the business will continue to be that of a 'Bottle Store' and this will be the first renewal for the current licensee.

- (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.

(6) the suitability of the applicant:

The applicant is a body corporate incorporated in 2018. The applicant supplied five names of certified managers employed on the premises.

The applicant has passed all inspections by Police and Health during the renewal period.

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

(7) any relevant local alcohol policy:

The applicant has agreed to relevant LAP conditions being placed on the licence including reduced hours.

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

The applicant has amended the existing hours to reduce closing time by one hour to now read:

- **Monday to Sunday 7:00am to 10:00pm**

These hours are within the national trading hours and conform to the Whanganui LAP. These are considered fit for purpose.

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

The application included a detailed CPTED assessment with solutions and as it's an existing licence with no issues reported I see no issue with design and layout. The premises has premise CCTV monitoring. The floor plan provided shows no changes to licensed premises. The premise is to remain 'supervised'.

(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 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.

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

The applicant has nominated three managers of varied experience and skills. The inspector notes the applicant maintains good levels of staff training and performance. To the inspectors knowledge the premise has never failed a Controlled Purchase Operation and has met compliance during recent inspections.

Reporting Agencies

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

(13) **Police** – No opposition.

(14) **Medical Officer of Health** - Report received on 15 August 2023, of no opposition.

(15) Licensing Inspector

Full report dated 28 August 2023. The inspector provided, amongst other things, her 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 with existing conditions and including those related to the Local Alcohol Policy and the displaying of the revised floorplan.

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 an Off-licence for the premise situated at 291-293 Victoria Avenue, Whanganui, known as 'Liquorland Whanganui'.

(17) Accordingly the application is **approved** for renewal for three years subject to the conditions presented in the Inspectors report and payment of any outstanding fees, if any.

Dated at Whanganui District this 29 day of August 2023.

Signed



Stuart Hylton
Whanganui District Licensing Commissioner

