

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Nikhil Himalaya Whanganui Limited** for a renewal of Off- Licence pursuant to section 127 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 379 Victoria Avenue, Whanganui and known as “Bottle ‘O’ Victoria Avenue”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of Off-Licence was advertised in the Wanganui Chronicle on the 3rd August 2016 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 379 Victoria Avenue, Whanganui is currently operating as an off licence ‘Bottlestore’ (036/OFF/008/2015) and this application is to renew the licence.

(2) The application to renew was made on 29th July 2016 on the prescribed form. The application seeks to renew with the same existing conditions. The general nature of the business will continue to be that of a ‘Bottlestore’.

(3) The Bottle ‘O’ Victoria Avenue is a long established Wanganui bottlestore that has been run by the current company for a year. The premises is designated ‘supervised’ and has not come to the notice of enforcement agencies during the renewal period.

(4) The complete file that I received included –

- The application including an evaluative report by the applicants agent into the application
- Certificate of incorporation
- Letter to allow Hospitality Licensing Limited to act as agent.
- Copy of current licence
- Copies of Managers Certificates held at the store
- Floor Plan dated 29 July 2016

- Location Plan dated 29 July 2016
- Locality in relation to perceived sensitive premises
- Inside photos
- Principal entrance photos
- Copy of renewal advertisement
- Copy of Social Responsibility Policy
- Evacuation of premises declaration
- Disclosure of Police information
- Reports from Police, Medical Officer of Health and Inspector

Decision Making

(5) 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.

(6) the object of this Act:

The Inspector has inquired into the application seeking evidence that the object of the Act will be complied with under this licence. It's noted that provided the supplied Social Responsibility Policy is followed, the object of the Act should be complied with. We agree.

(7) the suitability of the applicant:

The applicant is a private company incorporated in 2015. The company has one director and three shareholders. The applicant supplied seven names of certified managers to be employed on the premises, which is seen as sufficient. There are no matters raised in the reports indicating any non-compliance issues over the renewal period.

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

(8) any relevant local alcohol policy:

No local policy is currently in place.

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

Applicant has applied for its existing hours.

Monday to Sunday 9.00am to 11.00 pm. The inspector comments that these hours have operated without incident.

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

A long standing existing licence with no design and layout issues reported. The inspector noted recent upgrades to the premises giving a more 'open' layout.

(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:

The applicant's agent provided assessment of the 'environment' which was useful. I accept the inspectors assessment that there have been no complaints about nuisance type offences in the area in the past and in her opinion the amenity and good order of the locality would unlikely to improve by more than a minor extent if the licence was not renewed.

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

The applicant has nominated seven managers of varied experience and skills. The inspector's report notes the applicant runs a mystery shopper programme to test staff with ID's. The report notes - *the applicant has set the bar very high and maintains excellent levels of staff training and performance.*

Reporting Agencies

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

(14) **Police** – Report received on 3rd August 2016, of no opposition.

(15) **Medical Officer of Health** - Report received on 15th August 2016, offering no opposition.

(16) Licensing Inspector

Full report dated 29th August 2016. The inspector provided, amongst other things, his assessment of the application in relation to the Act. She 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 having regard to the required criteria together with the performance of the applicant, she has no opposition to the application.

Committees Decision and Reasons

(17) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies and my assessment above, I conclude that the application meets the s. 105/131 criteria under the Act to be granted renewal of an off-licence for the premise situated at 379 Victoria Avenue, Wanganui, to be known as 'The Bottle 'O' Victoria Avenue Whanganui'.

(18) Accordingly the application is **approved** for **renewal for three years** subject to the following conditions and payment of any outstanding fees, if any.

(19) The following conditions will apply to the licence:

- (a) No alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00pm on Anzac Day
- (b) Alcohol may only be sold or delivered on the following days and during the following hours: **Monday to Sunday 9.00am to 11.00pm.**
- (c) 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.

- (d) 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.
- (e) 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—
 - attached to the inside of the premises concerned; and
 - so as to be easily read by people entering each principal entrance.
- (f) Drinking water must be freely available to customers while alcohol is being supplied free as a sample on the premises and signage directing people to drinking water must be prominently displayed on the premises at that time.
- (g) The whole of the premises is ‘supervised’.

Dated at Wanganui District this 2nd day of September 2016.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner

