

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Sandhu Brothers 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 94 Puriri Street, Whanganui and known as “Big Barrel Wanganui”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of Off-Licence was advertised in the Wanganui Chronicle on the 4th and 11th April 2018 with no objections received. The required public notice to the exterior of the premises was also displayed in statutory compliance. 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 94 Puriri Street, Whanganui is currently operating as an off licence ‘Bottlestore’ (036/OFF/001/2014) and this application is to renew the licence.

(2) The application to renew was made on 27th April 2018 on the prescribed form. This was only two days before the expiry date of the licence and not the ‘no later than 20 working days’ required under the Act. Additionally the public advertisement had the premise name as the applicant instead of the applicants. A waiver under s. 208 is granted for these statutory matters of non-compliance as the Committee believes that on this occasion the incorrectness was not a matter of willful neglect or resulted in any person being unduly misinformed.

The application seeks to renew with the same existing conditions. The general nature of the business will continue to be that of a ‘Bottlestore’. The premises are designated ‘supervised’.

(3) Big Barrel Wanganui is an established Wanganui bottlestore that has been run by the current company since 2014. 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
 - Certificate of incorporation
 - Licensed Premises Policy
 - Copy of current licence
 - Floor Plan
 - Principal entrance photos
 - Copy of renewal advertisement
 - Letter stating the premise is exempt from having an evacuation of premises scheme
 - 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 the applicant has not failed any controlled purchase operation or committed any offence that would suggest renewing the licence would result in the object of the Act not be complied with. We agree. The applicant also has suitable Policies and Manuals that if followed should ensure the Act is complied with.

(7) the suitability of the applicant:

The applicant is a private company incorporated in 2005. The applicant operates a number of liquor outlets around NZ. The company has one director who is also 100% shareholder. The applicant supplied three 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 and an inspection of the premises by the inspector recently revealed no non-compliance issues.

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 9.00 pm.

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

A long standing existing licence with no design and layout issues reported. A ‘supervised’ designation is applied for again and supported.

(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 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 three managers of varied experience and skills and runs its own in-house checks of staff. The inspector's report notes the applicant has complied with all controlled purchase operations.

Reporting Agencies

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

(14) **Police** – No report within statutory timeframe.

(15) **Medical Officer of Health** - Report received on 30th April 2018, offering no opposition. The MOH's officer who conducted an on-site inspection rightly noted an issue with the applicants training manual which to their credit has now been rectified.

(16) Licensing Inspector

Full report dated 10th May 2018. The inspector provided, amongst other things, her 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 being renewed with existing conditions.

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 94 Puriri Street, Wanganui, to be known as 'Big Barrel Wanganui'.

(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 9.00pm.**

- (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 designated ‘supervised’.

Dated at Wanganui District this 15th day of May 2018.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner