

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Speedway Garage Limited** for an On-licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 45 Anzac Parade, Whanganui and known as "Speedway Garage Bar and Grill".

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for a new On-Licence was advertised in the Whanganui Chronicle on the 8 and 15 October 2022; together with statutory signage on the building. No objections were received and no s. 103 reports noted any opposition.

Therefore the matter is 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 application was made on the 28 September 2022 on the prescribed form. The application seeks to establish a new license/licensee for an existing tavern at 45 Anzac Parade, Whanganui. The applicant has purchased the business from a previous licensee, undertaken extensive renovations, name change etc whilst continuing the licence under a Temporary Authority. The applicant has undertaken the necessary statutory obligations when applying for their own licence including public advertising, obtained the necessary resource consent and lease to hold and manage a Liquor Licence. The general nature of the business will continue to be that of a Tavern (two story with mixed designations) and the existing conditions will generally be maintained.

(2) The premises at 45 Anzac Parade, Whanganui is leased by the applicant. The licensed area is to include the whole premise generally and has not changed structurally from that previously. The principle entrance is that off Anzac Parade.

(3) The applicant is an incorporated company, incorporated in 2022, with one director and three shareholders.

(4) The premise will now be known as the 'Speedway Garage Limited' and is seeking to have mixed designations to reflect the varying nature of the premises rooms and uses. The applicant provided evidence of evacuation planning compliance and a Certificate of Compliance from Council in relation to Building and Planning.

(5) The complete file that the District Licensing Committee received included –

- The application
- Certificate of incorporation
- Floor plan
- A s. 100(f) RMA/ Building Act compliance letter from Council
- Letter from applicant's landlord agreeing to the application to be licensed.
- Letter from landlord representative as having the necessary evacuation scheme
- Copy of public notice on the building
- Host Responsibility Policy

- Copy of supporting letter from landlord
- Full menu
- Public Advert wording
- Reports from Police, Medical Officer of Health and Inspector

Decision Making

(6) In considering this application for On-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.

(7) the object of this Act:

This is a new licensee applying for a new licence within an existing long standing licensed premise. The applicant provided a Host Responsibility Policy that shows how alcohol will be sold in a responsible manner under the licence. If followed this should ensure the object of the Act continues to be complied with. The applicant has the initial first year to show that they can operate the licence in accordance with the Act and the licence conditions and has operated previously without any known issues.

(8) the suitability of the applicant:

The applicant is an incorporated company with one director and three shareholders. That person is also a named manager. The director/manager therefore has a direct interest to ensure the licence is a success and the statutory responsibilities are adhered to. The Director has a number of years in the industry and interests in other non-local establishments.

Five certified managers are named on the licence application. This is seen as adequate.

The applicant has managed Temporary Authorities on-site for over four months now with two minor issues being brought to the applicant's attention which seem to be have rectified.

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

(10) any relevant local alcohol policy:

The Whanganui LAP has been adopted. The LAP allows for discretionary conditions relating to On-licences. The inspector has recommended that the following conditions be placed on the licence stating –

- *The licensee must record and maintain a register of significant alcohol related incidents and have that register available for inspection by an enforcement officer at any time during trading hours.*
- *The Licensee must ensure litter (this includes, but is not limited to, vomit and alcohol related rubbish) is removed from outside the premises.*
- *One-way door policy from 1:00am*
- *The licensee must ensure that at all times when a queue is formed; a dedicated staff member is required to manage the queue and ensure it does not impede the general public or use the pavement.*

The applicant has signalled they are happy with these recommended conditions to be included on the licence. On this basis these seem to be reasonable conditions to include. No other discretionary conditions under the LAP were recommended by any of the reporting agencies.

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

The applicant has applied for the following days and hours –

- **Monday to Sunday, 8.00am to 2.00am the following day,**

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

The application included a floor plan dated 28 September 2022 that shows the areas to be licensed. This is an existing licensed footprint. The Gaming Room is to be designated 'restricted', the café/restaurant/upstairs area 'undesigned', with the Public Bar designated 'Supervised'.

(13) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:

No.

(14) 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:

Within the agency reports there are no real concerns about the possible reduction in amenity and good order from any licence issue. The Inspector mentioned an incident that involved activities outside the premises and the applicant has taken this on board.

The premise is within the Outer Central Business District. The premises has been in existence for many years which should ensure the amenity and good order of the locality are not effected by more than a minor extent.

(15) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—

(i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but

(ii) it is nevertheless desirable not to issue any further licences:

No concerns raised.

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

If the host responsibility policy is followed the licence holder should have no problems with compliance. The applicant appears to be taking their licensing responsibilities seriously which should assist the premise to be run in a compliant manner.

Reporting Agencies

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

(18) **Police** – Report received on 20 October 2022, offering no opposition.

(19) **Medical Officer of Health** - Report received on 30 November 2022, offering no opposition.

(20) Licensing Inspector

Full report dated 5 December 2022. The inspector provided a comprehensive report into the application, has met the applicant and concluded that the application is complete, appears to meet the criteria for a new on-licence and therefore has no opposition to the application.

Committees Decision and Reason

(21) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my assessment above, I conclude that the application meets the s. 105 criteria under the Act to be granted an on-licence for the premise situated at 45 Anzac Parade, Whanganui and known as the 'Speedway Garage Bar and Grill'.

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

(23) The licence will be subject to the conditions outlined in the Inspectors report.

3 Decision

(24) Accordingly the application is **Approved** for issue from this date.

Dated at Whanganui District this the 14th December 2022.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner

