

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by **N and P Thai Limited** for a renewal of On
Licence pursuant to section 127 of
the Supply of Alcohol Act 2012.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of On Licence (036/ON/8/2012) was publically advertised in the Whanganui Chronicle on the 19th October 2016 with no objections received. No matters of opposition were raised under section 102 and 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.

Commissioner: Stuart Hylton

RESERVED DECISION OF THE WHANGANUI DISTRICT LICENSING COMMITTEE

1. Application

The application was received on 20th October 2016 on the prescribed form from N and P Thai Limited.

The application for renewal of On Licence is in relation to the premises known as ‘Thai Villa Restaurant’ situated at 7 Victoria Avenue, Wanganui.

The premise is currently classified as an on-licence restaurant and is undesignated. There were no changes sought to the conditions of the existing licence and the application attracted no matters of public objection or agency opposition. The premises has not come to the notice of authorities in an adverse manner during the renewal period.

The complete file included –

- The application.
- Host Responsibility Policy.
- Copy of public notice.

- Floor plan
- Company Details
- Menu/drinks list
- Existing licence
- Letter from the manager attesting to the premise being exempt from having a Fire Evacuation Scheme.
- Letter of approval from building owner
- Updated General Use Licence from Council for public dining area
- Reports from Police, Medical Officer of Health and Inspector.

2. Decision Making

In considering this application for On-Licence the licensing committee had regard to the criteria under section 131 and 105 of the Act. Section 105 assessments were made using the inspector's report notes, s. 103(3) (b) report information and the committee's own assessment. I accept the inspector's assessment and recommendations.

The inspectors report raised the following matters for the Committee's consideration.

- The applicant is a private company, managed by a person who is highly experienced in the restaurant trade.
- Two managers are named for the premises which is seen as adequate for the type of premise.
- Suitability is not challenged.
- The base hours for the premise are Monday to Sunday between 11.00am and midnight each day.
- The amenity and good order of the area is unlikely to be compromised by the issue of the licence. The premises is located within the CBD.
- The floor plan indicates no changes to the original layout.
- No opposition raised within Police/MOH reports.

The inspector's report failed to raise any other matters of concern after assessing section 105 matters.

3 Reporting Agencies

The following reports were received under section 103 of the Act and taken into account during the decision.

3.1 Police – Report received on 25th October 2016, of no opposition.

3.2 Medical Officer of Health - Report received on 2nd November 2016, offering no opposition.

3.2 Licensing Inspector – Full report dated 14th November 2016. The inspector has no opposition to the application and assessed the application against s. 105 matters with no matters of opposition raised.

4 Conclusion

I accept the information contained within the statutory reports including that of the inspector.

One matter that needs to be determined and the licence condition amended accordingly, is the hours of the licence particularly the area contained within the public space delineated at the front of the premise.

The base licence is silent about the public space which is immediately outside the principal entrance. This area is the subject of a Licence to Occupy issued by Council. This Licence to Occupy has now been updated to be in line with other licensed premises in the Central Business Area including the requirement that alcohol is only consumed or supplied between the hours of 9am to 11.00pm.

Therefore the hours for the renewed licence will be amended to read –

- Monday to Sunday, 11.00am to 12.00 midnight (premise interior)
- Monday to Sunday, 11.00am to 11.00pm (delineated public space outside principal entrance)

Based on the evidence provided to me within the complete file, my assessment above of section 105 matters and the past operation of the premise/licensee, I conclude that the application meets the statutory criteria to be granted a renewal of On-Licence under the Act for a period of three (3) years.

The licence will be subject to the following conditions –

- (a) The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol, at reasonable prices, a reasonable range of non-alcoholic drinks and low alcohol drinks.
- (b) The licensee must have free drinking water available for customers at each bar whilst open for business.
- (c) Liquor may only be sold only on the following days and during the following hours:

Monday to Sunday 11.00am to 12.00 midnight; (premise interior)

Monday to Sunday, 11.00am to 11.00pm (delineated public space outside principal entrance)

EXCEPT THAT on Good Friday, Easter Sunday, and Christmas Day, or before 1pm on Anzac Day, no alcohol is to be sold or supplied on the premises unless the buyer –

- Is a person residing or lodging on the premises, or
 - Is a person who is present on the premises to dine.
- (d) Food must be available for consumption on the premises at all times when the premises are open for the sale of alcohol in accordance with the menu submitted with the application, or variations of that menu of a similar range and standard.
- (e) The licensee must ensure that, at any time customers are lawfully on the premises,—
- (a) there is readily available to the customers, free, comprehensive, and accurate information about the forms of transport from the premises that are available at that time; and
 - (b) there are on the premises, and readily accessible to the customers, staff able to give them comprehensive and accurate information about the forms of transport from the premises that are available at that time; and
 - (c) those staff will on demand give any customer appropriate advice free.
- (f) 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
- (g) 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—
- (a) attached to the inside of the premises concerned; and
 - (b) so as to be easily read by people entering each principal entrance.

- (h) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (i) 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.
- (j) The whole licensed premise is 'undesigned'.

5 Decision

Accordingly the application is **Approved** for issue.

Dated at Whanganui District this 20th day of December 2016.

Signed



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Stuart Hylton

Whanganui District Licensing Commissioner