

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Wanganui East Club Incorporated** 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 101 Wakefield Street, Whanganui and known as “Wanganui East Club”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of Off-Licence was advertised in the Whanganui Chronicle on the 8 and 16 March 2019 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 101 Wakefield Street, Whanganui is a Chartered Club which is currently also operating an off licence (036/OFF/003/2016) to sell alcohol over the bar for consumption off the premise. This application is to renew the off-licence.

(2) The application to renew was made on 6th March 2019 on the prescribed form. The application seeks to renew with similar existing conditions. The general nature of the business will continue to be that of a ‘Chartered Club’ and this will be the third renewal.

(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 1970. The applicant supplied five names of certified managers employed on the premises.

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

(7) any relevant local alcohol policy:

No local policy is currently in place.

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

Applicant has applied to renew the existing hours:

Monday to Sunday 9.00am to 11.00 pm.

These hours are within the national trading hours and same as the hours contained in the current licence. These are considered fit for purpose and have operated without incident in the past.

(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 in premise CCTV monitoring.

(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 five managers of varied experience and skills. The inspector notes the applicant maintains excellent levels of staff training and performance. To the inspectors knowledge the premise has never failed a Controlled Purchase Operation.

Reporting Agencies

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

(13) **Police** – No report within statutory timeframe therefore we must assume no opposition.

(14) **Medical Officer of Health** - Report received on 29 March 2019, of no opposition.

(15) Licensing Inspector

Full report dated 15th April 2019. 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 will likely meet the criteria for renewal on the conditions presently attached to the licence.

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 101 Wakefield Street, Whanganui, known as 'Wanganui East Club'.

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

(18) 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:

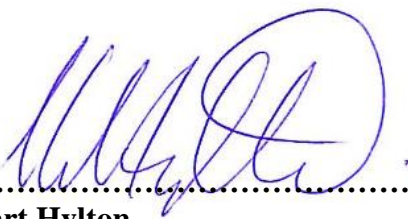
Monday to Sunday 9.00am to 11.00pm.

- (c) The licensee 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.
- (d) 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.
- (e) 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.
- (f) Alcohol may only be sold or supplied to a person who
- Is a member of the club; or
 - Is on the premises at the invitation of, and is accompanied by, a member of the Club; or
 - Is an authorised visitor.
- (g) The whole of the premises is ‘**undesigned**’.

Dated at Whanganui District this 16th day of April 2019.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner