

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **NH Company
Wanganui 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 136 Victoria
Avenue, Whanganui and known as “The
Blend”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for a new On-Licence was advertised in the Whanganui Chronicle on the 23rd August and 30 August 2017 and a s. 39 (regulations) notice displayed on the premise. No objections were 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 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 21st August 2017 on the prescribed form. The application seeks to establish a new license for an established licenced premise (Café/Restaurant). The premise to be licensed is situated at 136 Victoria Avenue, Whanganui. The premise used to be known as ‘Delicious’ and under this licence will be known as ‘The Blend’.

(2) The premise at 136 Victoria Avenue, Whanganui is owned by St Paul’s Presbyterian Church who have indicated through correspondence on file no objection to the use being applied for.

(3) The applicant is an incorporated company with one director and two shareholders.

(4) The premise is to be known as ‘The Blend’ and is seeking to be undesignated. The premise provides a restaurant, café, dining/bar facilities – both interior and exterior on public footpath. The principal entrance is off Victoria Avenue, Whanganui.

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

- The application
- Certificate of incorporation
- Floor plan
- Site plan

- A s. 100(f) RMA/ Building Act compliance letter from Council
- Letter from applicant advising they have a compliant evacuation scheme
- Copy of public notice on the building
- Licence To Occupy From Council
- Host Responsibility Policy
- Supporting letter from Building Owner
- Manager Certificates
- Full menu and non-alcoholic drinks list
- 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 license for an existing licensed premise to continue the same type of licensed premise albeit under changed ownership.

The applicant provided a Host Responsibility Policy which seems to have worked over the years. If followed this should ensure the object of the Act continues to be complied with.

(8) the suitability of the applicant:

The applicant, NH Company Wanganui Limited, is an incorporated company with one director and two shareholders, incorporated in 2017. The shareholders are well experienced in the licensed trade in Whanganui. One named manager with two in the application phase, will operate the licence which is seen as sufficient.

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

(10) any relevant local alcohol policy:

No local policy is currently in place.

(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 –

- **(Interior) Monday to Sunday, 10.00am to 12.00midnight,**
- **(Exterior) Monday to Sunday, 10.00am to 11.00pm.**

These hours appear suitable for the activity and the hours for footpath dining are consistent with other licensed premises in the zone/area.

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

The application included a floor/site plan showing premise layout, principal entrance and area to be licensed. The area to be licensed is a simple one room, easy to observe space with a few table and chairs outside on the sidewalk. The table and chairs are observable through the front windows from the counter.

No 'designation' is supported for this type of licensed premise.

(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:

In essence this is an existing activity with little if any issues noted over the years of operation.

Within the agency reports there are no concerns about the possible reduction in amenity and good order from any licence issue.

(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.

Reporting Agencies

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

(18) **Police** – Report received on 12th September 2017, offering no opposition.

(19) **Medical Officer of Health** - Report received on 18th September 2017, offering no opposition.

(20) Licensing Inspector

Full report dated 22nd September 2017. 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 there 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 136 Victoria Avenue, Whanganui, to be known as 'The Blend'.

(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 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:
 - **(Interior) Monday to Sunday, 10.00am to 12.00midnight,**
 - **(Exterior) Monday to Sunday, 10.00am to 11.00pm.**

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 who is present on the premises to dine or a person residing or lodging on the premises.

- (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,—
 - (i) 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
 - (ii) 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
 - (iii) 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 of the licensed premises is **undesignated**.

3 Decision

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

Dated at Whanganui District this 28th day of September 2017.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner