

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by  
Whanganui River  
Restoration and Navigation  
Trust for a renewal of On  
Licence Conveyance  
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/5/2004) was publically advertised in the Midweek on the 3rd February 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 1st February 2016 on the prescribed form from Whanganui River Restoration and Navigation Trust.

The application for renewal of On Licence Conveyance is in relation to the iconic riverboat known as the 'Waimarie' that sails on the Whanganui River from its base mooring at 1A Taupo Quay, Wanganui.

The general nature of the business is that of an On Licence Conveyance and the boat is 'undesigned'. There were no changes sought to the conditions of the existing licence apart from complying with national default trading hours.

The complete file included –

- The application
- Host Responsibility Policy
- Copy of public notice
- Menu
- 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 full report, s. 103(3)(b) reports and own assessment. I accept the inspector's assessment and recommendations. When assessing the suitability of the applicant the inspector does not challenge suitability.

The applicant has applied for the hours i.e. Monday to Sunday 8.00am to 1.00am the following day. These hours are the same as currently allowed for apart from the starting time moving from 7.00am to 8.00am to comply with national default hours. These hours have not generated any problems in the past and are necessarily wide to cover the boats various activities and sailings.

## **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 4<sup>th</sup> February 2016, of no objection.

**3.2 Medical Officer of Health** - Report received on 11th February 2016, of no objection.

**3.2 Licensing Inspector** – Full report dated 26th February 2016. The inspector has no opposition to the application and assessed the application against s. 105 matters with no matters of opposition raised.

The inspector did raise two issues in his report that requires special mention by this Committee:

**1. Manager on duty:**

The inspector notes in his report that the applicant only has one certified manager to meet the s. 214 requirement to have a manager on duty at all times alcohol is being sold or supplied to the public. The inspectors view is that it appears *'over the top to require a certified manager to be on duty for every cruise just on the off chance a passenger decides to have a beer'*. The inspector notes some exemptions under the Act and refers to a meeting between himself, Police and the applicant where it appears a resolution was arrived at. This is not a matter for this Committee's decision but rather a matter for the enforcement agencies to manage. I am sure the resolution between parties is a practical solution which will not result in the object of the Act being compromised.

**2. Suitability:**

The inspector and the Police raise the issue of an incident that took place during the festive season on the boat where compliance standards were not up to the required standard. This was discussed with the applicants Chief Executive and a verbal warning has been given. Despite this suitability is not challenged.

The inspector concludes that the application is complete and appears to meet the criteria for renewal on the conditions presently attached to the licence apart from the compulsory reduction of hours to comply with National Default Hours.

**4 Conclusion**

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 conveyance, at all times when the conveyance is 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:

During the period of any scheduled or chartered cruises, but not other than the following days and hours -

**Monday to Sunday 8.00am to 1.00am the next day; 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 conveyance unless the buyer –**

- **Is a person who is present on the premises to dine.**

- (d) Food must be available for consumption on the conveyance 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 conveyance,—
- (a) there is readily available to the customers, free, comprehensive, and accurate information about the forms of transport from the conveyance that are available at that time; and
  - (b) there are on the conveyance, and readily accessible to the customers, staff able to give them comprehensive and accurate information about the forms of transport from the conveyance 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 on the conveyance there is displayed at all times a sign attached to the inside or outside of the conveyance, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the conveyance is 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 conveyance concerned; and
  - (b) so as to be easily read by people entering the conveyance.

- (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 vessel is to be 'undesigned'.

## **5 Decision**

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

**Dated at Wanganui District this 6<sup>th</sup> day of March 2016.**

**Signed**



.....

**Stuart Hylton**  
**Wanganui District Licensing Commissioner**