

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Zen Takeaways
Limited for an On-Licence pursuant to
section 100 of the Sale and Supply of
Alcohol Act 2012.

BEFORE THE WANGANUI DISTRICT LICENSING COMMITTEE

The application for On-Licence was advertised in the Wanganui Chronicle on the 5 and 12 May 2016 with no objections received. No matters of opposition were raised under section 102 and 103 reports; therefore the matter was considered by the Wanganui District Licensing Commissioner on the papers contained in the full file provided by the secretary.

Commissioner: Stuart Hylton

RESERVED DECISION OF THE WANGANUI DISTRICT LICENSING COMMITTEE

1. Application

Zen Takeaways Limited made application on the prescribed form dated 2 May 2016. The application for On Licence is in relation to the premises known as the ‘Japanese Takeaway Momiji’ situated at 21 Victoria Avenue, Wanganui.

The general nature of the business will be that of a **Licensed Café/Restaurant**. The premise will be undesignated.

The proposed premises is located within a block of commercial buildings within the Central Commercial Zone where the sale of alcohol is a permitted activity. The principle entrance is off Victoria Avenue, Wanganui.

The premise is owned by Seafeld Partnership Limited who have suitable lease arrangements in place with the applicant and have confirmed in writing they agree for the applicant to operate the licence. The applicant supplied Building and Resource Consent Certificates.

The complete file that I received included –

- The application
- Floor plan
- Host Responsibility Policy
- Menu
- Business Purchase Agreement
- Deed of lease
- List of non-alcoholic drinks etc
- Fire Evacuation Statement
- Council letter of compliance with Building/Resource Management Acts

- Notice from owners giving permission for the building to be used for this purpose
- Public notice copies
- 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 following criteria under section 105 of the Act.

(a) the object of this Act:

The applicant provided a Host Responsibility Policy that shows how alcohol will be served in a professional and responsible manner under the licence. If followed this should ensure the object of the Act is complied with.

(b) the suitability of the applicant:

The applicant is a company with one director and two shareholders. One certified manager has been nominated on the application and is considered adequate for this type of operation. The inspector does not challenge suitability of the applicant and neither do I.

(c) any relevant local alcohol policy:

No local policies currently in place although it's noted the premises is on the edge of a liquor ban area.

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

Applicant has applied for Monday to Sunday 8.00am to 12.00 midnight. These hours are within the national trading hours and consistent with other similar types of establishments.

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

No CPTED assessment received with application but I accept the inspector's comments that the floor plan is the same as previous business operations..

(f) 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

(g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:

No the applicant does not.

(h) 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 concur with the inspectors assessment that there have been no complaints about nuisance type offences in the area and that the licence appears to have been well run in the past.

(i) 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 issues raised.

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

If the host responsibility policy is followed there should be no problems. Operations under the Temporary Authority have not raised any issues.

(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#). (see below)

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 22 May 2016, of no objection.

3.2 Medical Officer of Health - Report received on 8th June 2016 offering no opposition.

3.2 Licensing Inspector – Full report dated 7th July 2016. The inspector has no opposition to the application after having regard to the criteria under the Act and the evidence supplied.

4 Conclusion

Based on the evidence provided to me within the complete file, my assessment above of section 105 matters, I conclude that the application meets the statutory criteria to be granted an On-Licence under the Act.

5 Decision

Accordingly the application is **Approved** for issue for one year 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:

On such days and during such hours: Monday to Sunday 8.00am to 12.00 midnight.

(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 the 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 premise is ‘undesignated’.

Dated at Wanganui District this 8th day of July 2016.

Signed



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Stuart Hylton

Wanganui District Licensing Commissioner