

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **Andrew Rennie Enterprises 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 53A Wilson Street, Whanganui and known as “Lucky Bar and Kitchen”.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for a new On-Licence was advertised in the River City Press on the 16 and 23 July 2020; together with statutory signage on the building. No objections were received and no s. 103 reports noted any opposition.

Therefore the matter is 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 13 July 2020 on the prescribed form. The application seeks to establish a new license for an existing tavern/restaurant at 53A Wilson Street, Whanganui. The applicant has obtained the necessary resource consent and lease to hold and manage a Liquor Licence. The general nature of the business will continue to be that of a tavern/restaurant and is seeking amended existing conditions. The applicant has continued to run the premise under a Temporary Authority utilizing existing conditions.

(2) The premises at 53A Wilson Street, Whanganui is owned by Wilson Street Investments who have confirmed in writing that the applicant has a lease for the area in question including the ability to be licensed. The principle entrance is that off Wilson Street.

(3) The applicant is an incorporated company, incorporated in 2020, with one director and shareholder.

(4) The premise will continue to be known as ‘Lucky Bar’ and is seeking mixed designations related to trading hours. The applicant provided evidence of suitable tenure, a letter in relation to evacuation planning compliance and a Certificate of Compliance from Council in relation to Building and Planning.

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

- The application
- Certificate of incorporation

- Floor plan
- A s. 100(f) RMA/ Building Act compliance letter from Council
- Letter from applicant's landlord agreeing to the application to be licensed.
- Letter from landlord representative as having the necessary evacuation scheme
- Copy of public notice on the building
- Host Responsibility Policy
- Copy of supporting letter from landlord
- Full menu
- 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 change of ownership of an existing licensed premise. The applicant provided a Host Responsibility Policy that shows how alcohol will be sold in a responsible manner under the licence. If followed this should ensure the object of the Act continues to be complied with. The applicant has the initial first year to show that they can operate the licence in accordance with the Act and the licence conditions and has operated a Temporary Authority without any known issues.

#### **(8) the suitability of the applicant:**

The applicant, Andrew Rennie Enterprises Limited, is an incorporated company with one director/shareholder. The director has an interest to ensure the licence is a success and the statutory responsibilities are adhered to.

Two certified managers are named on the licence application and others are proposed. This is seen as adequate.

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

#### **(10) any relevant local alcohol policy:**

The Whanganui LAP has been adopted. The LAP allows for discretionary conditions relating to On-licences. The inspector has recommended that the following conditions be placed on the licence stating –

- *The licensee will record and maintain a register of significant alcohol related incidents and have that register available for inspection by an enforcement officer at any time during trading hours.*
- *The Licensee must ensure litter is removed from outside the premises.*
- *The Licensee must ensure that all times when a que is formed; a dedicated staff member is required to manage the queue and ensure it does not impede the general public or use of the pavement.*
- *A one way door restriction to apply from 1.00am to 2.00am.*

The applicant has signalled he is happy with these recommended conditions to be included on the licence. On this basis these seem to be reasonable conditions to include. No other discretionary conditions under the LAP were recommended by any of the reporting agencies.

**(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 –

- **Monday to Sunday, 11.00am to 2.00am the following day, (with a one way door policy from 1.00am)**

These hours support the type of premise which is a mix of restaurant/café during the day followed by later night entertainment. As with any new licence it's not certain how the business/licence will fully operate or how the business responds to market needs. The first year of licence will allow this to be monitored and potentially responded to at first renewal.

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

The application included a floor plan that shows the area to be licensed including the outside courtyard. This is an existing licensed footprint.

The 'designations' are location and time dependant. These have been worked through by the inspector with the applicant and are as follows:

- **Stage Area: 'Restricted'** during the hours of 11.00am and 2.00am the following day,
- **Remainder of Premise:**
  - **'Supervised'** during the hours of 11.00am to 11.00pm, and
  - **'Restricted'** during the hours of 11.00pm to 2.00am, the following day.

**(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:**

Entertainment.

**(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:**

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

The premise is located in an appropriate zone with noise etc conditions which should ensure the amenity and good order of the locality are not effected by more than a minor extent. A recent noise related event resulted in formal intervention from Council and the supply of a noise management plan should assist the applicant to comply with amenity and good order issues, especially when entertainment is provided.

**(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. The applicant appears to be taking their licensing responsibilities seriously which should assist the premise to be run in a compliant manner.

***Reporting Agencies***

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

(18) **Police** – Report received on 10 August 2020, offering no opposition.

(19) **Medical Officer of Health** - Report received on 2 September 2020, offering no opposition.

**(20) Licensing Inspector**

Full report dated 7 September 2020. 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 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 53A Wilson Street, Whanganui and known as 'Lucky Bar and Kitchen'.

(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 conditions outlined in the inspectors report:

**3 Decision**

Accordingly the application is **Approved** for issue from this date.

**Dated at Whanganui District this 8 September 2020.**

**Signed**



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**Stuart Hylton**

**Whanganui District Licensing Commissioner**

