

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **BRICKLANE LIMITED** for a variation to On- Licence pursuant to section 120 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 1-5 Maria Place and 98 Victoria Avenue, Whanganui and known as “Mint Café and Frank Bar”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for On-Licence variation was not advertised with the applicant requesting a waiver under s. 208 due to no perceived disadvantage to the public. 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 19 January 2020 on the prescribed form. The application seeks to vary an existing on-license to reduce the existing licensed footprint in order for a neighbouring licensee to extend their licensed footprint. This is well explained in the Inspectors Report. The existing premises is at 1-5 Maria Place and 98 Victoria Avenue, Whanganui.

(2) The variation will remove the applicant’s rights to be licensee over 98 Victoria Avenue, an area currently vacated by the applicant with tenure extinguished. The variation is against On-Licence 036/ON/011/2016.

Decision Making

(3) 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. 120/105 of the Act.

Reporting Agencies

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

(5) **Police** – Report received on 10 March 2021, offering no opposition.

(6) **Medical Officer of Health** - Report received on 15 April 2021, offering no opposition.

(7) Licensing Inspector

Full report dated 20 April 2021. 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 variation of on-licence and therefore has no opposition to the application. The inspector has recommended possible conditions.

Committees Decision and Reason

(8) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my assessment of s.105 criteria, I conclude that the application meets the criteria under the Act to be granted a variation of on-licence as sought for the premise situated at 1-5 Maria Place and 98 Victoria Avenue, Whanganui and known as “Mint Café and Frank Bar”.


(9) Accordingly the application is **approved** for issue until the **8th day of November 2022** (being the existing term) subject to the conditions identified in the Inspectors report.

3 Decision

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

Dated at Whanganui District this 20 April 2021.

Signed


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Stuart Hylton

Whanganui District Licensing Commissioner

