

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by
Flowering Rata Limited for
a renewal of On Licence
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/006/2019) was publically advertised in the Whanganui Chronicle on 7 and 15th June 2021 along with a display notice attached to the premise in accordance with the Regulations, with no objections received.

As 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

On the 19 January 2021, **Flowering Rata Limited** on the prescribed form made application for renewal of an On-licence. This is the second renewal application by the licensee and is an early renewal with a significant variation to accommodate a new wine bar area as well as exterior licensed area. The extent of the variation is well covered in the Inspectors report.

The application for renewal of On-licence is in relation to the premises known as '*Maria Lane Eatery and Bar*' situated at 98 Victoria Avenue, Whanganui.

The general nature of the business will remain that of a 'Restaurant Type On-licence'. The renewal application seeks to renew with similar existing conditions taking into account the variation. The premise has not come to the notice of authorities in an adverse manner during the renewal period.

The complete file included –

- The application
- Fire evacuation compliance statement
- Host Responsibility Plan
- Owner permission letter
- Food/Drinks list
- Floor plan
- Photo's
- Copy of draft public notice and public display
- Existing Licence
- 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 and own assessment. I accept the inspector's assessment and recommendations.

Key matters raised in complete file including the inspector's report were –

- The applicant is a private company who has operated the licence during the renewal period without apparent issue. The premise has been licensed for a few years now. The applicant has named two managers for the licence which is seen as adequate for this type of licence.
- The premise has not come to the notice of authorities in regard to SSAA matters in an adverse manner during the renewal period. This is the second renewal application.
- The applicant provided a host responsibility plan that if followed should ensure the object of the act is met.
- The applicant appears to have appropriate systems, staff and training to comply with the law.
- The Inspector concludes that the applicant's suitability is not challenged.
- The application accords with the LAP.
- The hours wanting to be renewed are -

Monday to Sunday, between 8.00am to 12.00 midnight.

The new hours in incorporate the new exterior licensed area will be:

Interior Monday to Sunday, between 8.00am to 12.00 midnight

Exterior Monday to Sunday, between 9.00am to 11.00pm

- There are various floor plans on file showing what was previously licensed along with what is being proposed. A 'clean' floor plan has also been requested. With the extended premise areas, licensee/managers will need to be vigilant to ensure all areas are being compliant with license requirements. The premises is to remain 'undesigned' which is suitable for this type of licence.
- No CPTED or amenity or good order issues raised with renewal. There is no reason to believe the amenity and good order of the locality would likely to be increased, more than a minor extent, by the effects of a refusal to renew the licence.
- The applicant has satisfactory systems for staff training and performance.

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 2 February 2021, of no opposition.

3.2 Medical Officer of Health – Report received on 17 February 2021, of no opposition.

3.3 Licensing Inspector – Full report dated 29 June 2021. The inspector has no opposition to the application and assessed the application against s. 105 matters with no matters of opposition raised. The inspector concludes that the application is complete and appears to meet the criteria for renewal of the licence with changed conditions to reflect the variation.

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 by **Flowering Rata Limited** meets the statutory criteria to be granted a renewal of On-Licence under the Act for a period of three (3) years, from the date of this decision.

The licence will be subject to the conditions outlined in the Inspectors report.

5 Decision

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

Dated at Whanganui District this 30th day of June 2021.

Signed



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Stuart Hylton

Whanganui District Licensing Commissioner

