

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Sandhu Brothers Limited** for a renewal of Off- Licence pursuant to section 127 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 59A Jones Street, Whanganui and known as “Big Barrel Wanganui East”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of off-Licence was advertised in the Whanganui Chronicle on the 30 July and 6 August 2020 with no objections received. The required public notice to the exterior of the premises was also displayed in statutory compliance. No matters of opposition were raised under section 128 and 129 reports; therefore the matter was 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 premises at 59A Jones Street, Whanganui, is currently operating as an off licence ‘Bottlestore’ (036/OFF/006/2019) and this application is to renew the licence.

(2) The application to renew was made on 7 August 2020 on the prescribed form. The application seeks to renew with the same existing conditions. The general nature of the business will continue to be that of a ‘Bottlestore’. The premises are designated ‘supervised’.

(3) The applicant has been operating for a year at this site with no apparent compliance issues noted. The applicant operates a number of similar type premises nationally. The premises has not come to the notice of enforcement agencies during the renewal period.

- (4) The complete file that I received included –
- The application
 - Certificate of incorporation
 - Licensed Premises Policy
 - Copy of current licence
 - Floor Plan

- Principal entrance photos etc
- Copy of renewal advertisement
- Letter stating the premise is exempt from having an evacuation of premises scheme
- Reports from Police, Medical Officer of Health and Inspector

Decision Making

(5) In considering this application for renewal of Off-Licence the District Licensing Committee (here in after referred to as “the Committee”) had regard to the criteria specified under s. 131 of the Act.

(6) the object of this Act:

The Inspector has inquired into the application seeking evidence that the object of the Act will be complied with under this licence. It's noted that the applicant has not failed any controlled purchase operation or committed any offence that would suggest renewing the licence would result in the object of the Act not be complied with. We agree. The applicant also has suitable policies and manuals that if followed should ensure the Act is complied with.

(7) the suitability of the applicant:

The applicant is an experienced private company incorporated in 2005. The applicant supplied two names of certified managers to be employed on the premises, which is seen as sufficient. There are no matters raised in the reports indicating any non-compliance issues over the renewal period and an inspection of the premises by the inspector recently revealed no non-compliance issues.

The inspector and reporting agencies do not challenge suitability of the applicant and neither does the Committee.

(8) any relevant local alcohol policy:

The licence and its conditions accords with the LAP.

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

Applicant has applied for the same hours as previous which have operated without incident.

- **Monday to Sunday 9.00am to 10.00pm**

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

A long standing existing premise with no design and layout issues reported. The premise is a simple open layout with good visibility. A ‘supervised’ designation is applied for again and supported.

(11) 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 accept the inspectors assessment that there have been no complaints about nuisance type offences in the area in the past and in her opinion the amenity and good order of the locality would unlikely to improve by more than a minor extent if the licence was not renewed.

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

The applicant has nominated two managers of varied experience and skills and runs its own in-house checks of staff. The inspector's report notes the applicant has complied with compliance aspects of the license, maintains excellent staff training programmes and never failed a Police CPO.

Reporting Agencies

(13) The following reports were received under section 103/129 of the Act.

(14) **Police** – Report received on 3 September 2020, offering no opposition.

(15) **Medical Officer of Health** - Report received on 8 September 2020, offering no opposition.

(16) Licensing Inspector

Full report dated 8th September 2020. The inspector provided, amongst other things, his assessment of the application in relation to the Act. She also assessed the application against s105 criteria. This assessment has been referred to in this report.

The inspector concluded that the application is complete and having regard to the required criteria together with the performance of the applicant, she has no opposition to the application being renewed.

Committees Decision and Reasons

(17) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies and my assessment above, I conclude that the application meets the s. 105/131 criteria under the Act to be granted renewal of an off-licence for the premise situated at 59A Jones Street, Wanganui, to be known as 'Big Barrel Wanganui East'.

(18) Accordingly the application is **approved** for **renewal for three years** subject to the following conditions and payment of any outstanding fees, if any.

(19) The following conditions will apply to the licence:

- (a) No alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00pm on Anzac Day
- (b) Alcohol may only be sold or delivered on the following days and during the following hours:


Monday to Sunday 9.00am to 10.00pm.

- (c) The licensee must ensure that for each 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.

- (d) 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.
- (e) 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—
- attached to the inside of the premises concerned; and
 - so as to be easily read by people entering each principal entrance.
- (f) Drinking water must be freely available to customers while alcohol is being supplied free as a sample on the premises and signage directing people to drinking water must be prominently displayed on the premises at that time.
- (g) The whole of the premises is designated ‘**supervised**’.
- (h) At least 50% of any store front glazing shall be transparent.
- (i) Alcohol-related advertisements, signage and display of alcohol is to be consistent with crime prevention through environmental design (CPTED) guidelines.
- (j) The licensee is required to maintain a register of significant alcohol-related incidents that is available for inspection by enforcement authorities at any time during trading hours.
- (k) The licensee must not break down the retail packaging of packages containing less than 445ml units of beer, cider or RTDs for sale from the licensed premises, except where the retail packaging of those alcohol products has been accidentally damaged and in which case the licensee may re-package those alcohol products for sale in packages containing no less than 4 units.

Dated at Whanganui District this 14th day of September 2020.

Signed


.....
Stuart Hylton
Whanganui District Licensing Commissioner

