

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **The Junction Tavern 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 5A Puriri Street, Whanganui and to be known as “Junction Tavern”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for a new On-Licence was advertised in the Whanganui Chronicle on the 27 July and 3 August 2021 with no objections received.

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 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 2 August 2021 on the prescribed form. The application seeks to licence a currently licensed tavern that has changed hands and currently operating under a Temporary Authority.

The premise is a single storey building and includes a paved public area outside the principle entrance.

The general nature of the premises will continue to be that of a tavern.

(2) The premise is within a neighbourhood commercial zone and leased by the applicant.

(3) The applicant is a company, with the sole director and shareholder very hands on in the business. The applicant has named two managers to manage the license. The inspector does not challenge suitability.

(4) The premise is to be known as the 'Junction Tavern' and is seeking the whole licensed area to be 'supervised' which is suitable for this tavern. The principal entrance is off Puriri Street and the hours applied for are –

- **Monday to Sunday 10.00am to 11.00pm.**

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

- The application
- Floor plan
- A s. 100(f) RMA/ Building Act compliance letter from Council
- Letter from applicant attesting to owner having and maintaining an evacuation
- Copy of public notice on the building
- Host Responsibility Policy
- 100(d)(i) Evacuation Scheme Statement from applicant
- Full menu
- Public Advert wording
- Premise photos
- 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:

With a new licensee it's always difficult to predict the type of premise that will operate although with an existing tavern of this nature it's hard to envisage the licence operating much differently than stated and previously.

The applicant provided a Host Responsibility Policy that shows how alcohol will be sold in a professional and 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.

(8) the suitability of the applicant:

The applicant is a company with one shareholder/director who is also a manager for the premises. The inspector has inspected the premise and talked to the applicant and has offered a report stating that the applicant is suitable to operate a licensed premises.

The applicant has named two certified managers for the licence, which is considered to be suitable for this particular licensed premise.

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

(10) any relevant local alcohol policy:

The inspector in discussion with the applicant has recommended that three Local Alcohol Policy discretionary conditions be included on the licence. The applicant has agreed to these conditions.

(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 10.00am to 11.00pm

These hours are within the default national maximum trading hours and seem suitable for the type of premise, operation and risk.

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

The application included a floor plan showing premise layout, principal entrance and area to be licensed. The whole of the licensed area is to be ‘supervised’.

(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:

No

(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:

This is an existing activity within an existing building and area. The premises are within a neighbourhood commercial zone.

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

(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 Inspector has discussed appropriate systems etc with the licensee to ensure the law is complied with and comments that the premise is off to a good start. This will be reviewed during the first one-year renewal period.

Reporting Agencies

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

(18) **Police** – Report received 10 August 2021, offering no opposition.

(19) **Medical Officer of Health** – No report offering opposition.

(20) Licensing Inspector

Full report dated 26 August 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 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 5A Puriri Street, Whanganui, to be known as ‘Junction Tavern’.

(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 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:

Monday to Sunday 10.00am to 11.00pm

EXCEPT THAT on Good Friday, Easter Sunday, and Christmas Day, or before 1pm on Anzac Day, no alcohol is to be sold or supplied on the premises unless the buyer is a person who is present on the premises to dine or residing or lodging on the premise.

- (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,—
 - (i) 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
 - (ii) 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
 - (iii) those staff will on demand give any customer appropriate advice free.
- (f) 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
- (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 licensee must ensure a register of significant alcohol related incidents is kept and available for inspection by any of the enforcement agencies under the Act.
- (k) The licensee must ensure litter is removed from outside the premises.
- (l) The licensee must ensure that at all times when a queue 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.
- (m) The whole premise is to be ‘**Supervised**’.

3 Decision

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

Dated this 30th day of August 2021.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner

