

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **The Liquor Store 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 98 Victoria Avenue, Whanganui and known as "Reburger Whanganui.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for a new On-Licence was advertised in the Whanganui Chronicle on the 24 September and 1 October 2024; together with statutory signage on the building. No objections were 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

DECISION OF THE WHANGANUI DISTRICT LICENSING COMMITTEE

Application

(1) The application was made on the 23 September 2024 on the prescribed form. The application seeks to establish a new license for the established restaurant formally known as Maria Lane Bar and Eatery in the premise situated at 98 Victoria Avenue, Whanganui. The premise is existing with a change of ownership occurring requiring the procurement of a new licence. The applicant has been operating on the site for a number of months under a Temporary Authority. The applicant has obtained the necessary lease to operate and hold a Liquor Licence.

(2) The premises at 98 Victoria Avenue, Whanganui is owned by ACT Investments Limited who has confirmed by way of supporting letter that the applicant has a lease for the premise including the ability to be licensed.

(3) The applicant is an incorporated company with two directors and shareholders, both of whom have interests and experience in the industry. Having concluded renovations related to their style of premises and service, this venue is now an optional seated or takeaway restaurant dedicated to burger style dining.

(4) The premise will now be known as 'Reburger Whanganui' and is seeking to be undesignated which is usual for licensed restaurants. The principal entrance is located at the front of the entrance to the premises off Victoria Avenue (Majestic Square) and the premises includes dining in the public space in front of the building which is covered off within a license to occupy with Council. The certificate of compliance from the Whanganui District Council, has stated a maximum number of patrons as being 50.

(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 applicant attesting to not having to have an 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 new licensee within an existing café/restaurant where the sale and consumption of alcohol on the premise should be minor and complimentary compared to the Restaurant's general business. The previous licensee operated the licence and premises without any known issues and the current applicant has run the premises under a temporary authority without any issues noted.

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.

(8) the suitability of the applicant:

The applicant, **The Liquor Store Limited**, is an incorporated company with two directors/shareholders. The directors/shareholders have an interest to ensure the licence is a success and the statutory responsibilities are adhered to. The Directors have experience in other licensed premises outside of Whanganui.

Three certified managers are named on the licence application. This is seen as sufficient by the inspector although comment is rightly made on the need for managers to be unencumbered by other managerial demands within other premises, especially out of town.

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

(10) any relevant local alcohol policy:

The applicant has agreed to relevant LAP discretionary conditions introduced by the Inspector.

(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 –

- **(INTERIOR) MONNDAY TO SUNDAY: 11:00AM – 12:00 MIDNIGHT**
- **(EXTERIOR) MONNDAY TO SUNDAY: 11:00AM – 11:00PM**

These hours seem reasonable for the activity and are similar to the hours of the previous licence.

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

The application included a floor plan dated 24 September 2024 showing the premise layout, area to be licenced and principal entrance.

This relatively simple and small layout should assist compliance management. The whole of the licensed premise is to be undesignated.

(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 premise is an existing licensed restaurant located within the commercial zone.

Within the agency reports there are no concerns 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.

Reporting Agencies

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

(18) **Police** – No opposition.

(19) **Medical Officer of Health** - Report received on 17 October 2024, offering no opposition.

(20) Licensing Inspector

Full report dated 23 December 2024. 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 there 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 98 Victoria Avenue, Whanganui and known as "Reburger Whanganui".

(22) Accordingly the application is **approved** for issue for one year subject to the conditions outlined in the Inspectors report and payment of any outstanding fees, if any.

3 Decision

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

Dated at Whanganui District this 23rd day of December 2024.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner

