

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Arm Investments 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 313 State Highway 3, Whanganui and known as “Windermere Berry Farm”.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of off-Licence was advertised in the River City Press on the 28 October 2021 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 313 State Highway 3, Whanganui, is currently operating as an off licence ‘Cellar Door’ (036/OFF/013/2015) and this application is to renew the licence. This is the licensee’s third renewal.

(2) The application to renew was made on 1 November 2021 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 ‘Cellar Door’. The sale of liquor is relatively minor and confined to boutique wines from the berry farm. The premises are designated ‘undesigned’.

(3) The applicant has been operating for seven years with no apparent compliance issues noted. 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 a private company with no changes in structure during the renewal period and was incorporated in 2007. The applicant supplied three certified managers names 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:

No Policy issues that warrant conditioning for this type of premise.

(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 7.00am to 8.00pm,**

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

The premise is simple and open layout with no design and layout issues reported. The premise is a simple open layout with good visibility. No designation is needed and again 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 three managers of varied experience and skill which is seen as sufficient.

Reporting Agencies

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

(14) **Police** – Report received on 5 November 2021, offering no opposition.

(15) **Medical Officer of Health** - Report received on 3 February 2021, offering no opposition.

(16) Licensing Inspector

Full report dated 28 February 2022. The inspector provided, amongst other things, her 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 313 State highway 3, Whanganui, to be known as 'Windermere Berry Farm'.

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

Dated at Wanganui District this 1 day of March 2022.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner

