

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Brickhouse 2019 Limited**
for a renewal of an 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/005/2021) was publically advertised in the Wanganui Chronicle on the 12 December 2023 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 12 December 2021, **Brickhouse 2019 Limited** on the prescribed form made application for renewal of an On-licence.

The application for renewal of On-Licence is in relation to the premises known as '*Brickhouse Restaurant*' situated at 72 St Hill Street, Whanganui.

The general nature of the business is that of a 'Restaurant Type On Licence'. The renewal application seeks to renew with a variation to remove the licensed area on the first floor. The premise is undesignated and has not come to the notice of authorities in an adverse manner during the renewal period. This is this particularly licensee's second renewal although the premises has been licensed for many years.

The complete file included –

- The application
- Fire evacuation compliance statement
- Host Responsibility Plan
- Resource Consent
- 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 reports were –

- The applicant is a private company incorporated in 2019 with one director/shareholder.
- The premises has not come to the notice of authorities in an adverse manner during the renewal period.
- The applicant provided a host responsibility plan that if followed should ensure the object of the act is met.
- Three certified manager's names were put forward for the licence which is considered to be adequate for this type of premise. The applicants are 'hands on' in the business. The applicant appears to have appropriate systems, staff and training to comply with the law.
- There were no reports questioning suitability and neither do I.
- The current hours wanting to be renewed have operated without incident i.e.

Monday to Sunday, between 8.00am to 12.00midnight,

- Floor plan provided works well for the general nature of the business held on the premises. The area to be licensed is the ground floor of a two story building with the first floor now to be removed from the licensed footprint.
- Current non designation across the entire premise to remain.
- 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 excellent 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 – No opposition.

3.2 Medical Officer of Health – Report received on 30th January 2024, of no opposition.

3.3 Licensing Inspector – Full report dated 12th February 2024. 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 existing conditions.

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 meets the statutory criteria to be granted a renewal of On-Licence under the Act for a period of three (3) years, from the expiry date of the previous licence.

The licence will be subject to the existing conditions with reference to the updated floor plan to reflect the licensed area now being restricted to the ground floor.

5 Decision

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

Dated at Whanganui District this 17th day of February 2024.

Signed



Stuart Hylton
Whanganui District Licensing Commissioner

