

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **Gagan and Vikaus Enterprises 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 99A Guyton Street, Whanganui and known as "The Grand Hotel".

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for a new On-Licence was advertised in the Whanganui Chronicle on the 23 and 30 March 2023; together with statutory signage on the building. No objections were received and no s. 103 reports noted any opposition.

Therefore the matter is 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 28 February 2023 on the prescribed form. The application seeks to establish a new license for an existing licensed hotel at 99A Guyton Street, Whanganui. The previous licence (036/ON/001/2022) expires 23 May 2023. The applicant has obtained the necessary resource consent and lease to hold and manage a Liquor Licence. The general nature of the business will continue to be that of a hotel (ground floor) and the existing conditions will be continued.

(2) The licensed area is to include the ground floor and has not changed from that previously. This area is defined within the floorplan submitted with the application dated 9 March 2023. The principle entrance is that off St Hill Street.

(3) The applicant is an incorporated company, incorporated in 2004, with two directors and two shareholders.

(4) The premise will continue to be known as the 'Grand Hotel' and is seeking to have mixed designations to reflect the varying nature of the areas on the ground floor. The applicant provided evidence of evacuation planning compliance and a Certificate of Compliance from Council in relation to Building and Planning.

(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 landlord representative as having the necessary 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:**

The applicant has been operating under a Temporary Authority as the changeover occurs with no issues raised by reporting agencies. 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 and has operated previously without any known issues.

#### **(8) the suitability of the applicant:**

The applicant is an incorporated company with two directors and shareholders. The directors have an interest to ensure the licence is a success and the statutory responsibilities are adhered to.

The applicant has named one certified manager for the premises which is seen as the bare minimum required.

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

#### **(10) any relevant local alcohol policy:**

The Whanganui LAP allows for discretionary conditions relating to On-licences. The inspector has recommended that the following conditions be placed on the licence stating –

- *The licensee will record and maintain a register of significant alcohol related incidents and have that register available for inspection by an enforcement officer at any time during trading hours.*
- *The Licensee must ensure litter (this includes, but is not limited to, vomit and alcohol related rubbish) is removed from outside the premises.*

These conditions seem appropriate to be adopted for this type of licence and premises.

#### **(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, 8.00am to 2.00am the following day,**

These are supported.

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

The application included a floor plan that shows the areas to be licensed. This is an existing licensed footprint. The Gaming Room is to be designated '**restricted**', the restaurant area '**undesigned**', the Irish Bar designated '**Supervised**' the rest of the licensed premises undesigned.

#### **(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:**

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

The premise is within the Central Business District surrounded by other Commercial properties including licensed premises in the near vicinity. The premises has been in existence for many years which should ensure the amenity and good order of the locality are not effected by more than a minor extent.

(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 applicant appears to be taking their licensing responsibilities seriously which should assist the premise to be run in a compliant manner.

#### ***Reporting Agencies***

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

(18) **Police** –No opposition received.

(19) **Medical Officer of Health** - Report received on 30 March 2023, offering no opposition.

(20) **Licensing Inspector**

Full report dated 14 April 2023. 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 99A Guyton Street, Whanganui and known as the 'Grand Hotel'.

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

#### **Decision**

(23) Accordingly the application is **Approved** for issue from this date.

**Dated at Whanganui District this the 19th April 2023.**

**Signed**

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**Stuart Hylton**  
**Whanganui District Licensing Commissioner**

