

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **M7 Limited** for a renewal of 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/004/2016) was publically advertised in the River City Press on the 19 January 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 22 December 2022, **M7 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 '*Kingsgate Hotel*' situated at 379 Victoria Avenue, Whanganui. This is the third renewal for the applicant and the licence.

The general nature of the business is that of an 'On-licence Hotel'. The renewal application seeks to renew with variation to amend designation conditions and extra condition to comply with the LAP. The premise has split designations and has not come to the notice of authorities in an adverse manner during the renewal period.

The complete file included –

- The application
- Fire evacuation compliance statement
- Host Responsibility Plan
- 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 1995 with a name change in 2008, with one director and two shareholders.
- The premise has not come to the notice of authorities in an adverse manner during the renewal period. This is the third renewal.

- 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 2.00am, the following day (with a one way door policy starting at 1.00am)**
- Floor plan provided works well for the general nature of the business held on the premises. The general premises will continue to be 'undesigned' with the 'Bar' designated 'Supervised'.
- 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.
- The application accords with the LAP.

### 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 within report dated 23 December 2022.

**3.2 Medical Officer of Health** – Report received on 25 January 2022, of no opposition.

**3.3 Licensing Inspector** – Full report dated 13 February 2023. 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 save the one way door condition from the LAP.

### 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 conditions as listed in the Inspectors report.

### 5 Decision

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

**Dated at Whanganui District this 15 day of February 2023.**

**Signed**

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

