

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 Off-licence pursuant to section 127 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 379 Victoria Avenue, Whanganui and known as "Kingsgate Hotel – Mothership Brewing".

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for renewal of Off-Licence was advertised in the Rivercity Press on the 17 and 24 March 2022 with no objections received. 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 379 Victoria Avenue, Whanganui is a Hotel which is currently also operating an Off-licence (036/OFF/002/2020) to sell alcohol both 'over the bar' and 'remotely' for consumption off the premise. This application is to renew the Off-licence which was issued a year ago when the applicant decided to sell self-brewed beer from the premises.

(2) The application to renew was made on 3 March 2022 on the prescribed form. The application seeks to renew with similar existing conditions. The general nature of the business will continue to be that of a 'Hotel' and this will be the first renewal.

- (3) The complete file that I received included –
- The application
 - Site Plan
 - Certificate of Incorporation
 - List of duty managers
 - Floor plan
 - Draft renewal advertisement
 - Fire evacuation scheme declaration from owner
 - Copy of existing licence
 - Reports from Police, Medical Officer of Health and Inspector

Decision Making

(4) 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.

Sections 105/131 Analyses:

(5) the object of this Act:

Both the Inspector and Medical Officer of Health inquired into the application seeking evidence that the object of the Act will be complied with under this licence. The applicant's Host Responsibility Policy, if followed correctly, should ensure that the object of the act is complied with.

The Committee notes the initial base licence which was issued a year ago was subject to a Hearing due to opposition from both the Police and Inspector and objections from the public. It's pleasing to see the concerns raised by the reporting agencies and members of the public have not manifested themselves over the renewal period.

(6) the suitability of the applicant:

The applicant is a body corporate incorporated in 1995. The applicant supplied three names of certified managers employed on the premises.

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

(7) any relevant local alcohol policy:

No local policy is currently in place.

(8) the days on which and the hours during which the applicant proposes to sell alcohol:

Applicant has applied to renew the existing hours:

- **By Remote Sales: At any time on any day**
- **Over the Counter: Monday to Saturday 2:00pm to 9:00pm and Sunday 4:00pm to 8:00pm.**

These hours are within the national trading hours and same as the hours contained in the current licence. These are considered fit for purpose and have operated without incident in the past.

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

The application included a detailed CPTED assessment with solutions and as it's an existing licence with no issues reported I see no issue with design and layout. The premises has premise CCTV monitoring.

(10) 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 that if managed well this should continue.

(11) whether the applicant has appropriate systems, staff, and training to comply with the law:

The applicant has nominated three managers of varied experience and skills. The inspector notes the applicant maintains good levels of staff training and performance. To the inspectors knowledge the premise has never failed a Controlled Purchase Operation.

Reporting Agencies

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

(13) **Police** – Report received on 21 March 2022, of no opposition.

(14) **Medical Officer of Health** - Report received on 21 March 2022, of no opposition.

(15) **Licensing Inspector**

Full report dated 8th April 2022. The inspector provided, amongst other things, her assessment of the application in relation to the Act. The Inspector 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 will likely meet the criteria for renewal on the conditions presently attached to the licence.

Committees Decision and Reason

(16) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, I conclude that the application generally meets the s. 105/131 criteria under the Act to be granted renewal of an Off-licence for the premise situated at 379 Victoria Avenue, Whanganui, known as 'Kingsgate Hotel – Mothership Brewing'.

(17) Accordingly the application is **approved** for renewal for three years subject to the existing conditions and payment of any outstanding fees, if any.

Dated at Whanganui District this 13th day of April 2022.

Signed



Stuart Hylton
Whanganui District Licensing Commissioner

