

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **Multiplex Cinemas 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/002/2022.1) was publically advertised in the Whanganui Chronicle on 25 May 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 24 May 2023, **Multiplex Cinemas Limited** on the prescribed form made application for renewal of an On-licence. This is the licensee's first renewal of the licence.

The application for renewal of On-licence is in relation to the premises known as 'Embassy 3 Cinema's' situated at 34 Victoria Avenue, Whanganui.

The general nature of the business is that of a 'Theatre Style On-licence'. The renewal application seeks to renew with the same existing conditions. The premise 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 that has run this licence for one year following a hearing held by the DLC to determine and consider concerns raised by original submitters. The license is low risk with low quantities consumed.
- The Inspector reports that all the DLC conditions have been complied with in the past year and concludes *"...a low level of risk where mitigations provided in the host responsibility Policy continue to be applied. The applicant continues to impress as genuinely motivated to mitigate and minimise any potential for harm."*
- The premise has not come to the notice of authorities in an adverse manner during the renewal period. This is the first renewal application.
- The applicant provided a host responsibility plan that if followed should ensure the object of the Act is met.

- One manager, the owner, is named for the licence which is considered to be adequate for this type of premise. Alcohol is not a big part of the operation.
- 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 11.30am to 10.00pm**

- Floor plan provided works well for the general nature of the business held on the premises.
- 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 satisfactory systems for staff training and performance.
- The application accords with the Whanganui 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.

**3.2 Medical Officer of Health** – No opposition recorded within report dated 13 June 2023.

**3.3 Licensing Inspector** – Full report dated 19 June 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.

### **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.

### **5 Decision**

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

**Dated at Whanganui District this 27 day of June 2023.**

**Signed**



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

