

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **Whanganui Distilling Company 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 454 State Highway 4, Upokongaro, Whanganui and known as the Whanganui Distilling Company.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for renewal of Off-Licence was advertised in the Whanganui Chronicle on the 3 and 10 December 2023 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 454 State Highway 4, Upokongaro, Whanganui is a Cellar Store/endorsed remote sales Style Off-licence (036/OFF/003/2022) to sell alcohol for consumption off the premise. This application is to renew the Off-licence which was first issued a year ago when the applicant decided to sell self-brewed gin from the premises.

(2) The application to renew was made on 5 December 2023 on the prescribed form. The application seeks to renew with the same conditions. The general nature of the business will continue to be that of a 'Cellar Door/endorsed remote sales Off-licence' 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 licence is rated low risk.

**(6) the suitability of the applicant:**

The applicant is a body corporate incorporated. The applicant supplied two certified managers names employed on the premises. This is considered suitable for the type of 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 with the same hours:

The existing licensed trading hours are:

- **Monday to Sunday 10:00am 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.

**(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 two managers, one of which is also a director. 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** – No opposition.

(14) **Medical Officer of Health** - Report received on 17 January 2024, of no opposition.

**(15) Licensing Inspector**

Full report dated 9 February 2023. The inspector provided, amongst other things, his 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 454 State Highway 4, Upokongaro, Whanganui and known as the **Whanganui Distilling Company**.

(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 16 day of February 2024.**

**Signed**



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

