

APPLICATION NUMBER

036/ON/002/2023

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Whanganui District Council** for an On-Licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at Cooks Gardens, 99 St Hill Street, Whanganui and known as "Cooks Gardens Event Centre".

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The application for a new On-Licence was advertised in the Whanganui Midweek on the 8 and 15 March 2023; together with statutory signage on the building.

Objection recieved

The application attracted one public **objection** from Mr Russell Sears who resides at 40 Burtts Road, Whanganui. The objection was received on 30 March 2023 which is one day outside the statutory timeframe for objecting to this application i.e. 15 working days from the date of the first public notice.

In a Direction Notice dated 10 April 2023, the Committee determined the objection by Mr Sears failed to meet the statutory requirements on two of the three statutory tests in order to claim objector status i.e. the objection was outside the statutory timeframe and outside the criteria listed under the Act.

Therefore the objection has no status and ability to be heard during considerations.

There were no s. 103 reports noting any opposition from the reporting agencies.

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 23 February 2023 on the prescribed form. The application seeks to establish a new license for the Cooks Gardens Event Centre situated at 99 St Hill Street, Whanganui. The licence will be held by the Whanganui District Council. Previously events held at the centre that involved the sale of alcohol were catered for via special licences, either by the event organiser/s or Council. The general nature of the business will be that of a Function Centre Style On-licence where alcohol will be sold to people attending functions/events on the 'premises'. The activity is considered a 'medium' risk according to statute.

(2) The premises at 99 St Hill Street, Whanganui is seeking to be part 'undesigned' and part 'supervised' which is suitable given this type of premises. The principle entrance is that off St Hill Street. The area to be licenced is detailed on the floor plan submitted with the application and dated 28 February 2023. The area includes the Function Centre, Main Grandstand and Corporate Box areas.

(3) The applicant is a Council i.e body corporate under s. 12(1) of the Local Government Act 2002. They hold one other substantive licence that being the Whanganui Royal Opera House.

(4) The premise will be known as the 'Cooks Gardens Event Centre' and is seeking split designations i.e. **Main Grandstand - 'undesigned' and Function Centre and Corporate Box Area – "supervised"**, which is suitable for the type of licence. The applicant provided evidence of evacuation planning compliance and a Certificate of Compliance 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:

Whilst this is a new licence, the Cooks Gardens Event Centre has been licensed via special licences before with no issues arising. Whilst the days and hours are reasonable extensive, the actual days and hours will be well less based on events, and the consumption of alcohol reasonably low. 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. Surveillance across the three main areas of the licensed areas will be key for the licensee and managers to maintain in order for the licence conditions and Act's requirements to be met.

(8) the suitability of the applicant:

The applicant, Whanganui District Council, is a local authority with a reputation to uphold. They have also applied for and been granted another On-licence associated with an entertainment venue they manage. Previous to this the Council had only applied for and were granted special licences for special events. There are no records of any non-compliance. Five certified managers are named on the licence application. This is seen as suitable.

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

(10) any relevant local alcohol policy:

The application accords with the Whanganui LAP.

(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, 12.00 midday to 12.00 midnight,**

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

The application included floor plans that shows the area to be licensed. The floor plan shows the area to be licensed which is the function centre, grandstand and corporate box areas of the venue. The various areas have split designations which are supported by the inspector.

(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:

Sporting and cultural events.

(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 Cooks Gardens Events Centre is within the Central Business District and zoned for such events.

The licensed premise has been licensed before and the sale of alcohol should be minimal. The type of licence and operation 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** – Report received on 6 March 2023, offering no opposition.

(19) **Medical Officer of Health** - Report received on 16 March 2023, offering no opposition.

(20) **Licensing Inspector**

Full report dated 30 March 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 to the Whanganui District Council, for the premises situated at 99 St Hill Street, Whanganui and known as the 'Cooks Gardens Event Centre'.

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

Decision

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

Dated at Whanganui District this 20 April 2023.

Signed



Stuart Hylton

Chairman

Whanganui District Licensing Committee

