

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Braebister 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/017/2015) was publically advertised in the River City Press on the 21st November 2024 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 19 November 2024, **Braebister 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 '*Pukeko's Nest Cafe*' situated at 4 State Highway Three, Whanganui.

The general nature of the business is that of an 'On Licence Café/Restaurant'. The renewal application seeks to renew with the same existing conditions. The premise is undesignated 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
- Fire Evacuation Plan
- Host Responsibility Plan
- Resource Consent
- 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 2011 with two directors/shareholder. This is at least the fifth renewal application.
- The premises has not come to the notice of authorities in an adverse manner during the renewal period.
- The applicant provided a host responsibility plan that if followed should ensure the object of the act is met.
- Three certified managers names was 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 12.00 midnight,

- Floor plan provided works well for the general nature of the business held on the premises. The licensed area is a 'box type' restaurant/café.
- Current non designation across the entire premise to remain.
- 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.

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 – Report received on 14th November 2024, of no opposition, although the report noted a lack of training. This has since been instigated and recorded.

3.3 Licensing Inspector – Full report dated 23rd January 2025. 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 and to take effect from the last day of the current renewal period.

Dated at Whanganui District this 24th day of January 2025.

Signed



Stuart Hylton
Whanganui District Licensing Commissioner

