

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **Vietnam  
Kitchen 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/014/2021) was publically advertised in the River City Press on 29 September 2022 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 28 September 2022, **Vietnam Kitchen Limited** on the prescribed form made application for renewal of an On-licence. This is the first renewal application by the licensee.

The application for renewal of On-licence is in relation to the premises known as '*Vietnam Kitchen*' situated at 87-97 Victoria Avenue, Whanganui.

The general nature of the business will remain that of a 'Restaurant Style On-licence'. The renewal application seeks to renew with existing conditions and 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
- Owner permission letter
- 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 the complete file, including the inspector's report, were –

- The applicant is a private company who has operated the licence during the renewal period without apparent issue. This is the first renewal. The applicant has named two managers for the licence which is considered suitable for this type of licence.

- The premise has not come to the notice of authorities in regard to SSAA matters 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.
- The applicant appears to have appropriate systems, staff and training to comply with the law.
- The Inspector concludes that the applicant's suitability is not challenged.
- The application accords with the LAP.
- The hours wanting to be renewed are -  
**Monday to Sunday, between 9.00am to 12.00 midnight.**
- The current licensed footprint has not altered and appears suitable. The premises is to remain 'undesigned' which is suitable for this type of licence.
- 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.

### 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 14 October 2022, of no opposition.

**3.3 Licensing Inspector** – Full report dated 4 November 2022. The inspector has no opposition to the application and assessed the application against s. 105 matters with no matters of opposition raised.

The inspector noted an issue during a recent inspection where the duty manager was not present. This has been discussed with the owner and hopefully rectified.

The inspector concludes that the application is complete and appears to meet the criteria for renewal of the licence.

### 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 by **Vietnam Kitchen Limited** meets the statutory criteria to be granted a renewal of On-licence under the Act for a period of three (3) years, from the date of this decision.

The licence will be subject to the conditions outlined in the Inspectors report.

### 5 Decision

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

**Dated at Whanganui District this 7th day of November 2022.**

**Signed**



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

