

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **VYK
Trading 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/006/2020) was publically advertised in the Whanganui Chronicle on 9 and 16 September 2021 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 17 August 2021, **VYK Trading 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 '*High Kut Bistro*' situated at 19-21 Victoria Avenue, Whanganui.

The general nature of the business is that of a 'Restaurant Type On-Licence'. This is a small premises with no bar and only seated service. The renewal application seeks to renew with variation to hours and licensed footprint.

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 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. The premise has been licensed for a year now with no apparent issues known. The applicant has named one manager for the licence which is seen as the bare minimum 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. The applicant is a private company with two Directors/Shareholders.
- 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 applicant's suitability is not challenged.
- The hours wanting to be renewed are varied from that previously held-

Monday to Sunday, between 10.00am to 10.00pm.

This is one hour later start than previously.

- The floor plan provided works well for the general nature of the business held on the premises. The premises is to be ‘Undesignated’ which is suitable for this type of licence. The area to be licensed is the ground floor plus an area of the public space (footpath – three tables) immediately outside the premises for which the applicant has a licence to occupy from Council.
- 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 with an agreed discretionary condition.

3 Reporting Agencies

The following reports were received under section 103 of the Act and taken into account during the decision.

3.1 Police – Report received on 16 September 2021, of no opposition.

3.2 Medical Officer of Health – Report received on 28 September 2021, of no opposition.

3.3 Licensing Inspector – Full report dated 28 September 2021. 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 variations.

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 **VYK Trading 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 expiry date of the previous licence.

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 29th day of September 2021.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner

