

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **Yeezus
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/008/2016) was publically advertised in the River City Press on 6 August 2020 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 4 August 2020, **Yeezus Limited** on the prescribed form made application for renewal of an On-licence. This is the second renewal application by the licensee.

The application for renewal of On-Licence is in relation to the premises known as '*La Quattro*' situated at 13 Victoria Avenue, Whanganui.

The general nature of the business is that of an 'On Licence Restaurant'. The renewal application seeks to renew with the same existing conditions. 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 some time and the current licensee has operated the business since 2016. The applicant has named two managers for the licence which is seen as adequate for this type of licence.
- The premise has not come to the notice of authorities in an adverse manner during the renewal period. This is the second 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.
- There were no reports questioning suitability and neither do I.
- The inspector notes the applicant has agreed to a LAP conditions relating to amended hours and a discretionary condition.
- The days and hours wanting to be renewed have been reduced and amended following consultation between the applicant and inspector-

Interior: Monday to Sunday, between 8.00am to 12.00 midnight

Exterior: Monday to Sunday, between 9.00am and 11.00pm.

The exterior hours ensures compliance with the Licence to Occupy conditions and the rest of the hours complies with the LAP.

- 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.
- 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 Whanganui LAP has been adopted and allows for discretionary conditions relating to On licences. The inspector has recommended that the following condition be placed on the renewal stating –
 - the licensee will record and maintain a register of significant alcohol related incidents and have that register available for inspection by an enforcement officer at any time during trading hours

The applicant has signalled they are happy with this condition to be included in the renewal. On this basis this seems a reasonable condition to include.

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 9 September 2020, of no opposition. .

3.2 Medical Officer of Health – Report received on 3 September 2020, of no opposition.

3.3 Licensing Inspector – Full report dated 14 September 2020. 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 amended conditions and the additional LAP condition.

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 **Yeezus 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 in the inspectors report.

5 Decision

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

Dated at Whanganui District this 9 day of September 2020.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner

