

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Banh Mi Craft Limited** for a renewal of an 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/008/2020.2) was publically advertised in the River City Press on 3 October 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 27 September 2024, **Banh Mi Craft 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 '*Banh Mi Craft*' situated at 152 Victorai Avenue, Whanganui.

The general nature of the business is that of a 'Restaurant Type On Licence'. The renewal application seeks to renew with the same 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 (2020) with two directors/ shareholders, who have operated the licence during the renewal period without apparent issue. The premise has been licensed for four years now with no apparent issues known. The applicant has named one certified manager for the licence. This will be seen as adequate 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 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 -
Monday to Sunday, between 11.00am to 12.00midnight.
- Floor plan provided works well for the general nature of the business held on the premises. The whole licensed area is to be undesignated which is normal for this type of premises.
- 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 LAP.

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 1 October 2024, of no opposition.

3.2 Medical Officer of Health – No opposition recorded in report received on 17 October 2024.

3.3 Licensing Inspector – Full report dated 12 November 2024. 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.

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 **Banh Mi Craft 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 existing conditions attached to the licence.

5 Decision

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

Dated at Whanganui District this 12 November 2024.

Signed



Stuart Hylton
Whanganui District Licensing Commissioner

