

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Yellow House Cafe Limited** for a renewal of their 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/010/2015) was publically advertised in the River City Press on 28 August 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 26 August 2024, **Yellow House Cafe Limited** on the prescribed form made application for renewal of an On-licence. This is the fourth renewal application by the licensee.

The application for renewal of On-licence is in relation to the premises known as 'Yellow House Cafe' situated at 17 Pitt Street, Whanganui.

The general nature of the business is that of a 'Restaurant/Cafe Style On Licence'. There is no bar service just table service. The renewal application seeks to renew with no changes to 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 eight years now with no apparent issues known. 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 regard to SSAA matters in an adverse manner during the renewal period. The applicant is a private company with a sole Director and two Shareholders.
- The applicant provided a host responsibility plan that if followed should ensure the object of the act is met.
- The Medical Officer of Health, in their report dated 17 September 2024 highlights training and reporting systems as not being in accordance with requirements. On 18 September 2024 the Inspector met with the applicant and assurances that these documents and reporting requirements would be met were provided. The Inspector noted the training records and incident register was available on the premises at this date. It is hoped this blemish by the applicant is a one off and they adopt recommended systems, staff and training to comply with the law.
- The Inspector concludes that the applicant's suitability is not challenged.

- The hours wanting to be renewed are -

**Sunday to Thursday, between 8.00am and 10.00pm,
Friday and Saturday, between 8.00am and 11.00pm.**

- 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.
- There is no designation sought which is suitable given current conditions and type of premises.
- 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 states that 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 9 September 2024, of no opposition.

3.2 Medical Officer of Health – Report received on 17 September 2024, of no opposition.

3.3 Licensing Inspector – Full report dated 7 October 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 with same 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 by **Yellow House Café Limited** meets the statutory criteria to be granted a renewal of their 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 8 day of October 2024.

Signed



.....
Stuart Hylton
Whanganui District Licensing Commissioner

