

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by Andrew John  
Bennetts for a special-licence pursuant  
to section 138 of the Act on the occasion  
of a 'Mid-Winter Dinner Fundraiser'.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**



Chairperson  
Mr Stuart Hylton

**DECISION**

**1. Introduction**

This is an application by Andrew John Bennetts for a special licence in regard to an event to be held at the Maxwell Community Hall, State Highway 3, Maxwell. The nature of the event for which the licence is sought is a 'Mid-Winter Dinner Fundraiser'.

The date and hours sought are Friday 30<sup>th</sup> June 2017, between 6.00pm and 11.00pm.

**2. Application**

The application was received on the 12th June 2017 and included a letter from applicant explaining lateness, letter from hall trustees giving permission for the activity, menu and floor plan. The supporting letter requested dispensation for the late application.

The Committee notes the application was made 14 working days before the event rather than the 20 working days required under the Act. The letter of explanation from the applicant offers ignorance of the timeframes as the excuse as this is the applicant's first attempt at gaining a special licence.

The Committee believes the omission to apply in the precise timeframe is not wilful nor obstructs natural justice provisions with reporting agencies able to report within the truncated timeframe. Therefore a waiver in accordance with s. 208 is granted on this occasion.

The application was not advertised and no objection or notice of desire to be heard has been received under section 141 of the Act. Accordingly we deal with the matter on the papers in accordance with section 202(1).

In considering the application for special licence the committee had regard to the following criteria under section 142 of the Act:

- (a) the object of this Act:
- (b) the nature of the particular event for which the licence is sought and, in particular,—
  - (i) whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and
  - (ii) whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:
- (c) the suitability of the applicant:
- (d) any relevant local alcohol policy:
- (e) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence:
- (f) the days on which and the hours during which the applicant proposes to sell alcohol:
- (g) the design and layout of the premises concerned:

(h) whether the applicant has appropriate systems, staff and training to comply with the law:

(i) any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas:

(j) any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed:

(k) the applicant's proposals relating to—

- (i) the sale and supply of non-alcoholic drinks and food; and
- (ii) the sale and supply of low-alcohol drinks; and
- (iii) the provision of help with or information about alternative forms of transport from the premises:

(l) any matters dealt with in any report from the Police, the Medical Officer of Health, or an inspector made under [section 141](#).

### 3. Reporting Agencies

The following reports were received under section 141 of the Act.

**Police Report** – No opposition within report received on 27th June 2017.

**Medical Officer of Health** – No opposition within report received on 19th June 2017.

**Licensing Inspector Report** – Full report provided by the inspector including assessment of application against section 142 criteria. The Inspector concludes that the application is complete and will likely meet the criteria of the Act. Draft conditions are also offered by the inspector.

The application, supporting document and statutory reports noted the following pertinent points to assist the Committee's decision:

- The applicant is an individual who is the front person for the Maxwell Neighbourhood Support Group. This is the first special licence procured by this individual although special licences have been issued for the particular premise before.
- There are no challenges to suitability from the reporting agencies.
- The premise (community hall) has been in existence for many years now and an extra special licence should not reduce amenity and good order of the locality. The Hall is designed for this type of community activity and a letter is on file from the Hall Trustees giving permission for the activity.
- A marked site plan was included. The whole of the hall is requested to be the licensed premises and to be designated 'supervised'. The designation is supported.
- The hours appear relevant for the event being undertaken.
- A non-certified manager (Nigel Bright) is nominated for the event including other support group members. A s. 213(2) waiver is recommended and supported for the non-certified manager.
- Both the Police and MOH have no objections to the application

### 4. Decision

The application for Special Licence is **Approved** for issue subject to the conditions outlined in the inspectors report and a s. 213(2) waiver.

**DATED** at Whanganui this 28th day of June, 2017.



Secretary  
**Whanganui District Licensing Committee**

