

Application number: 36/SOL/044/2019

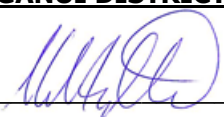
IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by Sarjeant Gallery for a special-licence pursuant to section 138 of the Act on the occasion of a 'Winter Exhibition'.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

Chairperson
Mr Stuart Hylton



DECISION

1. Introduction

This is an application by Sarjeant Gallery for a special licence in regard to an event to be held at the Sarjeant Gallery, 38 Taupo Quay, Whanganui. The nature of the event for which the licence is sought is a 'Winter Exhibition', where the sale and consumption of alcohol is likely to be minimal.

The date and hours sought are the -

- **24th May 2019, between 5.30pm and 7.30pm.**
- **6th September 2019, Between 5.30pm and 7.30pm**

2. Application

The application was received on 30 April 2019 and included a site plan.

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 13th May 2019.

Medical Officer of Health – No opposition within report received on 8th May 2019.

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 inspector noted the following pertinent points in her report –

- The applicant is the Sarjeant Gallery who have hosted many events with no non-compliance noted.
- This is a community event, suitability is not challenged.
- The premise has been in existence for a number years, is zoned for such events and an extra special licence should not reduce amenity and good order of the locality.
- The premise is suitable for the type of event and layout has been suitable in the past. The marked floor plan was included which involves the main ground floor area being licensed.
- The hours appear relevant for the event being undertaken.
- Alcohol consumption will be minimal for the event.
- No certified managers are nominated for the event. Staff and security will be employed to control the evening. A s. 213(2) waiver is recommended for Raewyn Johnson to act as manager for the event.
- A designation for the event is not requested or required.
- Both the Police and MOH have no opposition to the application.

4. Decision

The application for Special Licence is **Approved** for issue subject to the conditions outlined in the inspectors report, a s 213(2) waiver and being issued under the name 'Sarjeant Gallery – Whanganui District Council'.

DATED at Whanganui this 15th day of May, 2019.


Secretary
Whanganui District Licensing Committee

