

**APPLICATION No.**

**036/SOL/006/2018**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by Phillipa Ellen  
Sperling for a special-licence pursuant to  
section 138 of the Act on the occasion of  
the 'Whanganui Vintage Weekend at  
Mini Gourmet'.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**



Chairperson  
Mr Stuart Hylton

**DECISION**

**1. Introduction**

This is an application by Phillipa Ellen Sperling for a special licence in regard to an event to be held at the Mini Gourmet Cafe, 30 Drews Avenue, Whanganui. The nature of the event for which the licence is sought is for the annual Whanganui Vintage Weekend Festival. The dates and hours sought are –

- 20<sup>th</sup> January 2018, 9.00am to 2.00pm,
- 21<sup>st</sup> January 2018, 9.00am to 3.00pm,
- 22<sup>nd</sup> January 2018, 9.00am to 3.00pm.

**2. Application**

The application was received on 16th January 2018 and included a site plan, menu, licence to occupy from WDC, emails etc.

A waiver under s. 208 is granted for the application not being applied for within s. 137 timeframes. A waiver is issued due to there being no obvious wilful neglect or omission.

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 17th January 2018.

**Medical Officer of Health** – No opposition within report received on 17<sup>th</sup> January 2018.

**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.

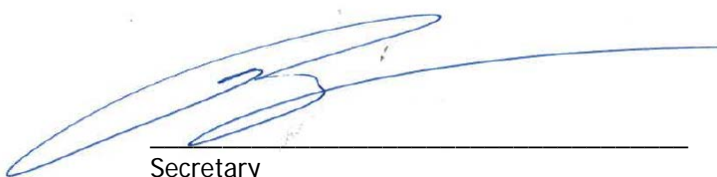
The complete file including inspectors report noted the following pertinent points–

- The applicant is an individual experienced in the hospitality sector. The applicant has run similar events in the past.
- Suitability is not challenged.
- The premise is normally an unlicensed café within the outer CBD but wishes to be licensed for this annual special long weekend event. Issuing a special licence should not reduce amenity and good order of the locality. Alcohol should play a minor part in the event.
- The hours appear reasonable for the event being undertaken.
- A non-certified manager (Kayla Cameron) is nominated for the event and will be supported by other staff. A s. 213(2) waiver is sought and supported by the inspector.
- No 'designation' is requested for the whole licensed area and this is supported. The area is shown on the marked up plan and should be clearly delineated on the day. The public area outside the café is covered by a licence to occupy from the Council and will form part of the licenced area.
- 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.

**DATED** at Whanganui this 18th day of January, 2018.



Secretary  
**Whanganui District Licensing Committee**