

Application number: **036/SOL/080/2018**
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 four
events of 'Latin America and Spain
Festival Event'.

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 four events to be held at the Musicians Club, 65 Drews Avenue, Whanganui. The nature of the events for which the licence is sought is 'Latin America and Spain Festival Event', where the sale and consumption of alcohol is likely to be minimal.

The dates, hours sought and events are –

- **27th October 2018, 7.00pm to 10.00pm**

2. Application

The application was received on 3 August 2018 and included a floor plan and permission email.

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 report provided within statutory timeframe therefore I must assume no opposition.

Medical Officer of Health – No opposition within report received on 7th August 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 inspector noted the following pertinent points in her report –

- The applicant is the Sarjeant Gallery.
- This is a fundraising activity, suitability is not challenged.
- The premise has been in existence for many 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.
- The hours appear relevant for the events being undertaken.
- Alcohol consumption will be minimal for the events.
- 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.

DATED at Whanganui this 23rd day of September, 2018.



Secretary

Whanganui District Licensing Committee