

APPLICATION No.

036/SOL/096/2022

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **VYK Trading Limited** for a special-licence pursuant to section 138 of the Act on the occasion of the 'Rivercity Caboodle Street Festival'.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

Chairperson
Mr Stuart Hylton



DECISION

1. Introduction

This is an application by **VYK Trading Limited** for a special licence in regard to an event to be on public spaces outside the High Kut Bistro, 19-21 Victoria Avenue, Whanganui. The nature of the event for which the licence is sought is the annual 'Caboodle Street Festival'.

The date and hours sought is 21 January 2023, 10.00am to 11.00pm, the following day.

2. Application

The application was received on the 16 November 2022 and included a site plan, event flyer, manager's certificates and menu.

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 23 December 2022.

Medical Officer of Health – No opposition within report received on 22 December 2022.

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 currently holds an on-licence but requires a special licence to extend the current trading area for the event to the public place shown on the site plan.
- This is an annual event as part of Heritage Weekend and the applicant has run this part of the event before without any known issue.
- The applicant has not come to notice of authorities previously.
- Suitability is not challenged.
- The area is a public footpath and road that is closed for the wider event and entertainment purposes. It is in the CBD. An extra special licence for this type of event should not reduce amenity and good order of the locality.
- The hours appear reasonable for the event being undertaken.
- A certified manager is nominated for the event and will be supported by other staff.
- A 'supervised' designation for the whole licensed area has been recommended and supported. The area is shown on the marked up plan and should be clearly delineated on the day.
- 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.

DATED at Whanganui this 23rd day of December, 2022.



Secretary
Whanganui District Licensing Committee

