

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by YW Hospitality
Limited for a special-licence pursuant to
section 138 of the Act on the occasion of
a 'NZ Arts Educators Conference
Welcome Reception'.

036/SOL/059/2017

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE



Chairperson
Mr Stuart Hylton

DECISION

1. Introduction

This is an application by YW Hospitality Limited for a special licence in regard to an event to be held at the Sarjeant Gallery, Taupo Quay, Whanganui. The nature of the event for which the licence is sought is a 'NZ Arts Educators Conference Welcome Reception'.

The date and hours sought are the 18th July 2017, between 6.30pm and 7.30pm.

2. Application

The application was received on the 4th June 2017 and included a supporting letter which explained reason for late application, menu and floor plan. The supporting letter requested dispensation for the late application due to the applicant taking over the business and prior booking obligations.

The Committee believes the omission to apply in the precise timeframe is not wilful nor obstructs natural justice provisions so 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 6th July 2017.

Medical Officer of Health – No opposition within report received on 11th July 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 full file including inspectors report noted the following key points –

- The applicant is a newly formed private company operating under the trading name of 'Essence Catering'.
- The premise is a public art gallery located within an Arts and Commerce Zone in town. This premise has hosted previous special licence events.
- The applicant has held other special licences in the past and has not come to the notice of enforcement agencies previously.
- Suitability is not challenged.
- The premise has been in existence for a few years now 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 site plan was included.
- The hours appear relevant for the event being undertaken and are minimal.
- No certified manager is nominated for the event and a s. 213(2) waiver to allow non certified managers – Minnie Young-Wilson and Glenn Ivory, to manage the licence. This is seen as sufficient to cover the function.
- It's requested the whole Main Gallery Space Hall is licensed and 'undesigned'. This is supported.
- 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 and a s. 213(2) waiver.

DATED at Whanganui this 13th day of July, 2017.

Secretary

Whanganui District Licensing Committee

