

**Application number: 036/SOL/100/2024**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **Elemental Cider Limited** for an On style special-licence pursuant to section 138 of the Act on the occasion of the 'Whanganui Christmas Night Markets 2024'.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

Commissioner  
Mr S G Hylton



**DECISION**

**1. Introduction**

This is an application by **Elemental Cider Limited** for a special licence (OFF-type) in regard to an event to be held at the Whanganui Racecourse, Whanganui. The nature of the event for which the licence is sought is the "Whanganui Christmas Night Markets 2024".

**The dates and hours sought are –**

- **Sunday 15 December 2024, between 2.00pm and 8.00pm.**

**2. Application**

The application was received on 11 November 2024 and included a site plan, menu, permission letters from site manager and supporting letters.

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.

**Medical Officer of Health** – No opposition within report received on 13 November 2024.

**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 application file and inspectors report raised the following pertinent points –

- The applicant is proposing to be an individual stall holder within a larger expo-style event. The total number of patrons attending the site (stall 155) are likely to spread attendance over the day/evening and the many other sites.
- Within the venue the stall provided to the applicant occupies a small space limiting attendance and crowd formation. The proposal is to provide free tasting samples (up to 30ml in size) where occasional and subsequent sale for off-site consumption may follow.
- The applicant has experience in managing similar events and the event organiser provides security and other safety processes to the entire venue.
- The applicant, Elemental Cider, produce and sell apple ciders from the Kapiti Coast. The applicant is familiar with licensing matters and laws. They have also run similar type special licences (OFF) before with no apparent issue.
- This application is to allow the applicant to sell their alcohol at the special event for consumption on site at the Christmas Market at the Whanganui Racecourse. They have a stall area at the event.
- Suitability is not challenged.
- The area is part of the event and has been used for this purpose before. The issuing of a special licence should not reduce the amenity and good order of the locality.
- The licensed area layout was provided and is a particular site that will be demarcated.
- The hours appear relevant for the event being undertaken.
- A certified manager has been nominated for the licence. Other security persons will be present.
- A non-designation for the licensed area is supported for this type of event.
- Both the Police and MOH have no opposition to the application.

I concur with the inspector's assessment and conditions for the proposed events.

### 4. Decision

Accordingly the application for Special Licence is **Approved** for issue subject to the conditions outlined in the inspectors report.

**DATED** at Whanganui this 9 December 2024.



**Secretary**  
**Whanganui District Licensing Committee**

