

Application number: 036/SOL/098/2024

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by **J and B Wassell Limited** for a special-licence pursuant to section 138 of the Act on the occasion of a 'painting Class'.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

Chairperson
Mr Stuart Hylton



DECISION

1. Introduction

This is an application by **J and B Wassell Limited** for a special licence in regard to an event to be held at Burrow Delicatessen situated at 18 St Hill Street, Whanganui, and known as the 'Space Studio and Gallery' building. The nature of the event for which the licence is sought is the hosting of a 'Painting Class', where the sale and consumption of alcohol is likely to be minimal. The event has been named 'Pinot and Picasso' and is promoted as being a relaxed painting class for local artist.

The date and hours sought are –

- **Saturday 16 November 2024 7.00pm to 9.00pm**

2. Application

The application was received on 7 November 2024 and included a site plan.

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 2 February 2023.

Medical Officer of Health – No opposition within report received on 14 February 2023.

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 file, including inspectors report, included the following key matters –

- The applicant is an individual involved in organising the fundraiser event. It will be a small event with up to 30 attendees where attendance is by pre-purchase ticket only.
- the applicant has described this as a relaxed painting class where attendees pre-purchase tickets to attend and where the applicant provides a glass of wine to compliment the experience. The event is restricted to those 18 years of age and over.
- This is a small event where alcohol will be minimal. The applicant has hosted similar events in other Districts.
- Suitability is not challenged.
- The premise has been in existence for a number of 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 is relatively simple. The marked floor plan was included. The proposed licensed area is shown on the floorplan as contained within the areas being the 'Art Gallery and Events Area' (accessible internal areas). This space is an area separated by design and structure from other areas within the building. The entire delineated area is requested to be designated as a '**Supervised**' area.
- The hours appear relevant for the event being undertaken.
- Alcohol consumption will be minimal for the event.
- A certified manager is nominated for the event. Staff and security will be employed to control the evening.
- 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 14 day of November, 2024.



Secretary
Whanganui District Licensing Committee

