

**Application number: 036/SOL/116/2019**

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

**AND**

**IN THE MATTER** of an application by **Bricklane Limited** for a special-licence pursuant to section 138 of the Act on the occasion of a series of events called 'Sounds of Summer'.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

Chairperson  
Mr Stuart Hylton



**DECISION**

**1. Introduction**

This is an application by **Bricklane Limited** for a special licence in regard to a series of events which is to licence the applicants Bar (Frank), 98 Victoria Avenue, Whanganui. The need for a special licence is brought about by the Local Alcohol Policy which only allows Restaurant Type licences to trade to 12.00 midnight. The nature of the events for which the licence is sought is 'Sounds of Summer'.

The date and hours sought are –

- **7 December 2019, between 5.00pm and 2.00am the following day.**
- **14 December 2019, between 5.00pm and 2.00am the following day**
- **21 December 2019, between 5.00pm and 2.00am the following day**

**2. Application**

The application was received on 26<sup>th</sup> November 2019. The application included a site map, food and drink menu, flyer and waiver issued by DLC for time non-compliance.

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 28th November 2019.

**Medical Officer of Health** – No opposition within report received on 28th November 2019.

**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 their report –

- The applicant is a private company.
- The applicant holds an On Licence but needs a special licence to sell to patrons for the extended hours to comply with LAP requirements. Security staff will control the door.
- The applicant has not come to the notice of enforcement agencies previously. The applicant has held similar licences previously.
- Suitability is not challenged.
- The premise and on licence has been in existence for some years and an extra special licence should not reduce amenity and good order of the locality. Although there have been some noise directions issued in the past and Police and Inspector have agreed to a maximum noise level for the events.
- The area is suitable for the type of event and layout has been suitable in the past. The area to be licensed for the special event is the Frank Bar as shown on the site plan associated to the application.
- The hours appear reasonable for the events being undertaken.
- Three certified managers are nominated for the events including other staff and security. This is seen as sufficient to cover the function.
- A '**supervised**' designation will operate till 11.00pm and thereafter it will be '**Restricted**'. A 'one way door' restriction will be in place from 1.00am.
- 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 5 day of November, 2019.



Secretary  
**Whanganui District Licensing Committee**

