

**Application number: 036/SOL/033/2018**

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

**AND**

**IN THE MATTER** of an application by Durie Hill School for a special-licence pursuant to section 138 of the Act on the occasion of a 'Fundraising Dinner'.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**



Chairperson  
Mr Stuart Hylton

**DECISION**

**1. Introduction**

This is an application by Durie Hill School for a special licence in regard to an occasion to be held at the School's premises, 109 Portal Street, Whanganui. The nature of the event for which the licence is sought is a 'Fundraising Dinner'.

The date and hours sought are -

- **Wednesday the 28<sup>th</sup> of March 2018, between the hours of 5.30pm and 10.00pm.**

**2. Application**

The application was received on 8<sup>th</sup> March 2018 and included a floor plan.

A waiver under s. 208 is granted for the application not being applied for within s. 137 timeframes. A waiver is issued due to there being no obvious wilful neglect or omission.

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 the 10<sup>th</sup> March 2018.

**Medical Officer of Health** – No opposition within report received on 21st March 2018.

**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 contained the following pertinent points –

- The applicant is a school under the ministry of education. It's in their best interests to run a good event.
- The applicant needs a special licence to sell to people for the special occasion (fundraiser).
- The applicant has not come to the notice of enforcement agencies previously.
- Suitability is not challenged.
- The School has been in existence for many years and a special licence of this nature should not reduce amenity and good order of the locality. The school and premise is part of a close knit community.
- The premise (hall) is suitable for the type of event and layout has been suitable in the past. The marked floor plan was included.
- The days and hours appear relevant for the event being undertaken.
- A non-certified manager was nominated for the event which requires a s. 213(2) waiver. This waiver is supported by the inspector. This is seen as sufficient to cover the function.
- A 'restricted' designation for the event would seem most appropriate.
- Both the Police and MOH have no objections 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 27th day of March, 2018.



Secretary

**Whanganui District Licensing Committee**