

**APPLICATION No.**

**036/SOL/005/2023**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **Lost Art Limited** for  
a special-licence pursuant to section 138  
of the Act on the occasions of 'Summer in  
the Square'.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

Chairperson  
Mr Stuart Hylton



**DECISION**

**1. Introduction**

This is an application by **Lost Art Limited** for a special licence in regard to a two day event to be held at Majestic Square, Whanganui. The nature of the event for which the licence is sought is a 'Summer in the Square Music Concert'. This licence is to cover the applicant selling alcohol "on-site" to attendees for consumption at the concert.

**The date and hours sought are –**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| • <b>FRIDAY 17 FEBRUARY 2023</b>   | <b>6:00 PM – 12:00 MIDNIGHT</b> |
| • <b>SATURDAY 18 FEBRUARY 2023</b> | <b>1:00PM – 8:30PM</b>          |

**2. Application**

The application was received on 19 January 2023 and included a site plan, letters from owner/organiser, AMP and a menu etc.

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 9 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 complete file including inspectors report noted the following key points—

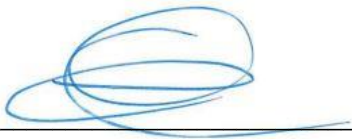
- The applicant is a private company, with the principle director and alter ego being Gioia Damosso. This event is similar to the events the applicant held previously which according to reporting agencies have been well run. There is an AMP provided and Police/Inspector have been involved in the planning of the event, especially AMP requirements.
- Suitability is not challenged.
- The area to be licensed is Majestic Square which will be fenced off. Issuing a special licence should not reduce amenity and good order of the locality provided AMP and licence conditions are adhered to.
- The hours appear reasonable for the event being undertaken with the Saturday more adult focused with Sunday whanau focused.
- A certified manager and security contingent is provided to manage the event.
- The applicant has asked that the licensed area be designated as 'restricted' for the Saturday hours and 'undesigned' for Sunday. This is supported. The area is shown on the marked up plan and should be clearly delineated on the day. Permission to use the site has been granted.

- 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 11 day of February, 2023.



Secretary  
Whanganui District Licensing Committee



**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012 ("Act")

**AND**

**IN THE MATTER**

of an application by **Lost Art Limited** for a special licence pursuant to s.138 of the Act in relation to the premises situated at Majestic Square for the event known as the "Summer in the Square".

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

Commissioner: Stuart Hylton

**DIRECTION NOTICE – Change of licence decision to accommodate change of venue**

**Application**

1. This is an application for a Special Licence by the **Lost Art Limited** in relation to the event known as "Summer in the Square".
2. The event, to be held at Majestic Square, will run over two consecutive days.

**Previous Decision**

3. In a decision dated 11 February 2023, this Committee approved the special licence application with conditions. We assume the licence was subsequently issued.

**Request for venue change**

4. The applicant has requested a change in venue for the Friday event only. This relates to safety concerns associated with the events of Cyclone Gabrielle and the now imposed National State of Emergency in effect through this 7 day period.
5. The new venue will be the Whanganui Musicians Club (Formally the Savage Club Hall), Queens Park, Cameron Terrace, Whanganui. There would be no further change to the event proposal (hours, designation, security requirements et al) and the Event Management Plan would still be valid.
6. The Building Compliance Team have confirmed the venue is approved to host in excess of the proposed 400 person attendance (Likely 200 attendees at this date). Neither Police nor the Medical Officer of Health have expressed concerns about the venue change.
7. In this circumstance the Committee has used its power under s. 201(4) of the Act to rehear the matter and determines that the special licence can be re-issued to accommodate the change of venue for the Friday event i.e. 17 February 2023.
8. The Committee instructs the licence be re-issued accordingly.

DATED this 16 day of February 2023

**Stuart Hylton**  
**Commissioner**  
**Whanganui District Licensing (Alcohol) Committee**

