

Application number: 036/SOL/037/2019

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

AND

IN THE MATTER of an application by **MGM Whanganui Limited** for a special-licence pursuant to section 138 of the Act on the occasion of a 'Live Music Event'.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

Chairperson
Mr Stuart Hylton



DECISION

1. Introduction

This is an application by **MGM Whanganui Limited** for a special licence in regard to an event to be held at Lucky Bar, 53a Wilson Street, Whanganui. The need for a special licence is that the event is on a Good Friday when they would normally be required to be closed. The nature of the event for which the licence is sought is a Live Music Event.

The dates and hours sought are –

- **19 April 2019, between 6.00pm and 12.00 midnight.**

2. Application

The application was received on 11th April 2019. The application included a floor plan, menu, waiver request and waiver decision for lateness of application.

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 15th April 2019.

Medical Officer of Health – No opposition within report received on 15th April 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 his report –

- The applicant is a private company incorporated in 2016.
- The applicant holds an On Licence but needs a special licence to sell to people attending the special event on Good Friday.
- 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 has been a noise direction issued lately hopefully the owner has taken the warnings on board.
- The area is suitable for the type of event and layout has been suitable in the past. The whole premise is to be licensed.
- The hours appear reasonable for the event.
- Two certified managers are nominated for the event including other staff.
- A '**supervised**' designation for the event has been requested which is not opposed.
- 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 16th day of April, 2019.


Secretary
Whanganui District Licensing Committee

