

Application number: 036/SOL/082/2022

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Whanganui District Council** for a special-licence pursuant to section 138 of the Act on the occasion of a series of events hosted at their venues.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

Commissioner
Mr S G Hylton



DECISION

1. Introduction

This is an application by Whanganui District Council for a special licence in regard to a series of events to be held at the Opera House, 69 St Hill Street, Whanganui.

The dates sought are –

- **THURSDAY 12 JANUARY 2023 6:00pm-12:00 midnight – JIMMY CARR**
- **SATURDAY 21 JANUARY 2023 6:00pm -11:00pm – GREAT OPERA MOMENTS**
- **SUNDAY 22 JANUARY 2023 6:00pm – 11:00pm TAMI NEILSON**
- **MONDAY 20 FEBRUARY 2023 6:00pm-11:00pm AIR FORCE BAND**
- **SUNDAY 26 FEBRUARY 2023 6:00pm – 11:00pm BRAS & BRASS BAND**
- **WEDNESDAY 1 MARCH 2023 6:00pm-11:00pm TUTUS ON TOUR BALLET**
- **FRIDAY 17-25 MARCH 2023 6:00pm -11:00pm PHANTOM OF THE OPERA**
- **SUNDAY 19 MARCH 2023 , 1:00pm-6:00pm**

Application

The application was received on 18th November 2022 and included a site plan, floor plan, Host Responsibility Plan, menu and supporting letters.

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](#).

2. Reporting Agencies

The following reports were received under section 141 of the Act.

Police Report – No opposition within report dated 23 November 2022.

Medical Officer of Health – No opposition within report received on 24 November 2022.

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 application file and inspectors report raised the following pertinent points –


- The applicant is a Territorial Authority who run events from time to time and have taken responsibility for the licence. The events are high end shows at the Royal Opera House.
- The applicant has managed these types of events at this venue previously.
- Suitability is not challenged.
- The premises is a premier theatre/show venue in the middle of the town and CBD. The issuing of a special licence for these shows should not reduce the amenity and good order of the locality.
- The licensed area layout was provided. The area to be licensed is the public area of the Opera House generally. The area is to be undesignated.
- The hours appear relevant for the event being undertaken.
- Four certified managers have been nominated for the licence.
- Both the Police and MOH have no opposition to the application.

I concur with the inspector's assessment and conditions for the proposed event.

3. Decision

Accordingly the application for Special Licence is **Approved** for issue subject to the conditions outlined in the inspectors report.

DATED at Whanganui this 30 November 2022.



Secretary
Whanganui District Licensing Committee

