

Decision number: 048/2023/HCDLC/232

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

**AND**

**IN THE MATTER** of an application by Butterfly  
Creek Theatre Troupe  
Incorporated pursuant to ss.22  
and 64 of the Act for a Special  
licence in respect of premises  
situated at Muritai School, 154  
Muritai Road, Eastbourne,  
Lower Hutt, known as  
Butterfly Creek Theatre Troupe

### **BEFORE THE HUTT CITY DISTRICT LICENSING COMMITTEE**

This is an application by Butterfly Creek Theatre Troupe Incorporated for a Special licence in respect of premises situated at Muritai School, 154 Muritai Road, Eastbourne, Lower Hutt, known as Butterfly Creek Theatre Troupe.

The application was duly notified and no opposition or notice of desire to be heard has been received. Accordingly I deal with the matter on the papers.

Pursuant to the Sale and Supply of Alcohol Act 2012, the application by Butterfly Creek Theatre Troupe Incorporated for a Special licence is **granted** subject to conditions.

I am satisfied as to the matters to which we must have regard as set out in s.142 and s.143 of the Act.

### **STATUTORY CRITERIA**

#### **Sale and Supply of Alcohol Act 2012**

*142 Criteria for issue of special licences*

- (1) *In deciding whether to issue a special licence, the licensing committee concerned must have regard to the following matters:*
  - (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) *The licensing committee must not take into account any prejudicial effect that the issue of the special licence may have on the business conducted pursuant to any other licence.*

#### 143 Additional requirements for large-scale events

- (1) *If, in the opinion of the licensing committee concerned, an application for a special licence relates to a large-scale event, the committee may do any or all of the following:*

- (a) require the applicant to provide the committee with a management plan describing how the applicant proposes to deal with matters such as security, monitoring, interaction with local residents, and public health concerns:
- (b) require the applicant to provide the committee with a certificate by the territorial authority that the proposed use of the premises meets the requirements of the [Resource Management Act 1991](#) and of the building code:
- (c) require the applicant to liaise with the Police and the territorial authority on planning for the event.

(2) In deciding whether to issue a special licence, the licensing committee concerned may have regard to the following matters (in addition to the matters stated in [section 142\(1\)](#)):

- (a) whether, and how well, the applicant has complied with any requirement under subsection (1)(a):
- (b) whether, and how well, the applicant has complied with any requirement under subsection (1)(c), and whether the Police and the territorial authority are satisfied with any liaison that has taken place.

### **REASONS FOR THE DECISION**

No objections raised by reporting agencies.

### **DECISION**

The District Licensing Committee Chair, acting pursuant to the Sale and Supply Of Alcohol Act 2012 **grants** an application by Butterfly Creek Theatre Troupe Incorporated for a Special licence for the premises at Muritai School, 154 Muritai Road, Eastbourne, Lower Hutt, for the event Theatrical Productions – Talking With, subject to conditions.

Furthermore, the District Licensing Committee Chair grants the applicant an exemption from the requirement to appoint a manager in accordance with Subpart 7 of Part 2 of the Act.

### **Conditions:**

The licence is subject to the conditions as listed on licence No. 048/S/0037/23 attached.

**DATED** at LOWER HUTT this 28<sup>th</sup> day of June 2023

**Simon  
Edwards**

Digitally signed by Simon  
Edwards  
Date: 2023.06.27  
13:48:32 +12'00'

**Granted by: Simon Edwards  
Chair**

**Melissa Grace  
Harward**

Digitally signed by  
Melissa Grace Harward  
Date: 2023.06.27  
15:44:39 +12'00'

**Approved by: Melissa Harward  
Secretary**

