Decision No.229/2014

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by Insert **Baller**

Entertainment Limited pursuant to s.136 of the Act for a Temporary

Authority order.

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

Chairman: Councillor John Williamson

Member: Paul Dimery Member: Mark Vincent

DECISION (ON THE PAPERS)

This is an application for a Temporary Authority Order by Baller Entertainment Limited in order to carry on the sale and supply of alcohol at premises The Ballroom, situated at 43 Bank Street, Whangarei under authority of licence (002/ON/15/2010) currently in force.

Section 222 of the Act provides as follows:

A licensing committee may, on the application of a person who appears to the committee to have any right, title, estate, or interest in any premises, or any business conducted in any premises, for which an on-licence or off-licence is in force, make an order authorising the applicant (or some suitable person nominated by the applicant) to carry on the sale and supply of alcohol for a period, not exceeding 3 months, stated in the order.

The applicant

The applicant company was incorporated on 22 February 2013, as Paikea Divein Co Limited and changed its name to Baller Entertainment on 26 February 2014. Sarah Armstrong and Darcy Peter Wilson are the directors of the company.

Sarah Armstrong will continue to be the overall manager of the business and will eventually apply for a manager's certificate, once she has obtained her Licence Controller Qualification and amassed sufficient experience under certificated managers.

In the interim the applicant has appointed Samuel Cotterhill-Craig (002/GM/74/2011) and Matthew Finlay Curry (002/GM/75/2013), both being experienced duty managers.

The applicant initially took over the business on 4 April 2014, after being granted its first temporary authority by the committee on 1 April 2014 for the period 4 April 2014 to 4 July 2014.

The trading hours under the first temporary authority were restricted to the following hours, due to the lack of availability of certificated managers:

Wednesday 4.00 pm to 10.00 pm Thursday 4.00 pm to 12.00 midnight Friday & Saturday 4.00 pm to 3.00 am the following day Sunday 4.00 pm to 10.00 pm

Although sufficient certificated managers have now been appointed, the applicant has confirmed that they currently do not have a need for more extensive hours.

The committee notes that it was a condition of the issue of the first temporary authority that:

"It shall be a requirement of the grant of this order that the holder must, before the expiry of this order on the 4th of July 2014, file with the Whangarei District Licensing Committee and application for an onlicence in accordance with s.99 of the Act."

On 27 June 2014 the applicant submitted an application for a new on-licence and thus we are satisfied this requirement has been fulfilled.

Right, title, estate or interest in the premises/business

The applicant company has provided a 'sale and purchase' agreement and a letter from the building owner (the landlord) dated 5 March 2014 giving consent to the lease of the building. On the basis of this document the applicant has shown that they have an interest in the premises and is entitled to the grant of a temporary authority.

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DECISION

The committee has received reports on the application from the Police and the Licensing Inspector and neither has raised matters in opposition. Accordingly the committee deals with the matter on the papers without notice.

The committee is satisfied that the applicant has a right, title, estate or interest in the premises and makes an order authorising the applicant to carry on the sale and supply of alcohol on the premises for a 3 month period subject to the following conditions including a requirement under section 110 of the Act relating to free drinking water:

- a) free drinking water is to be freely available while the premises are open for business at the bar counter and throughout the premises.
- b) Trading hours shall be:
 - Wednesday 4.00 pm to 10.00 pm
 - Thursday 4.00 pm to 12.00 midnight
 - Friday & Saturday 4.00 pm to 3.00 am the following day
 - Sunday 4.00 pm to 10.00 pm
- c) Provided that from the date at which other premises in the Whangarei Central Business District are required to implement a one way door system, the trading hours shall be Saturday and Sunday 4.00 pm to 3.00 am the following day, with a one way door system in place from 1.00 am. Provided that where the licensee wishes to operate hours between 4.00 pm and 1.00 am, then the one way door system will not apply.
- d) The Temporary Authority shall expire on 4 October 2014

DATED at Whangarei this 1st day of July 2014

Whangarei District Licensing Committee

14/54858

Chairman