

Decision No. **128/2014**

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **German Accent Limited** pursuant to s.136 of the Act for a Temporary Authority order.

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

Chairman: Councillor John Williamson
Member: Lee Andrewes
Member: Mervyn Williams

DECISION (ON THE PAPERS)

This is an application for a Temporary Authority Order by German Accent Limited in order to carry on the sale and supply of alcohol at premises known as Cafe Restaurant Mozart, situated at 60 Cameron Street, Whangarei, under authority of licence (002/ON/12/2008) 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 11 July 2013, and took over the business on 29 July 2013. The on-licence (**002/ON/12/2008**) issued to Worz Swizz Company Limited is currently still in force.

The applicant applied for a new on-licence on 24 March 2014, which is currently being processed and should be able to be favourably reported upon during May 2014. The current temporary authority expires on the 29th of April 2014 and thus the applicant has applied for a further temporary authority in order to be able to continue to trade under the existing base licence.

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

The applicant company has provided a signed sale and purchase agreement showing the possession date as being 29 July 2013, and a letter from the building owner (the landlord) giving consent to the sale. On the basis of these documents the applicant has shown that they have an interest in the premises and are entitled to the grant of a temporary authority. Furthermore, the applicant has applied for an on-licence.

DECISION

The committee has received reports on the application from the Police and the Licensing Inspector and none have raised matters in opposition. Accordingly we deal with the matter on the papers without notice.

We are satisfied that the applicant has a right, title, estate or interest in the premises and make 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:

- 1. In addition to ensuring compliance with the conditions of the on licence the applicant must ensure that drinking water is freely available (free of charge) while the premises are open for business at the service counter on the premises.**
- 2. The Temporary Authority shall issue for a three month period commencing on the 29 April 2014 and expire on the 29 July 2014.**

DATED at Whangarei this 29th day of April 2014

Chairman
Whangarei District Licensing Committee