

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **J T Y Limited** for the
renewal an on licence pursuant to s.127
of the Act in respect of premises situated
at **77-79 Bank Street, Whangarei** known
as “**Ezumi**”

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

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

DECISION (ON THE PAPERS)

This is an application by Fat Camel Limited dated 16 December 2013, for the renewal of an on licence (002/ON/21/2007) in respect of premises situated at 77 - 79 Bank Street, Whangarei, known as “Ezumi”. The general nature of the business is that of a restaurant.

The premises

Ezumi is located at 77-79 Bank Street in the central business district of Whangarei. The premise is a fully licensed restaurant providing Japanese food for dining in and takeaway. An On licence (002/ON/21/2007) was first granted to J T Y Limited trading as “Ezumi” by the Whangarei District Licensing Agency in 2007, and this licence authorises a restaurant operation. Restaurants are defined under the Act as *premises that are not a conveyance; and are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.*

Management of the premises

The applicant is a private company incorporated on 27 September 2006. Man Sik Kang and Yang Hee Kang Kim are the directors and shareholders of the applicant company. Man Sik Kang and Yang Hee Kang Kim are the owner’s and operator’s of Ezumi. Man Sik Kang is the holder of a General Manager’s Certificate and the Principal Manager of the business.

The applicant company, J T Y Limited, has met all licensing conditions in its six years of operation.

Public notice

The applicant publically notified the application in accordance with the Act, by placing two advertisements in the Northern Advocate. The first notice was published on 20 December 2013 and the second on 27 December 2013. Notice of the application was also attached to the premises as required by the Act. This was confirmed during a visit to the premises on 23 December 2013.

No public objections were received.

Statement by the applicant as to compliance with Fire Service Act 1975.

The applicant has provided a statement that the building complies with fire safety requirements.

Section 131 Criteria for the renewal of licences

In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

(a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):

(b) whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:

(c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:

(d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

DECISION

The committee has received reports on the application from the Police, the Medical Officer of Health and the Licensing Inspector and none have raised matters in opposition. The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly we deal with the matters on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.131 of the Act and we renew the on licence for a further period of 3 years on the conditions presently attached to it but with a change required by section 110 of the Act relating to the provision of drinking water the condition worded as follows:

- drinking water is to be freely available (free of charge) while the premises are open for business at the bar counter and on each table in the premises.

DATED at Whangarei this 25^h day of March 2014

Chairman
Whangarei District Licensing Committee