

Decision No. **251/2014**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **MIRG HOLDINGS  
LIMITED** pursuant to s.136 of the Act for  
a Temporary Authority order.

**BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE**

Chairman: Councillor John Williamson  
Member: Mervyn Williams  
Member: Mark Vincent

**DECISION (ON THE PAPERS)**

This is an application for a Temporary Authority Order by Mirg Holdings Limited in order to carry on the sale and supply of alcohol at premises known as Thirsty Liquor Whangarei, situated at 25 Water Street, Whangarei, under authority of licence (002/OFF/8/2012) currently in force.

Section 136 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 is a private company incorporated on 24 February 2014. Anand Mirg and Nitin Mirg are the directors and shareholders of the company.

The applicants have been in the liquor industry for over two years. Anand Mirg holds his managers certificate (015/GM/2530/13), which is currently being renewed at Auckland City Council. Nitin Mirg holds a managers certificate also, but he will not be a duty manager for this business as the applicants have another liquor store in Auckland which Mr Mirg manages.

The applicant, however, has employed another duty manager Ravinder Singh (GM/007/10230/2013).

The applicant intends to take over the business as soon as possible after this temporary authority is granted.

The off licence (**002/OFF/8/2012**) issued to Pokeno Liquor Limited is currently in force until the 18<sup>th</sup> October 2016.

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

The applicant company has provided a 'sale and purchase' agreement. The licensing inspector's report advised that a letter from the building owner (the landlord) dated 28 June 2014 giving consent to the lease of the building had been received. However, the committee notes that the landlord's approval was not apparent in the documentation provided to it, and that the committee would expect this to be included when the applicant applies for an off licence.

The committee further notes that there may be some issues in respect to the suitability of the premises for an on licence under the Sale and Supply of Alcohol Act 2012.

### DECISION

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

We are satisfied that the applicant appears to have 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 which include a requirement relating to section 116 of the Act relating to free drinking water:

- drinking water is to be freely available (free of charge) while alcohol is being supplied free as a sample on the premises, at any point where alcohol is tasted or sampled
- the temporary authority order be issued for a three month period commencing on 15 July 2014 and expiring on 15 October 2014
- during the currency of this temporary authority the applicant shall make application for an off-licence.

**DATED at Whangarei this 15<sup>th</sup> day of July 2014**

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Chairman  
**Whangarei District Licensing Committee**  
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