

Decision No. **222/2014**

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Pizza Barn Waipu Limited** or the renewal an on licence pursuant to s.127 of the Act in respect of premises situated at **2 Cove Road, Waipu** known as **Pizza Barn**

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 Pizza Barn Waipu Limited dated 19 March 2014, for the renewal of an on licence (002/ON/10/2011) in respect of premises situated at 2 Cove Road, Waipu, known as Pizza Barn. The general nature of the business is that of fully licensed restaurant.

The premises

The Pizza Barn is a family restaurant offering a variety of menus for lunch and dinner with the main specialty — gourmet pizzas. It is a fully licensed restaurant and has held a restaurant style on-licence since 2003.

Management of the premises

The applicant is a private company incorporated on 16 July 2003. Clayton John Gwynne and Geoffrey Ronayne Gwynne are directors and shareholders of the company. They are also the duty managers with current manager certificates' 002/GM/36/2009 and 002/GM/38/2009, respectively.

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 March 2014 and the second on 27 March 2014.

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 16 April 2014. No public objections to the application were received.

However, the applicant has made three errors in their public notifications. The company name was notified as Pizza Barn Ltd instead of Pizza Barn Limited. The closing time on Friday and Saturday was notified as 12am instead of 12 midnight and the address in the notification was incomplete. The address should have read 2 Cove Road, Waipu.

Section 208 of the Act provides that *where any person has neglected or omitted to do any act or thing in the precise manner or within the precise time prescribed by this Act, the licensing authority or (as the case may require) the licensing committee or the chairperson, if satisfied that the neglect or omission was not wilful, may waive the same on such terms as they think equitable.*

The applicant has therefore applied for a waiver under s. 208 of the Act.

Statement of compliance with Section 21A, Fire Services Act 1975

The applicant has provided a statement, dated 30 April 2014, that the building or premises has met the requirements of an evacuation scheme.

The Fire Service, in a report dated 12 May 2014, has raised no matters of concern about the application.

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 the committee deals with the matters on the papers.

In respect to the errors in the public notification set out above, the committee is satisfied that the omissions were not wilful and that they are inconsequential to this application and the waiver application pursuant to s.208 is therefore granted.

The committee is satisfied as to the matters to which it must have regard as set out in s.131 of the Act and the committee renews 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:

- Free drinking water is to be freely available to customers from the bar counter while the premises are open for business.

DATED at Whangarei this 24th day of June 2014

Chairman
Whangarei District Licensing Committee
14/52517