

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Seachange Beach
Cafe 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 Seachange Beach Cafe Limited in order to carry on the sale and supply of alcohol at premises known as Seachange Beach Cafe, situated at 79 Bream Bay Drive, Ruakaka, under authority of licence (002/ON/2/2012) 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 27 March 2013. June Christine Dudley, one of the three partners of the aforementioned partnership, took over the business from the partnership during 2013 and is the sole director of the applicant company.

Seachange Beach Café Limited was first issued a Temporary Authority (TA) on 7 November 2013 for the period 8 November 2013 to 8 February 2014. Due to the change in legislation and the processing of such applications, the applicant was asked to again apply for a further TA on 13 December 2013, which was granted, on the papers, on 17 December 2013 for the period 8 February 2014 to 8 May 2014.

This was done to ensure that the applicant had the ability to continue to trade over the legislation change period, from the then Agency to the new Committee and the fact that the new Committee would only have its first meeting on the 11th of February 2014 and thus after the expiry date of the first TA. Due to this focus no new On-licence application was pursued by the inspector.

In addition, the applicant has been actively marketing the business since January 2014 with the aim of trying to sell the business, thus the reason why she did not apply for a further TA until 30 April 2014, which then did not leave enough time to report on this matter prior to the expiry of her current TA certificate on 8 May 2014. As a result of this the applicant was informed that she had to cease all alcohol sales and remove stock from premises by the end of business on the 8th and until such time as a further TA had been considered and granted by the Committee. She agreed to abide by this.

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

The applicant originally provided a letter from Andrew Golightly (solicitor) from Marsden Wood Inskip & Smith, stating that Christine June Dudley (the director of the applicant company) owns a 50% share of the property – 79 Bream Bay Drive, Ruakaka and that she has been solely managing the business since March 2013 when

the partnership was dissolved. On the basis of these documents the applicant has shown that she has an interest in the premises and is entitled to the grant of a Temporary Authority.

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:

- drinking water is to be freely available (free of charge) while the premises are open for business at the service counter in the premises and on each dining table.
- the temporary authority order will issue for a three month period commencing on 13 May 2014 and expiring on 13 August 2014; and
- during the currency of this Temporary Authority, the applicant shall make application for an on licence.

DATED at Whangarei this 13th day of May 2014

Chairman
Whangarei District Licensing Committee