

Decision No. **213/2014**

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Insert **Smythcorp
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 Smythcorp Limited in order to carry on the sale and supply of alcohol at Off the Hook Cafe and Bar, situated at Unit 1 and 2a, 30 Rauiri Drive, Marsden Cove Marina, One Tree Point, under authority of licence (002/ON/9/2013) 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 is a private company incorporated on 10 June 2014. Kimberly Smyth and Steve John Smyth are the directors and shareholders of the applicant company. The duty managers are David James Alan Baker (02/CERT/074/2014) Chloe Kiran Crum (DLA/01/GM/139/2008). David Baker has been a chef and duty manager for the past 20 years. Chole Crum's manager's certificate was issued in Far North in 2008. She has been the duty manager for Waikokopu Café at the Waitangi City Grounds for 4 years and worked at the Off the Hook Café and Bar for 4 months.

No variation to the conditions of the licence has been sought. The conditions of On Licence (002/ON/9/2013) issued to the Waterline Restaurant and Bar Limited will continue to apply. The existing On Licence issued under the Sale of Liquor Act 1989 currently has conditions placed upon it, covering all of the matters required under section 110 of the Sale and Supply of Alcohol Act 2012, other than the requirement at section 110 (2)(c). This section requires the District Licensing Committee to place a condition on the licence, stating a place or places on the premises at which drinking water is to be freely available to customers while the premises are open for business.

Police have given the approval to the granting of the Temporary Authority.

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

The applicant company has provided a signed lease agreement showing the possession date being 23 June 2014, and a letter from the building owner (the landlord) giving consent to the lease. On the basis of these documents the applicant has shown that he 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 including a requirement under section 110 of the Act relating to free drinking water. :

- a) **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 bar counter and on each table in the premises.**
- b) **During the currency of the temporary authority the company shall make application for an on licence.**
- c) **The Temporary Authority shall expire on 25 September 2014**

DATED at Whangarei this 24th day of June 2014

Chairman
Whangarei District Licensing Committee

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