

Decision No. 342/2014

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **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 premises **Off the Hook Cafe and Bar**, situated at **Unit 1 and 2a, 30 Rauri Drive, One Tree Point** under authority of licence **(002/ON/9/2013)** 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 application relates to an existing on-licensed premises situated at the corner section of the retail building fronting Marsden Cove Marina. The on licence (002/ON/9/2013) issued to Waterline Restaurant and Bar Limited is currently in force and due for renewal on 22 September 2015.

The applicant made an application for an on licence during the currency of the first temporary authority. This is the second application for a temporary authority and the applicant wishes to continue the business until the application for an on licence is determined.

The applicant is a private company incorporated on 10 June 2014. Kimberley Smyth and Steve John Smyth are the directors and shareholders of the applicant company. The duty managers are Kimberley Smyth (02/CERT/180/2014) and Chloe Kiran Crum (DLA/01/GM/139/2008). Chole Crum's manager's certificate was issued in Far North in 2008. She has been the duty manager for Waikokopu Café in Far North district for 4 years and worked at the Off the Hook Café and Bar for 7 months.

No variation to the conditions of the licence is sought. The conditions of on licence (002/ON/9/2013) issued to the Waterline Restaurant and Bar Limited will continue to apply.

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 they have 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 the committee deals with the matter on the papers without notice.

The committee is 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:

- drinking water is to be freely available (free of charge) while the premises are open for business at the service counter and on tables where diners are seated in the premises.
- the temporary authority order be issued for a three month period commencing on 25 September 2014 and expiring on 25 December 2014; and
- this order shall remain in force until 25 December 2014, or until the holder's application for an on-licence has been determined, whichever is the sooner.

DATED at Whangarei this 9th day of **September 2014**

Chairman
Whangarei District Licensing Committee
14/81633