

Decision No. **214/2014**

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **T & L Leatham 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 T & L Leatham Limited in order to carry on the sale and supply of alcohol at premises known as Regent New World, situated at 167 Bank Street, Regent, Whangarei, under authority of licence (002/OFF/3/2009) 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 12 August 2009. The directors are Lillian Kathleen Leatham and Todd Henry Leatham. A list containing the names of 14 staff members, each holding General Manager's Certificates has been submitted. Police in a report dated 6 June 2014 have raised no objection to the application, relating to the suitability of the applicant or any of their managers.

The conditions of the off-licence (002/OFF/3/2009) issued to Nigel Ollett Limited will continue to apply.

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

The applicant company has provided a signed sale and purchase agreement showing the possession date as being the 24 September 2012, and a letter from the building owner (the landlord) giving consent to the sale.

On the basis of these documents the applicant has shown that they have an interest in the premises and are entitled to the grant of a temporary authority.

The applicant has applied for a new off-licence, which is currently before the Authority, as an opposed application, due to non-compliance with the Whangarei District Licensing Agency Liquor Licensing Policy 2010 and more specific the permitted off-licence trading hours.

Until this matter has been determined by the Authority and a decision is available, the applicant is required to make further temporary authority applications in order to be able to continue to sell wine and beer from the premises.

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 which includes a requirement relating to section 116 of the Act relating to free drinking water.

1. **In addition to ensuring compliance with the conditions of the on licence the holder of the temporary authority must ensure that while alcohol is being supplied free as a sample on the premises, drinking water is freely available at the location in the premises where the alcohol is being supplied.**
2. **The Temporary Authority shall commence on the 24 June 2014 and expire on the 24 September 2014.**
3. **The holder of this temporary authority order shall make application for an off licence prior to the expiry of the order.**

DATED at Whangarei this 24th day of June 2014

Chairman
Whangarei District Licensing Committee
14/51783

14/40481