

Decision No. **341/2014**

**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: Mervyn Williams  
Member: Lee Andrewes

**DECISION (ON THE PAPERS)**

This is an application for a Temporary Authority Order by **T & L Leatham Ltd** 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 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 applicant company was incorporated on 12 August 2009, and took over the business on 24 September 2012. The off-licence (002/OFF/3/2009) issued to Nigel Ollett Limited (the licensee) is currently in force. 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 16 staff members, each holding General Manager's Certificates has been submitted. Police have raised no objections to previous applications and were satisfied to the suitability of the applicant and the nominated managers.

The applicant is currently operating under a temporary authority issued on 24 June 2014, which is due to expire on 24 September 2014.

**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.

Moreover, 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 Policy 2010 and more specifically the permitted off-licence trading hours.

The Authority has recently indicated that this matter will be dealt with during a public hearing scheduled for November 2014.

### DECISION

The committee has received reports on the application from the Police and the Licensing Inspector and neither has 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:

- This order shall remain in force from 24 September 2014 to 24 December 2014, OR until the holder's application for an off-licence has been determined, whichever is the sooner.
- Drinking water is to be freely available to customers, while alcohol is being supplied free, as a sample, on the premises, at the location where the sample of alcohol is being supplied.
- This temporary authority must be displayed with a copy of the off-licence to which it relates.

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

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Chairman  
**Whangarei District Licensing Committee**  
14/81560