

Decision N° **ON0019**

In the Matter

of the Sale and Supply of Alcohol Act 2012

And

In the Matter

of an application by **Three Furlongs Bar and Grill Limited** pursuant to s.136 of the Act for a Temporary Authority Order

Before the Kaipara District Licensing Committee

Chair: Mr Peter Winder

Members: Mr Mark Vincent and Mr Mark Farnsworth

In Attendance: Governance Support Officer: Anna Curnow
General Manager Regulatory Planning and Regulatory: Fran Mikulicic
Chief Licensing Inspector: Rachel Sheppard



Decision (On the Papers)

This is for an application for a Temporary Authority Order by Three Furlongs Bar and Grill Limited in order to carry on the sale and supply of alcohol through the On licence at the premises known as the 'Three Furlongs Hotel', situated at 1942 State Highway One, Kaiwaka, Kaipara District under the authority of licence number 003/ON/9/2009 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 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 Applicants

The applicants have recently purchased the buildings and business with a total of four company directors and shareholders. Three of the directors have no experience in the industry, with one director holding a current Manager's certificate issued by the Auckland District Licensing Committee.

The applicants presented a sale and purchase agreement that confirms that they have a "right, title, estate or interest" in the premises known as the Three Furlongs Hotel. Pursuant to s.136 of the Act the Committee may consider the application for a Temporary Authority Order.

Agencies Reports

The application was referred to the Police and Inspector as relevant agencies for comment. No matters in opposition have been raised in respect of the applicants however recommendation was given by the Inspector that two certified duty managers be employed at all times that the premises is open for the sale and supply of alcohol. The application was referred to the Kaipara District Council District Licensing Committee for a full hearing.

The Decision

On consideration of all matters placed before them, the Kaipara District Licensing Committee grants the application for a Temporary Authority Order by Three Furlongs Bar and Grill Limited, to enable them to carry on the sale and supply of alcohol through the On licence at premises known as Three Furlongs Hotel, situated at 1942 State Highway One, Kaiwaka Kaipara, under the authority of licence number 003/ON/9/2009 currently in force.

The Order is issued on the following conditions:

That drinking water be freely available to all customers at all times that the premises is open for the sale and supply of alcohol. 'Freely available' to customers, in relation to water, means –

- (a) Supplied free in clean drinking vessels on request; or*
- (b) Available free in larger containers from which it may be easily poured or drawn by customers, together with clean drinking vessels that are also available free nearby; or*
- (c) Available free from a tap to which customers have easy access, together with clean drinking vessels that are also available free nearby*

That no less than two certified duty managers are on duty at all times that the premises is open for the sale and supply of alcohol.

Reasons for the Decision

The Committee is satisfied as to the matters to which they must have regard as set out in s.136 of the Act. We are satisfied that the applicants have established tenure of the premises and that a licence is currently in force. It is considered that the applicants are suitable to hold a licence in order to fulfil the purpose and object of the Act.



The Temporary Authority Order may issue immediately and is granted for a period not exceeding three months from the date of issue.

The applicants attention is drawn to s.43(1)(a) of the Act whereby no alcohol is to be sold outside of the default maximum trading hours. Under the current base licence this means that any On-licence sales within the licenced premises are restricted to maximum trading hours of between 8.00am and 1.00am the following day, Monday to Sunday excluding the sacrosanct days where no alcohol sales may take place unless the patron is on the premises for the purpose of dining.

DATED at **Dargaville** this **13th** day of **July** 2015



Peter Winder

Chair

Kaipara District Licensing Committee

