

Decision N° **ON0037**

In the Matter

of the Sale and Supply of Alcohol Act 2012

And

In the Matter

of an application by **Smashed Pipi 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 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 Smashed Pipi Limited in order to carry on the sale and supply of alcohol through the On licence at the premises known as the 'Smashed Pipi Café and Bar', situated at 40 Moir Street, Mangawhai, Kaipara District under the authority of Licence number 003/ON/002/2015 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 business and secured tenure of the buildings. The applicant is a private company with a total of two company directors and shareholders. One of the directors has no experience within the hospitality industry, the second is well known to Council and has considerable experience with the industry. She is the holder of a current Manager's certificate issued by the former Kaipara District Licensing Agency.

RMS:

3705.02
DLC Decision ON0037 Smashed Pipi Limited 31072015

The applicant presented a sale and purchase agreement that confirms that they have a "right, title, estate or interest" in the premises known as Smashed Papi Café and Bar. 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 Managers be employed and on duty at all times while 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 Smashed Papi Limited, to enable them to carry on the sale and supply of alcohol through the On licence at the premises known as Smashed Papi Café and Bar, situated at 40 Moir Street, Mangawhai, Kaipara, under the authority of licence number 003/ON/002/2015 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 applicant has 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 9.00am 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

