

Decision N<sup>o</sup> **CL0014**

In the Matter

of the Sale and Supply of Alcohol Act 2012

And

In the Matter

of an application by **Northern Wairoa Memorial RSA Incorporated** for the renewal and variation of a Club licence pursuant to ss.100, 120 and 127 of the Act in respect of premises situated **29 Hokianga Road, Dargaville, Kaipara District** known as the "**Northern Wairoa Memorial RSA**"

Before the Kaipara District Licensing Committee

Chair: Mr Peter Winder  
In Attendance: Governance Services Manager: Sean Mahoney  
Regulatory Manager: Dean Nuralli  
Chief Licensing Inspector: Rachel Sheppard

Decision (On the Papers)

This is for an application for the renewal and variation of a Club licence to Northern Wairoa Memorial RSA Incorporated situated at 29 Hokianga Road, Dargaville, Kaipara District known as the "Northern Wairoa Memorial RSA".

The applicant seeks a variation of existing trading hours to meet the default national maximum trading hours pursuant to s.43(1)(a) of the Act. The premises is currently licensed from Monday to Sunday from 11.00am to 1.00am the following day and on ANZAC Day from 6.00am to 1.00am the following day. The variation seeks trading hours from Monday to Sunday 11.00am to 1.00am the following day and on ANZAC Day from 8.00am to 1.00am the following day.



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The application was made under ss.120 and 127 of the Sale and Supply of Alcohol Act 2012 and determined by the District Licencing Committee under ss.104 and 130 of the Act.

No objections to the application nor notice of desire to be heard have been received by the Police, the Medical Officer Health nor the Licensing Inspector.

The application was filed with the Territorial Authority on 25 January 2016, however, public notification did not take place until 09 February, which is in breach of ss.120 and 127 of the Act.

Section 208 of the Act allows the licensing committee or chairperson to waive certain omissions if satisfied that the neglect or omission was not wilful; a waiver may be applied on such terms as are considered equitable.

As no objection or notice of desire to be heard has been received with regard to the application, we are prepared to waive the errors in advertising pursuant to s.208 of the Act. In my opinion no one has been disadvantaged by the error in the public notification. Accordingly I deal with the matter on the papers.

We are satisfied as to the matters to which we must have regard as set out in ss.105 and 131 of the Act and we grant the renewal and variation of the Club licence under s.202(1).

The existing licence is deemed to be current under s.122 of the Act.

We renew the Club licence until 19 March 2019 pursuant to s.135(1) of the Act, that being the anniversary date of the licence and three years from the most current date of expiry and authorise the issue of a replacement licence and a notice of renewal.

The licensee's attention is also drawn to condition (c) of replacement licence 03/CL/002/2016 to ensure that drinking water is readily available and free of charge to customers at all times that the licensed premises are open for business. Signage directing people to drinking water must be prominently displayed on the premises at that time.

**DATED** at Mangawhai this 06<sup>th</sup> day of April 2016.

**Peter Winder**  
**Chair**  
**Kaipara District Licensing Committee**

