

Decision N° **OF0009**

**In the Matter**

of the Sale and Supply of Alcohol Act 2012

**And**

**In the Matter**

of an application by **Radha Kripa Limited** for the renewal and variation of an Off licence pursuant to ss.100, 120 and 127 of the Act in respect of premises situated at **165 Hurndall Street, Maungaturoto, Kaipara District** known as **“Maungaturoto Four Square”**

**Before the Kaipara District Licensing Committee**

Chair: Mr Peter Winder

Members: Mr Gordon Lambeth and Mr Mark Farnsworth

In Attendance: Governance Services Manager: Sean Mahoney  
General Manager Planning and Regulatory: Fran Mikulicic  
Chief Licensing Inspector: Rachel Sheppard

**Decision (From the Hearing)**

This is for an application for the renewal and variation of an Off licence to Radha Kripa Limited, 165 Hurndall Street, Maungaturoto, Kaipara District known as “Maungaturoto Four Square”.

This application was made under ss.100, 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.

The applications were filed with the Territorial Authority on 02 December 2015 with public notification in the Kaipara Lifestyler on 08 December and 15 December 2015 which satisfies s.127 (3) of the Act.



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No objection or notice of desire to be heard has been received from the members of the public.

The application proposes to vary the current trading hours which are Monday to Sunday from 7.00am to 8.00pm to allow trading on Monday to Saturday between 8.00am to 7.00pm and on Sunday 9.00am to 7.00pm. The proposed trading hours on Monday to Saturday has attracted opposition from the Police and the Medical Officer of Health, but not the Licensing Inspector. It is noted that the initial Police report dated 15 December 2015 did not oppose the application, however the final report received on 22 January 2016 opposed the variation to trading hours which are outside of the Police National Policy which are maximum trading hours of 9.00am to 10.00pm.

The Medical Officer of Health's interim report dated 09 December 2015 opposed the application on two grounds. Firstly, the single layout area for alcohol display, and secondly, with regard to the proposed variation to the trading hours which fall outside of Health Board National Policy which are maximum trading hours of 9.00am to 10.00pm.

Opposition to the floorplan received with the application lodged with the Territorial Authority on 02 December 2015 was subsequently withdrawn on receipt of an amended floorplan received on 13 January 2016. The amended floorplan resulted in mutual agency agreement that it would meet compliance with s.112(1) of the Act.

The applicant has requested a three month period to enable him to achieve satisfactory compliance with s.112(1) of the Act.

It is noted that the proposed variation to trading hours reflects a reduction from those currently in place for this premises. The application also fits within the default national hours as specified under s.43(1)(b) of the Act.

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 Off licence under s.202(1).

The renewal, variation and replacement licence are issued subject to the licensee completing all remedial work necessary to achieve compliance with s.112(1) of the Act by 09 May 2016. As part of achieving this compliance, the applicant is to obtain approval from the General Manager Planning and Regulatory of the completed alterations to the area as proposed by the amended floor plan received by Council on 13 January 2016.



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

We renew the Off licence until 27 December 2018 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 drawn to condition (c) of replacement licence 03/OFF/002/2016 to ensure that drinking water is readily available and free of charge to customers at all times that the premises are offering complimentary tastings of alcohol. Signage directing people to drinking water must be prominently displayed on the premises at that time.

The licensee's attention is drawn to s.56 and s.57 of the Act obliging the holder of the off-licence to display:

- (i) A sign to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol; and
- (ii) A copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance; and
- (iii) A sign prominently displayed inside the premise, which identifies by name the manager for the time being on duty.

**DATED** at Mangawhai this 09<sup>th</sup> day of February 2016

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

