

Decision N° **OF0024**

In the Matter

of the Sale and Supply of Alcohol Act 2012

And

In the Matter

of an application by **Mangawhai Tavern Trading Limited** for the variation and renewal of an Off licence pursuant to ss.100, 120 and 127 of the Act in respect of premises situated at **2 Moir Street, Mangawhai, Kaipara District** known as “**Mangawhai Tavern**”

**Before the Kaipara District Licensing Committee**

Chair: Mr Mark Farnsworth

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

**Decision (On the Papers)**

This is for an application for the renewal and variation of an Off licence to Mangawhai Tavern Trading Limited, 2 Moir Street, Mangawhai, Kaipara District known as “Mangawhai Tavern”.

The applicant seeks a variation to reduce the current trading hours. The premises is currently licensed Monday to Sunday from 9.00am to 10.00pm. The variation seeks trading hours Monday to Sunday from 11.00am to 10.00pm.



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OF0024 Mangawhai Tavern Trading Limited 18112016

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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.

Public notification of the application featured initially in the Mangawhai Focus which is not a newspaper that meets the requirements of s.127 of the Act. Consequently the application was re advertised in the prescribed form in the Northern Advocate on 28 September 2016 and 05 October 2016. To meet the criteria of s.127, Public notification must be placed by the applicant within 10 working days of filing the application for a renewal with the Territorial Authority.

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, and may waive the same 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 waiver the error 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 Off licence under s.202(1).

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

We renew the Off licence until 29 September 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 drawn to condition (c) of replacement licence 03/OFF/012/2016 to ensure that potable 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.

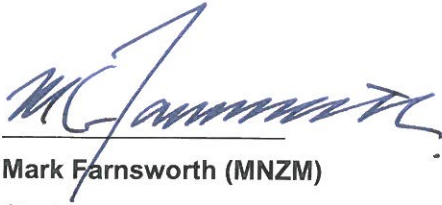
The licensee's attention is drawn to s.56 and s.57 of the Act obliging the holder of the off-licence to display:

- (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 18<sup>th</sup> day of **November** 2016



Mark Farnsworth (MNZM)

Chair

Kaipara District Licensing Committee

