

Decision N° **OF0027**

In the Matter

of the Sale and Supply of Alcohol Act 2012

And

In the Matter

of an application by **Jagruti Investments 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 **15 Freyberg Road, Ruawai, Kaipara District** known as “**Ruawai Four Square**”

Before the Kaipara District Licensing Committee

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

Decision (On the Papers)

This is for an application for the renewal and variation of an Off licence to Jagruti Investments Limited, 15 Freyberg Road, Ruawai, Kaipara District known as “Ruawai 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 21 October 2015. Public notification did not take place until 17 November and 24 November 2015, which is in breach of s.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 these applications, 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.

The application to vary the Monday to Sunday current trading hours from 7.00am to 7.00pm to the proposed hours of 9.00am to 8.00pm has not attracted opposition from the Licensing Inspector, nor the Medical Officer of Health.

The Police report dated 02 November 2015 initially opposed the variation to trading hours, however a further report dated 27 November 2015 refers to no opposition nor highlights any issues of concern that require further enquiry.

The Medical Officer of Health's interim report dated 16 December 2015 objected to the single layout area for alcohol display, with opposition being subsequently withdrawn after provision of a satisfactory amended plan from the applicant to the Medical Officer of Health which demonstrated compliance with s.113 of the Act.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 existing licence is deemed to be current under s.122 of the Act.

We renew the Off licence until 08 November 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/001/2016 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 **Dargaville** this **27th** day of **January** 2016



Peter Winder
Chair
Kaipara District Licensing Committee

