

Decision N<sup>o</sup> **OF0046**

**In the Matter**

of the Sale and Supply of Alcohol Act 2012

**And**

**In the Matter**

of an application by **Bennetts of Mangawhai Limited** for the renewal of an Off licence pursuant to ss.100 and 127 of the Act in respect of premises situated at **52 Moir Street, Mangawhai, Kaipara District** known as “**Bennetts of Mangawhai**”

**Before the Kaipara District Licensing Committee**

Chair: Mr Peter Winder

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 of an Off licence to Bennetts of Mangawhai Limited, 52 Moir Street, Mangawhai, Kaipara District known as “Bennetts of Mangawhai”.

The application relates to s.35(1)(b) of the Act and is in respect of premises in which the sale of alcohol would be an appropriate complement to the chocolate factory core business.

This application was made under ss.100 and 127 of the Sale and Supply of Alcohol Act 2012 and determined by the District Licencing Committee under s.130 of the Act.



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OF0046 Bennett of Mangawhai of Mangawhai Limited 30052016

The applications were filed with the Territorial Authority on 21 March 2016 with public notification featuring in the Mangawhai Focus on 04 April and 18 April 2016 which satisfies s.127 (3) of the Act but does not satisfy the requirements of s.36(b) of the Sale and Supply of Alcohol Regulations 2013.

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. No objection or notice of desire to be heard in respect of this matter has been received with regard to these applications.

We are satisfied as to the matters to which we must have regard as set out in section 131 of the Act and we grant a waiver regarding the advertising error under s.208 and grant the renewal 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 02 April 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/006/2016 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 30<sup>th</sup> day of May 2016



**Peter Winder**

**Chair**

**Kaipara District Licensing Committee**

