

Decision N° **ON0003**

**In the Matter**

of the Sale and Supply of Alcohol Act 2012

**And**

**In the Matter**

of an application by **Blue Groove Investments Limited** for the renewal of an On licence pursuant to ss.100 and 127 of the Act in respect of premises situated **2 Moir Point Road, Mangawhai Heads, Kaipara District** known as "**Harvest Blue Café and Bistro**"

**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 of an On licence for Blue Groove Investments Limited situated at 2 Moir Point Road, Mangawhai Heads, Kaipara District known as the "Harvest Blue Café and Bistro".

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

Public notification took place on 02 February 2016 with the application being filed with the Territorial Authority on 09 February 2016, 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.



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As no objection or notice of desire to be heard has been received with regard to the application, we are prepared to waive 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 of the On licence under s.202(1).

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

We renew the On licence until 24 February 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 (d) of replacement licence 03/ON/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.

The licensee's attention is drawn to s.56 and s.57 of the Act obliging the holder of the on-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.

The licensee is reminded of their responsibilities with regard to the object of the Sale and Supply of Alcohol Act 2012.

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



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

