

Decision N° **ON0022**

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 renewal and variation of an On 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 On licence to Mangawhai Tavern Trading Limited, 2 Moir Street, Mangawhai, Kaipara District known as “Mangawhai Tavern”.

This application was made under ss.100, 120 and 127 of the Sale and Supply of Alcohol Act 2012 and determined by the District Licensing Committee under s.130 of the Act.

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

The applicant seeks a variation to reduce the current trading hours. The premises is currently licensed Monday to Sunday from 9.00am to 1.00am the following day. The variation seeks trading hours Monday to Sunday from 10.30am to 1.00am the following day.



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ON0022 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.

One objection was received to the application. Subsequently, all matters with regard to the application for the renewal and variation of the licence were prepared to be heard before the full District Licensing Committee pursuant to s.204 of the Act.

The reports received from the Police and Medical Officer of Health appointed under the Act are satisfactory and do not oppose the issue of the renewal and variation of the On Licence. The Inspector's report does not oppose the application, however recognised that any opposed application must be heard before the full District Licensing Committee to satisfy s.202(3) of the Act.

Shortly prior to the scheduled hearing, written confirmation was received by the Territorial Authority from the objectors formally withdrawing their objection thus allowing all matters relating to the application to be determined as an unopposed.

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 application for renewal of an on licence under s.202 (1).

We renew the on licence until 29 September 2019 pursuant to s.135(1) of the Act, that being three years from the first anniversary date of the licence and authorise the issue of a replacement licence and a notice of renewal.

The licensee's attention is drawn to condition (b) of replacement licence 03/ON/008/2016 to ensure that potable drinking water is readily available and free of charge to customers at all times that the premises are open for the sale and supply 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 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.

DATED at Mangawhai this **18th day of November** 2016.



Mark Farnsworth (MNZM)

Chair

Kaipara District Licensing Committee

