

Decision N° **ON0047**

In the Matter

of the Sale and Supply of Alcohol Act 2012

And

In the Matter

of an application by **the partnership of Lawrance Paul Ellis and Maria Una Ellis** for the renewal and variation of an On licence pursuant to ss.100, 120 and 127 of the Act in respect of premises situated **1990 Paparoa Valley Road, Paparoa, Kaipara District** known as the **“Cruiser Bar and Grill”**

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 and variation of an On licence to the partnership of Lawrance Paul Ellis and Maria Una Ellis situated at 1990 Paparoa Valley Road, Paparoa, Kaipara District known as the “Cruiser Bar and Grill”.

The applicant seeks a variation to the current trading hours and have elected to reduce the total hours that alcohol may be sold under the licence to a maximum of 57.5 hours during a 7 day period. The premises is currently licensed from Monday to Sunday from 10.00am to 1.00am the following day. The new trading hours sought are for 5 days per week, from Tuesday to Saturday, from 10.30am to 10.00pm.



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The application was made under ss.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.

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.

The application was filed with the Territorial Authority on 27 January 2016. Public notification did not take place until 17 February and 24 February 2016, which is in breach of ss.120 and 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 the application, 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.

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 On licence under s.202(1).

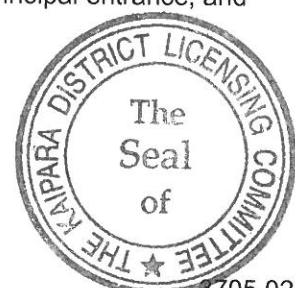
The existing licence is deemed to be current under s.122 of the Act.

We renew the On licence until 16 March 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/001/2016 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 premises, 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 06th day of April 2016.



Peter Winder
Chair
Kaipara District Licensing Committee

