

Decision N° **ON0077**

In the Matter

of the Sale and Supply of Alcohol Act 2012

And

In the Matter

of an application by **J D Boys Venture Limited** for the renewal of an On licence pursuant to s.127 of the Act in respect of premises situated at **40 Moir Street, Mangawhai, Kaipara District** known as **“The Dune”**

Before the Kaipara District Licensing Committee

Chair: Mr Mark Farnsworth

On Call: Chief Licensing Inspector: Rachel Sheppard

Decision (On the Papers)

This is for an application for the renewal of an On licence by J D Boys Venture Limited in respect of premises situated at 40 Moir Street, Mangawhai, Kaipara District known as “The Dune”.

This application has been made under s.127 of the Sale and Supply of Alcohol Act 2012 and is determined by the District Licencing Committee under s.130 of the Act.

There are no changes sought to the conditions of the existing licence.

A copy of the application was provided to the Licensing Inspector, Police and the Medical Officer of Health for reporting in accordance with s.129. No matters in opposition have been raised in reports supplied by the agencies.

The application was filed with the Territorial Authority on 04 October 2017 however public notification did not take place until 19 October 2017, which does not satisfy the requirement of Section 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 this application, I am prepared to waive the errors in advertising pursuant to section 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.

I am satisfied as to the matters to which I must have regard as set out in ss.105 and 131 of the Act and I grant the renewal of the On licence under s.202(1).

I renew the licence until 16 November 2020 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 the condition of replacement licence 03/ON/015/2017 to ensure that potable 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.

**Dated at Mangawhai this 08<sup>th</sup> day of December 2017**



---

**Mark Farnsworth (MNZM)**

**Chair**

**Kaipara District Licensing Committee**

