

Application	19/001/2019
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u> <u>IN THE MATTER</u>	of an application by Te Kuiti Holdings Limited for a temporary authority in respect of the premises situated at 95 Rora Street, Te Kuiti trading as Te Kuiti Supervalue pursuant to section 136 of the Act

Chairperson: Mrs S Grayson

Members: Cr G Whitaker, Ms P Davies

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The application for a temporary authority to carry on the sale and supply of alcohol pursuant to off-licence 019/OFF/003/2016 authorising the sale and supply of alcohol for consumption on the premises, to any person who is present on the premises is granted subject to the Licensing Inspector receiving written confirmation from Te Kuiti Holdings Limited that the company will have a minimum of two certificated duty managers available to work at this premises three weeks after the possession date.
2. The temporary authority is granted subject to the following conditions:
 - a) No second or subsequent temporary authorities will be issued in respect to the same premises and licensee unless a full license application has already been filed, or, in exceptional circumstances, with the prior approval of the Secretary of the Licensing Committee.
 - b) The temporary authority must be displayed next to the base licence attached to the interior of the premises so as to be easily read by persons entering through the principal entrance.
3. The temporary authority may issue immediately.
4. The temporary authority is granted for a maximum period of 3 months.

Reasons

1. This is an application by Te Kuiti Holdings Limited for a temporary authority in respect of the premises situated at 95 Rora Street, Te Kuiti trading as Te Kuiti Supervalve pending the issue of a new on-licence. Te Kuiti Holdings Limited has recently purchased the business and took possession on 28 January 2019. There is a current on-licence in force under the previous owner and it is due to expire on 16 March 2019.
2. The District Licensing Committee has met to determine this application on the papers and without notice to the applicant on 29 January 2019 (sections 136(3), 191(1) Sale and Supply of Alcohol Act 2012).

Should the temporary authority be granted?

3. Section 136 provides that a temporary authority to carry on the sale and supply of alcohol can be granted to any person who has an interest in the premises where an on-licence is in force for a period of up to 3 months. The purpose of this section is to give a new owner time to apply for a new on-licence.
4. The Liquor Licensing Inspector and Police have assessed the suitability of the applicant to hold a temporary authority and have no objection to the application.
5. The Licensing Inspector reports that Te Kuiti Holdings Limited has five certificated duty managers available to work at the premises. However, two of these managers are existing directors of the vendor of the business. The applicant's consultant has confirmed by email that these duty managers will be available for a period "14 working days or three weeks" after the possession date and that the sole director of the company, Mr Xing, will be moving to Te Kuiti. It is unclear whether the other two duty managers will continue in the employment of Te Kuiti Holdings Limited after the hand-over period has passed. The licensing committee is concerned that Te Kuiti Holdings Limited may not have sufficient certificated Duty Managers to ensure compliance with the Sale and Supply of Alcohol Act 2012. Therefore, the temporary authority may be granted when written confirmation has been received by the Licensing Inspector, that the company will have a minimum of two certificated duty managers available to work at this premises three weeks after the possession date.
6. The Temporary Authority is subject to clause 7(ii) of the Waitomo District Local Alcohol Policy which requires that every temporary authority will be subject to a condition that *no second or subsequent temporary authorities will be issued in respect to the same premises and licensee unless a full licence application has already been filed, or, in exceptional circumstances, with the prior approval of the Secretary of the Licensing Committee.*

7. Therefore, the temporary authority is granted for a maximum period of 3 months pursuant to section 136(1) of the Sale and Supply of Alcohol Act 2012 subject to the above condition and subject to the condition that the temporary authority must be displayed next to the base licence.

Dated this 30th day of January 2019

A handwritten signature in purple ink, appearing to be 'S. Grayson', written in a cursive style.

Sara Grayson
Commissioner
Waitomo District Licensing Committee