

Application	ON018
<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 Pal & Harry Company Limited for a temporary authority in respect of the premises situated at 12 King Street East, Te Kuiti trading as The Muster Bar pursuant to section 136 of the Act

Chairperson: Mrs S Grayson
Members: Mr J Gower, Cr G Whitaker

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 on-licence 019/ON/005/2017 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 applicant providing a letter of confirmation to the Licensing Inspector from its lawyer confirming the possession date for the purchase of The Muster Bar business.
2. The temporary authority is 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 licence 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 is granted for a maximum period of 3 months.

Reasons

1. This is an application by Pal & Harry Company Limited for a temporary authority in respect of the premises situated at 12 King Street East, Te Kuiti trading as The Muster Bar pending

the issue of a new on-licence. Pal & Harry Company Limited has recently purchased the business and the Inspector states that possession takes place on 16 January 2018. There is a current on-licence in force under the previous owner and it is due to expire on 11 August 2020.

2. The District Licensing Committee has met to determine this application on the papers and without notice to the applicant on 15 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 committee is satisfied that Pal & Harry Company Limited has sufficient certificated Duty Managers to ensure compliance with the Sale and Supply of Alcohol Act 2012.
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.
8. There is no written confirmation of the possession date with the application, therefore the temporary authority may granted when the applicant's solicitor provides confirmation of the possession date.

Dated this 15th day of January 2019



Sara Grayson
Commissioner
Waitomo District Licensing Committee