

Application	TA007
<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 Huhu Cafe & Restaurant Ltd for a temporary authority in respect of the premises situated at 4 Waitomo Village Road, Waitomo trading as Huhu Cafe & Restaurant pursuant to section 136 of the Act

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/005/2020 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 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.
2. The temporary authority may be issued to commence on 16 April 2021.
3. The temporary authority is granted for a maximum period of 3 months.

Reasons

1. This is an application by Huhu Cafe & Restaurant Ltd for a temporary authority in respect of the premises situated at 4 Waitomo Village Road, Waitomo trading as Huhu Cafe & Restaurant pending the issue of a new on-licence. Huhu Cafe & Restaurant Ltd has recently purchased the business and takes possession on 16 April 2021. There is a current on-licence in force under the previous owner and it is due to expire on 7 December 2023.

Should the temporary authority be granted?

2. 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.
3. The Licensing Inspector and Police have assessed the suitability of the applicant to hold a temporary authority and have no objection to the application. However, the Licensing Inspector has reported that the sole director of Huhu Cafe & Restaurant Ltd, Ms Cassandra Davis, is also the sole director of The General Store Waitomo Ltd, an on-licence premises that failed a controlled purchase operation on 19 December 2020. The licensing committee expects that this concern will be more fully investigated when the on-licence application is filed by Huhu Cafe & Restaurant Ltd.
4. The licensing committee is satisfied that Huhu Cafe & Restaurant Ltd has sufficient certificated Duty Managers to ensure compliance with the Sale and Supply of Alcohol Act 2012.
5. 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.*
6. 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 8th day of April 2021



Sara Grayson
Commissioner
Waitomo District Licensing Committee