

**Decision No. 19/TEM/03/2016**

**IN THE MATTER** of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER** of an application by **Jeffares Investments Limited** pursuant to s.136 of the Act for a Temporary Authority.

**BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe  
Member: Guy Whittaker  
Member: Ross Murphy

**MEETING** at Te Awamutu / Cambridge on the 21<sup>st</sup> day of October 2016

**APPEARANCES**

Nil appearances

**THE APPLICATION**

The Waitomo District Licensing Committee has before it an application by **Jeffares Investments Limited** for a temporary authority in respect to **On Licence** number **019/ON/008/2014** currently in force authorising the sale and supply of alcohol at premises situated at **State Highway 3, RD 1, Awakino, Mokau** and known as **Awakino Hotel**. The premises operate as a **Hotel with general alcohol sales**.

The application has been circulated electronically for each member to review and consider.

The application outlines that the applicant is the new owner of the premises and wishes to obtain a temporary authority to allow them to operate the premises for three months pending the submission of a full licence application.

Reports have been received from the Police and a Licensing Inspector. No objections have been filed in respect to this application and it is considered on the papers.

**DECISION AND REASONS**

***"136 Temporary authorities: on-licences and off-licences***

*(1) A licensing committee may, on the application of a person who appears to the committee to have any right, title, estate, or interest in any premises, or any business conducted in any premises, for which an on-licence or off-licence is in force, make an order authorising the applicant (or some suitable person nominated by the applicant) to carry on the sale and supply of alcohol for a period, not exceeding 3 months, stated in the order.*

*(2) The application must be made in the prescribed form and manner and be accompanied by the prescribed fee.*

*(3) The committee may hear and determine the application without notice, or direct that notice of the application and the time and place fixed for any hearing be served on any persons and in any manner the committee specifies.*

- (4) On making an order, the committee—  
(a) must impose any conditions that this Act requires an on-licence or off-licence (as the case requires) to be issued subject to; and  
(b) may impose any conditions that this Act enables an on-licence or off-licence (as the case requires) to be issued subject to; and  
(c) may impose any other reasonable conditions it thinks fit.
- (5) The person authorised by the order has for the purposes of this Act the same duties, obligations, and liabilities as the holder of the on-licence or off-licence concerned."

Section 136 and the Act itself give no criteria for the consideration of a temporary authority application, other than requiring the applicant to have "right, title, estate, or interest in any premises, or any business" and that a licence is in force.

As the new owner of the business, it is clear that the applicant meets this requirement. A licence is still in force for the premises.

There are no objections from the Police or the Inspector on the grounds of suitability. The conclusion from the Inspector is that the application will not offend the object of the Act.

The Committee also notes that the new compulsory condition that water be available on the premises at all times complimentary samples are being provided should be added. The Inspector recommends that the application be granted with all the other existing licence conditions.

The holder of a temporary authority shall for the purposes of the Act have the same duties and liabilities as the holder of the **On Licence** to which the temporary authority relates.

Having regard to the matters detailed above, the application is granted. The temporary authority may issue immediately.

The authority shall be subject to all existing conditions of on licence **019/ON/008/2014**, a copy of which is attached to this decision.

**DATED** at Cambridge this 21<sup>st</sup> day of October 2016



Diane Sharpe  
**Chairperson**  
**Waitomo District Licensing Committee**