

DECISION NUMBER 1404/2020

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

AND

IN THE MATTER of an application pursuant to section 136 of the Sale and Supply of Alcohol Act 2012 by **SAS AHURIRI LIMITED** for a Temporary Authority in respect of the premises at 6 Bledisloe Road, Maraenui, Napier and currently known as 'Golden Chance'.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

Commissioner
Mr S G Hylton

DECISION

1. Introduction

This is an application by **SAS Ahuriri Limited** for a Temporary Authority in respect of the premises situated at 6 Bledisloe Road, Maraenui, Napier and currently known as 'Golden Chance'.

The application comes about from a change of ownership and is required to allow the applicant to continue trading while the application for a new licence is processed by the Licensing Committee. This is the **first** Temporary Authority made by the applicant against the licence.

2. Application

The application is made against off-licence **030/ON/0097/2016** which has an expiry date of 20 November 2019. Note: The current licensee has applied for renewal of base licence which was subject to a hearing conducted by this DLC. The matter was adjourned subject to conditions which allowed the base licence to continue and this Temporary Authority to proceed.

The application was not advertised and no objection or notice of desire to be heard has been received under section 103 of the Act. Accordingly we deal with the matter on the papers in accordance with sections 136 and 202(1) of the Act.

In considering the application for temporary authority the committee had regard to the object of the Act and reports furnished by Police and Inspector.

3. Reporting Agencies

The following reports were received under the Act.

Police Report – No opposition from Police within report dated 28 July 2020.

Licensing Inspector Report – The inspector notes that the applicant is a private company with two directors and one shareholder.

The inspector in his report gives a brief history of the circumstances leading up to this application which is worth recording in this decision for context sake i.e.

- 1. The Substantive ON – Licence held by the Golden Chance expired in November 2019.*
- 2. An application to renew that licence was submitted before the licence expired.*
- 3. That renewal application was opposed by myself, Police and the Medical Officer of Health, along with four public objectors.*
- 4. It was eventually set down for a hearing before the Napier DLC on Wednesday 29 July 2020.*
- 5. At that hearing the applicant (FREESPINS LIMITED) made submissions through their lawyer to have the matter adjourned to allow for a TA to be issued to facilitate the sale of the business.*
- 6. The Medical Officer of Health and I initially opposed the adjournment. Police did not.*
- 7. At that hearing the applicant for the TA, SAS AHURIRI LIMITED proposed the following conditions to be listed on the TA if the Committee granted the adjournment.*
 - Gaming Room hours will be reduced to 12pm to 4pm on Tuesday to Saturday.*
 - The licence Holder will provide monthly Gross revenue stream information (alcohol and other beverages, Food and Gaming commission).*
 - The licence will not seek further adjournment.*

- 8. After hearing this the Medical Officer of Health and I withdrew our opposition to the adjournment as these conditions were very favourable and were going to achieve the objective set out in our opposition to the Golden Chance licence.*
- 9. The committee then granted the adjournment on the day of the hearing which was followed up in a written decision dated 31 July 2020.*
- 10. The Police and I did not oppose the application for a TA. However, the Medical Officer of Health did.*
- 11. On 31 July 2020 I received an email from the Medical Officer of Health withdrawing the opposition to the Temporary Authority on the basis that the conditions agreed to at the hearing were imposed in the TA.*
- 12. The substantive ON – Licence held by FREESPINS LIMITED remains current while the adjournment stands.*
- 13. On that basis there is no reason that this TA cannot be issued to start on the date of settlement, being Monday 10 August 2020.*

The inspector concludes that the application is complete and meets the criteria of the Sale and Supply of Alcohol Act 2012. The inspector recommends that the licence be issued subject to standard conditions including the following conditions agreed to by all parties to the hearing on the 29 July 2020 i.e.

1. The Gaming Room will operate; Tuesday to Saturday, between 12.00pm & 4.00pm.
2. The licence Holder will provide Gross revenue stream information (alcohol and other beverages, Food and Gaming commission) monthly if required by any of the reporting agencies.
3. The licensee will not seek a further adjournment to any hearing procedure in relation to base licence 30/ON/0097/2016.

I concur with the inspector's assessment.

4. Decision

Accordingly the application for a Temporary Licence is **Approved**, valid for 3 months or when the Substantive Licence Application lodged by the applicant is determined, whichever is the sooner.

The Temporary Authority can be issued immediately and come into effect from the 10 August 2020 (date of settlement) with the standard conditions together with the agreed conditions of 1. and 2. Listed in 3. above.

DATED at Napier this 5 day of August, 2020.

A handwritten signature in blue ink, appearing to be 'M. D.', written in a cursive style.

Chairman