

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

AND

IN THE MATTER reconsideration of an application by Basraz Liquor Limited Pursuant to s. 136 of the Act for a temporary authority in respect of premises situated at 125-127 Normanby Road, Paeroa, known as "Liquor Station Paeroa".

BEFORE THE HAURAKI DISTRICT LICENSING COMMITTEE

Quorum: Chairperson – Paul Milner

BACKGROUND

- 1) We have before us a request to rehear an application by Basraz Liquor Limited for a second temporary authority in respect of premises situated at 125-127 Normanby Road, Paeroa.
- 2) The request to rehear the application for the temporary authority was filed with the Hauraki District Licensing Committee on 4 May 2023.
- 3) The power to rehear this application is set out in Section 201(4) of the Act.
- 4) The 2nd temporary authority application was declined due to the failure of the applicant to comply with condition 4 of the 1st temporary authority.
- 5) The applicant submits that condition 4, that was imposed under Section 136(4)(c) in the 1st temporary authority may be unlawful.
- 6) Condition 4 of the 1st temporary authority stated that an application for a substantive off-licence had to be filed within 30 days. This was later amended to 45 days upon request and a further extension to 60 days would be considered if requested.
- 7) No request for further request for extension was received nor was condition 4 raised as an issue in and of itself by the applicant.
- 8) Upon reflection the DLC agrees with the applicant that the reasons for condition 4 were not properly set out in the 1st temporary authority.
- 9) The DLC notes that a temporary authority by its very nature is just that, temporary. That this should be the case is clearly indicated by the fact that such order cannot exceed three months in duration.
- 10) Upon reviewing the timeline of events the DLC found that the 1st temporary authority should have been dated 15 February to 15 May, not 8 February to 8 May. This amendment to the 1st temporary authority has been given effect as of 8 May.

- 11) The application for 2nd temporary authority was received on 20 April; some 65 days after the 1st temporary authority should have started.
- 12) As of 8 May the substantive application has still not been received which is of some concern to the DLC.
- 13) The applicant has now had almost three months from the reported possession date for the business which was 15 February 2023 to submit a full application.

DECISION AND REASONS

- 14) Due to the uncertainty of whether condition 4 should have been imposed at all on the 1st temporary authority, the DLC thinks it should set aside any non-compliance with that condition.
- 15) Therefore the DLC is of a mind to grant the 2nd temporary authority. This will ensure that the applicant has sufficient time to provide all the relevant information for a substantive licence.
- 16) Accordingly, I am satisfied as to the matters which I must have regard, and I am also satisfied that the application meets the object of the Act, I grant the application. The applicant should be aware that should any further application for the grant of temporary authority be made, that it would be likely that the matter be heard before the Committee in order to determine if the committee can be satisfied that the object of the Act can be satisfied.

Dated at Paeroa this 9th day of May 2023



Paul Milner
DLC Chairperson