Waikato DISTRICT COUNCIL
Te Kaunihera aa Takiwaa o Waikato

Decision No. 14/TA/04/26.01
And
Decision No. 14/TA/05/26.01

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

AND

IN THE MATTER of an application by Taupiri Tavern Trading Limited for a temporary authority to carry on the sale and supply of alcohol pursuant to s.136 of the Act in respect of premises situated at 2 The Crescent TAUPIRI known as "Taupiri Tavern".

BEFORE THE WAIKATO DISTRICT LICENSING COMMITTEE

Commissioner: Dr Michael Cameron

DECISION

The application for a temporary authority in respect of the premises situated at 2 The Crescent, Taupiri, known as "Taupiri Tavern" is granted.

[1] This is an application by Taupiri Tavern Trading Limited for a temporary authority to carry on the sale and supply of alcohol in respect of premises situated at 2 The Crescent, Taupiri, known as "Taupiri Tavern". The general nature of the business is that of a tavern.

[2] An on-licence, number 14/ON/18/2023, and off-licence, number 14/OFF/14/2023, are currently in force for the premises.

[3] This is the second temporary authority in respect of this premises. The first temporary authorities (separate for the on-licence[1] and off-licence[2]) are due to expire on 3 November 2026.

[4] The applicant has demonstrated a right to the premises or business as required by Section 136 and is entitled to hold a licence under Section 28.

[5] No matters in opposition have been raised by the inspector or the Police.

[1] *Taupiri Tavern Limited* 14/TA/04/26, 31 July 2026.
[2] *Taupiri Tavern Limited* 14/TA/05/26, 31 July 2026.

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REASONS AND DECISION:

[6] I am satisfied as to the matters to which I must have regard and grant the applicant a temporary authority to carry on the sale and supply of alcohol for a period of three months.

[7] While the Act does not specify a limit to the number of temporary authorities that may be sought or granted, I believe that the public interest is best served where decisions on new licences are conducted in a timely manner. The Commissioners of the Waikato DLC expect applicants and reporting agencies to take all reasonable steps to ensure this occurs. A further temporary authority may be justified only where there are genuine and unforeseen circumstances that prevent the new licence application from being determined within the period of the initial temporary authority. Any such request should be supported by a clear explanation of the circumstances and why a further temporary authority is necessary.

[8] In *The Boomerang Inn Limited*,[3] the Liquor Licensing Authority wrote that:

> [81] We agree with the submissions made by the Sergeant, that a temporary authority should be just that, "temporary". That this should be the case is clearly indicated by the fact that such an order cannot exceed three months in duration. The wording "from time to time" may indicate that more than one temporary authority order can be made. Equally it may indicate that such applications are not expected to be common.
>
> [82] We also agree with the Inspector and Police that an operator should not be able to hide behind successive temporary authorities based on an on-licence held by another licensee, when clearly the intention is that they should be an interim measure to enable continued trading while a new substantive on-licence is being sought. In this case however, there is no evidence that Ms Johnson is a "front person" as referred to in the Sergeant's submissions. Nor do we think that the previous history of the premises, prior to the appellant's management, has much relevance to this appeal.
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> [83] The Authority commented in Nationwide Investments Limited LLA 2343-2345/93 in respect of the bona fides of applicants seeking a number of temporary authorities, that:
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> > *"The period of 'not exceeding three months' was presumably chosen by Parliament as being a reasonable time to allow a purchaser of premises subject to a liquor licence to obtain a substantive licence. With the volume of liquor licensing applications inevitably leading to some delays in applications for permanent licenses being processed, it is not unreasonable that Agencies will on occasions grant a second or even a third temporary authority to the same applicant... when a fifth temporary authority has to be applied for an Agency may well be justified in querying the bona fides of the applicant".*

[9] The number of successive temporary authorities in this case is not as large as in the case of The Boomerang Inn. There is also no evidence to suggest that the applicant is 'trying to hide behind successive temporary authorities'.

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[3] *The Boomerang Inn Limited* [2009] NZLLA 851.

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[10] Nevertheless, I note that if a third temporary authority is sought in respect of this premises and applicant, the decision on that matter will likely be referred to a hearing, under Section 136(3) of the Act.

CONCLUSION:

[11] The application for a temporary authority, for the premises situated at 2 The Crescent, Taupiri, known as "Taupiri Tavern" is granted, subject to conditions.

CONDITIONS:

[12] Section 136(4) of the Act states that:

> On making an order, the committee or the chair (as the case may be)—
> (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.

The temporary authority is subject to the following conditions in addition to the existing conditions of the licence in force:

(i) This temporary authority must be displayed at each principal entrance next to the underlying licence.

The applicant's attention is drawn to Section 136(5) of the Act, which states that the person authorised by this order has the same duties, obligations, and liabilities, as the holder of the on-licence concerned.

DATED at Ngaaruawaahia on 3 November 2026

DISTRICT LICENSING COMMITTEE
Waikato District Council

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Michael Cameron
Commissioner
Waikato District Licensing Committee