

Decision No: **52/ON/012/2015**  
Record No: **15195535**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Dara Ching for renewal of an on licence pursuant to s.127 of the Act in respect of premises situated at 31 Scott Street, Blenheim, Marlborough District known as "Poppy Thai Restaurant"

**BEFORE THE MARLBOROUGH DISTRICT LICENSING COMMITTEE**

Chairman: John Leggett

Member(s): Elizabeth Hawthorne and Margaret McHugh

**HEARING** at Blenheim at 10.00 am on Thursday 24 September 2015.

**DECISION**

An application for renewal of an on licence by Dara Ching in respect of premises situated at 31 Scott Street, Blenheim, Marlborough District known as "Poppy Thai Restaurant" was received on 13 April 2015.

The general nature of the business conducted from the premises is a restaurant.

A reduction in hours is sought; from 7.00 am to 2.00 am the following day, to 11.00 am to 2.00 am the following day.

The application was duly advertised and no public objections were received. The Police and Medical Officer of Health offered no opposition to the renewal of the licence. The District Licensing Inspector upon a visit on 17 June 2015 noted that the duty manager's name displayed was Dara Ching, however Dara was not present on the premises and was said to be on holiday. The District Licensing Inspector in her report also noted that there were two previous occasions in November 2012 and February 2014 where there was no duty manager on site at the time of the inspection. Dara was spoken to by the District Licensing Inspectors and the Police on this matter, therefore the District Licensing Inspector considered that the application did not meet the criteria detailed in Section 131 of the Sale and Supply of Alcohol Act 2012.

A hearing was set for Thursday 24 September 2015. However the applicant did not appear at the hearing and when contacted did not know of the set hearing date and was in Nelson that day.

The hearing proceeded without the applicant.

The District Licensing Committee's decision was to decline the renewal of the licence owing to the weight of the evidence regarding the absence of any certified manager on the premises. However the District Licensing Committee deferred the issue of the decision for 10 days in order for the applicant to do the following:

- Appoint a person who currently hold a managers certificate; other than Dara Ching herself; and/or
- Arrange for a staff member to book the course and lodge an application for a managers certificate; and
- Appoint that staff member as a temporary manager.

On Thursday 1 October 2015 David Crail (on behalf of Dara Ching) met with the District Licensing Inspectors and Licensing Administrator where he advised that Poppy Thai has taken on a new staff member Vibha Sood whom holds a current managers certificate. He also advised that a staff member was booked into a course on 27 July 2015 but the course was cancelled on the day. The same staff member has now been booked into a further course on 3 November 2015. This staff member will lodge an application for a managers certificate and be appointed as a temporary manager while the application is processed.

We are satisfied that the applicant has completed the requirements and now meets the criteria detailed in Section 131 of the Sale and Supply of Alcohol Act 2012, therefore we renew the licence for a further 3 years, until 2 May 2018

DATED at Blenheim this 19<sup>th</sup> day of October 2015



**SECRETARY**  
**MARLBOROUGH DISTRICT LICENSING COMMITTEE**