

**Decision**

19/104/2023

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by  
Samdhyan Liquor Limited  
for an off-licence pursuant to section 100  
of the Act in respect of the premises  
situated at 3/35 Carroll Street, Te Kuiti  
known as Blackbull Liquor Te Kuiti

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. The application for an off-licence authorising the sale and supply of alcohol for consumption off the premises, to any person who is present on the premises is granted. The licence may issue upon payment of the annual fee.
2. This licence continues in force until the close of the period of 12 months after the day it is issued.
3. The licence is subject to the following conditions:
  - (a) Alcohol may be sold Monday to Sunday, from 9.00am to 10.00pm
  - (b) No alcohol may be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day.
  - (c) The area where alcohol is to be sold is described in the plan date stamped as received by the District Licensing Committee on 19 December 2023.
  - (d) The entire premises is designated as a supervised area (no persons under 18 years can be in the area unless with their parent or legal guardian).
  - (e) A properly appointed certificated, acting or temporary manager must be on duty and on the premises at all times when the premises is open for the sale and supply of alcohol.

- (f) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- (g) The licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- (h) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be appropriate signs detailing these restrictions at every point of sale.
- (i) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- (j) The Licensee must ensure the following are displayed;
  - i) A sign to be seen from outside the principal entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.
  - ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
  - iii) A sign in a prominent place identifying the duty manager.

#### **Remote Sale Conditions**

- (k) Alcohol must not be delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day, or between 11:00pm and 6:00am the following day.
- (l) The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver (where present) is not intoxicated.
- (m) The outside of the delivery package must contain a label with the following words:  
*CONTAINS ALCOHOL*  
*Do not deliver to intoxicated persons or persons under 18 years of age.*
- (n) A copy of the licence must be displayed on the Blackbull Liquor Te Kuiti internet site in a prominent place.

#### **Reasons**

1. This is an application by Samdhyan Liquor Limited for an off-licence in respect of a bottle store situated at 3/35 Carroll Street, Te Kuiti known as Blackbull Liquor Te Kuiti. Samdhyan Liquor Limited has been operating the business by way of a temporary authority which expires 27 May 2024. Planning certificate and building code of compliance having been received.
2. The application was advertised, and no objections have been received from members of the public. The Liquor Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not object to the application. Accordingly, the application is decided on the papers (s 202(1)).
3. The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is

minimised (s 4). In deciding whether to issue a licence the District Licensing Committee must have regard to the criteria in s 105 of the Act. Therefore, this committee must consider the following questions within the framework of the purpose and object of the Act:

- a) Is the applicant suitable?
- b) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
- c) Is the design and layout of the premises suitable?
- d) Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
- e) Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of licence? Is the amenity and good order of the locality already so badly affected by the effects of the existing licenses that it is unlikely to be reduced further by the effects of the issue of the licence or is it desirable not to issue any further licenses?
- f) Does the applicant have appropriate systems, staff and training to comply with the law?
- g) Have the Police, Inspector and Medical Officer of Health raised any relevant considerations
- h) Does the application comply with the waitomo District Local Alcohol Policy?

#### **Is the applicant suitable?**

1. The licensing committee is satisfied that Samdhyan Liquor Limited is a suitable entity to hold an off-licence. Mr Sawan Kumar is the sole director and shareholder of the company. He has been working in the alcohol industry since February 2023 and holds a Manager's Certificate. Mr Kumar resides locally and will be actively working in the store.

#### **Are the days and hours during which the applicant proposes to sell alcohol reasonable? Does the applicant have appropriate systems, staff and training to comply with the law? Does the application comply with the Local Alcohol Policy?**

2. Samdhyan Liquor Limited proposes to operate the off-licence from Monday to Sunday 9.00 am to 10.00pm. The licensing committee is satisfied that these are appropriate hours of operation.
3. The licensing committee is satisfied that Samdhyan Liquor Limited has appropriate staff training procedures in place to ensure compliance with the Act. There are 2 Duty Managers employed to ensure compliance with the Act. The Licensing Inspector raises concerns that 2 duty managers are not sufficient and additional local staff should be employed. It is an expectation of the Licensing Committee that for an off licence that sells alcohol 16 hours a day or less, a minimum of two duty managers are required. Nevertheless, we understand that Mr Kumars wife will be applying for her Manager's Certificate and this will alleviate the inspectors concerns.
4. The Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.

#### **Is the design and layout of the premises suitable?**

5. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. The checkout has an unobstructed view of the entire alcohol display area and are positioned near the principal entrance. The premises has both indoor

lighting that allows staff to check IDs, and exterior lighting that allows customers to be seen to discourage loitering. It is well appointed and able to be monitored effectively by the staff of the premises and nine cctv cameras.

**Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?**

6. Samdhyan Liquor Limited does not engage in the sale of goods or service other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food.

**Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of licence?**

7. The licensing committee is satisfied that the grant of an off-licence to Samdhyan Liquor Limited will not have a negative effect on the good order of the locality.

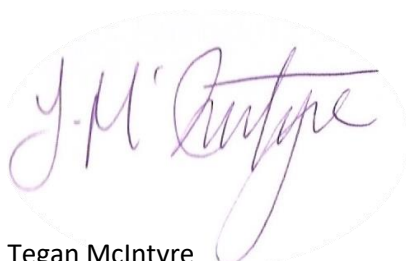
**Remote sale conditions**

8. Under Section 18(1) of the Act, the holder of an off licence is entitled to sell alcohol on or from the premises the licence is issued for and deliver it somewhere else.
9. The remote sale conditions included in the licence reiterate the provisions in sections 18 & 49 of the Sale and Supply of Alcohol Act 2012 and regulations 14 & 15 of the Sale and Supply of Alcohol Regulations 2013 in a general sense. The Licensing Committee has formed a view that there is a benefit in adding remote sale conditions that repeat statutory requirements because they draw the licensee's attention to the statutory requirements and serve as a useful reminder and training tool for staff. Therefore, remote sale conditions are included in the licence as a reminder about general obligations when providing this service.

**Conclusion**

1. The licensing committee is satisfied that the grant of the off-licence with the appropriate conditions will ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol.
2. Therefore, the application for the issue of the off-licence is granted.

Dated at this 29th day of April 2024



Tegan McIntyre  
Commissioner  
Waitomo District Licensing Committee