

Decision

19/014/2025

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of an application by
Samdhyan Liquor Limited for renewal of
an off-licence in respect of the premises
at 3/35 Carroll Street, Te Kuiti known as
Blackbull Te Kuiti

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The off-licence 19/OFF/002/2024 in respect of the premises situated at 3/35 Carroll Street, Te Kuiti and known as Blackbull Te Kuiti is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The present conditions of the licence are replaced as follows:
 - a) Alcohol may be sold only from 9.00am to 10.00pm, Monday to Sunday.
 - b) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
 - c) The area where alcohol is to be sold is described in the plan date stamped as received by District Licensing Committee on 18 March 2025.
 - d) The entire premises is designated as a supervised area (no persons under 18 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 may be sold remotely at any time, on any day.
- l) 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.
- m) 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.
- n) The outside of the delivery package must contain a label with the following words:
CONTAINS ALCOHOL - Do not leave at destination without proof of delivery.
- o) A copy of the licence must be displayed on the Blackbull Te Kuiti internet site in a prominent place.

REASONS

1. This is an application by Samdhyan Liquor Limited for renewal of an off-licence in respect of the premises situated at 3/35 Carroll Street, Te Kuiti known as Blackbull Te Kuiti. This bottle store has been operating under the current ownership from this site for 12 months.
2. The application was publicly notified, and no objections were received from members of the public. Reports were provided by the Licensing Inspector, Police, and Medical Officer of Health, none of whom opposed the application. While the Medical Officer of Health recommended the inclusion of single sales restrictions as a licence condition, no evidence was provided to support the need for such a condition. Accordingly, the matter is determined on the papers under section 134.
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 renew an off-licence the licensing committee must have regard to sections 105 and 131 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) Does the applicant have appropriate systems, staff and training to comply with the law?

- f) Have the police, inspector and medical officer of health raised any relevant considerations?
 - g) Will the amenity and good order of the locality be increased by more than a minor extent by the effects of a refusal to renew the licence?
 - h) Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?
 - i) Does the application comply with the Waitomo District Local Alcohol Policy?
4. Section 132 provides that the licensing committee may vary or cancel any conditions applying to the licence before its renewal.

Should the licence be renewed?

5. The licensing committee is satisfied that Samdhyan Liquor Limited is a suitable applicant to hold an off-licence. The company has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. Samdhyan Liquor Limited has an appropriate Host Responsibility Policy and staff training programme. There are 2 Duty Managers employed to ensure compliance with the Act.
6. The premises has a suitable design and layout to meet the requirements of the Act. The licenced area includes an open plan retail area and a chiller room as well as a sperate storage area. It is well appointed and able to be monitored effectively by the staff of the premises and CCTV cameras. It has adequate street lighting for the safety of both patrons and staff.
7. The Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.
8. The licensing committee is satisfied that the renewal of the off-licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no reports of any nuisance, vandalism or noise problems associated with this premises in the past three years. Alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act.

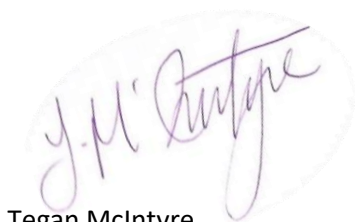
Remote Sales

9. 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. Therefore, remote sale conditions are included in the licence as a reminder about general obligations when providing this service.

Conclusion

10. Therefore, the application for the renewal of the off-licence is granted.

Dated at this 25th day of June 2025



Tegan McIntyre
Commissioner
Waitomo District Licensing Committee