

Decision Number: 19/037/2016

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

AND

IN THE MATTER of an application by **Pavan Sharma Limited** pursuant to s.100 of the Act for an Off Licence Renewal

BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Te-Awamutu / Cambridge on the 13th day of May, 2016

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **Pavan Sharma Limited** pursuant to section 100 of the Act for an **Off Licence Renewal**.

Reports have been received from the Police and the Licensing Inspector. The application has been publically notified in accordance with the Act.

There are no objections to this application by reporting agencies or the public in respect to this application, and it is therefore determined on the papers by the Chairperson alone in accordance with section 191(2) of the Act.

THE APPLICATION:

Application for the renewal of off licence number 019/OFF/2/2013 was received by the Waitomo District Licensing Committee on 19 February 2016 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was on time, and in the correct form as detailed by section 127 of the Act, and was accompanied by the correct fee. The application includes a statement in regard to fire safety and evacuation schemes as required by section 127(e).

The licence is eligible to be renewed as it meets the criteria detailed in section 125.

The application was publicly notified in the Waitomo News on 23 February 2016 and 1 March 2016.

DECISIONS AND REASONS

The criteria to which this committee must have regard are detailed in section 105 of the Act.

"105 Criteria for issue of licences

(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

- (a) the object of this Act;*
- (b) the suitability of the applicant;*
- (c) any relevant local alcohol policy;*

- (d) *the days on which and the hours during which the applicant proposes to sell alcohol:*
- (e) *the design and layout of any proposed premises:*
- (f) *whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:*
- (g) *whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*
- (h) *whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:*
- (i) *whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—*
 - (i) *they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
 - (ii) *it is nevertheless desirable not to issue any further licences:*
- (j) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
- (k) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.*

(2) *The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence"*

SUITABILITY OF THE APPLICANT

Company Directors: Sanjay Sharma
 Company shareholders: Sanjay Sharma
 Rajni Sharma

There are no concerns with the suitability of the sole company director or shareholders.

LOCAL ALCOHOL POLICY

The Waitomo District Local Alcohol Policy comes into force on 1 June 2016. The hours applied for would comply as the policy states:

- (i) *No off-licence shall be issued or renewed with trading hours that exceed Monday to Sunday 7.00am to 10.00pm (subject to section 48).*

DAYS AND HOURS

The applicant proposes the following changes:

From: Monday to Sunday 7.00am to 11.00pm
To: Monday to Sunday 7.00am to 10.00pm

These trading hours are consistent with the default national trading hours specified under section 43 of the Act.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at 95 Rora Street, Te Kuiti. The premises are a grocery store as illustrated in the plan provided with the application. There are no proposed changes. The single alcohol area is clearly identified within the premises (and on plans provided with the application).

The single alcohol area can be viewed from the principal entrance but it is not on the most direct pedestrian route between the main entrance and the main body of the premises.

Shoppers can view the single alcohol area from four out of the eight aisles (containing non alcohol related goods on display units) but the most direct pedestrian route from the main body of the premises to the general points of sale (checkouts) does not necessarily take shoppers past the single alcohol area.

No display or promotion of, or advertisement for, alcohol was found on inspection of the premises at any place outside the single alcohol area.

The points of sale (checkouts) are located next to the main entrance. Over 50% of the stores front glazing is transparent. Signage is in place to make customers aware of the CCTV system.

A suggestion was made by the Licensing Inspector to the applicant company director to screen off the single alcohol area (by utilising high level screens) so as to limit the exposure to shoppers however it was pointed out that this would then present difficulties for the checkout operators as the single alcohol area would not be under passive surveillance, which is the applicant's key strategy for deterring shoplifters.

In conclusion although the single alcohol area could be better screened from shoppers this is not reasonably practicable as to do so presents other problems for the applicant, which even the presence of the existing CCTV cameras would not necessarily overcome if the single alcohol area was so screened. There is no other area within the premises that the single alcohol area could be relocated to so as to present a less obvious display of alcohol.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

Traditional grocery store food stuffs and household items.

The applicant has provided a gross annual sales revenue for the 12 month period from 1 April 2015 to 31 March 2016 signed as certified correct by a Chartered Accountant in accordance with Regulation 12 of the Sale and Supply of Alcohol Regulations 2013. The main sources of revenue are from the sale of food products, which is therefore the principal business carried on for the applicant's premises.

REDUCTION OF AMENITY AND GOOD ORDER

There are no concerns that the amenity and disorder of the neighbourhood would be likely to be increased, by more than a minor extent, by the issue of the licence. There are no residential dwellings within a 50 metre radius of the applicant's premises.

In addition to the applicant's premises there are six other premises holding off-licences in Te Kuiti:

Name	Licences Held	Hours
Quota Club	Off (and Club)	9.00am to 11.00pm
Te Kuiti Liquorland	Off	8.00am to 10.00pm
Te Kuiti New World	Off	7.00am to 11.00pm
Waitomo Club	Off (and Club)	9.00am to 11.00pm
SuperLiquor Te Kuiti	Off	9.00am to 11.00pm
Te Kuiti Liquor Mart	Off	9.00am to 10.00pm

These premises are all within 500m of the applicant's premises except Te Kuiti New World, which is 2km distant. There are a number of sites which could be classified as sensitive either due to attracting children, vulnerable persons, or are culturally sensitive or places of worship:

- Skate Park, Carroll Street
- Youth centre (Journey Church), 8 Sheridan Street
- Youth centre (known as Number 12), 12 King Street East
- Five Schools
- Ten Childcare centres
- Ten Churches
- Two culturally sensitive sites (Ngati Maniapoto Marae Pact Trust and Tikauganui-r-noho Marae)

All the above are within 500 metres of the applicant's premises.

SYSTEMS, STAFF AND TRAINING

The applicant has provided evidence of the systems, staff and training of those staff that are in place to ensure compliance with the Act. These include a sufficient number of certificated managers, a number of CCTV cameras (3 external and 23 in the retail area), a host responsibility policy, and an in house training module (fresh choice / supervalu 'Age Restricted Goods Training for Staff'). There is a 'till prompt' for checkout operators to request ID and the date of birth for an 18 year old. There is a company mystery shopper scheme (no details given on frequency or scope). The premises have excellent internal lighting.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 29 February 2016 presents no objections to the application.

No report has been received from the Medical Officer of Health. Section 103 (4) of the Act states: "*The licensing committee may assume that, if no report is received from the Police or Medical Officer of Health within 15 working days after sending the copy of the application to them, the Police or Medical Officer of Health does not oppose the application.*"

THE PUBLIC

The application was duly advertised in accordance with the Act. No public objections were received.

CONCLUSION

Being satisfied as to the matters to which the Committee must have regard in s.105 of the Act the application is granted. ***The licence can be renewed and issued immediately for a three year period***, subject to the following conditions:

- a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day
- b) Alcohol may be sold or delivered only on the following days and during the following hours:
Monday to Sunday 7.00am to 10.00pm
- c) Drinking water must be freely available to customers while alcohol is being supplied free as a sample on the premises: at the point where any alcohol is offered free as a sample.

- d) The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
- (i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons;
 - (ii) Request evidence of age documents from any person appearing to be under the age of 25.
- e) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
- (i) All staff will be trained in their responsibilities under the Act;
 - (ii) A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty or of the person responsible for the management of the sale and supply of alcohol under the licence.
- f) The CCTV system shall be maintained in good working order and relevant staff members are to be trained on how to operate the CCTV system including on how to retrieve stored images.
- g) Only the area delineated on the plan submitted with the application is a permitted area for the display and promotion of alcohol.

DATED at Te Awamutu / Cambridge this 13th day of May 2016



Diane Sharpe
Chairperson
Waitomo District Licensing Committee