

**Decision Number: 019/008/2015**

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

**AND**

**IN THE MATTER** of an application by **MB and HG 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 28<sup>th</sup> day of August 2015

**INTRODUCTION**

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

Reports have been received from the Police and a 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/003/2014 was received by the Waitomo District Licensing Committee on 7 July 2015 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 July 2015 and the 30 July 2015. A notice was placed on the site (viewed by the Licensing Inspector).

**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: Mark Simon Brittenden  
Heidi Michelle Brittenden

There are no concerns with the suitability of the directors.

#### **LOCAL ALCOHOL POLICY**

The provisional Local Alcohol Policy has yet to be adopted by Waitomo District Council. As an application for renewal of an off licence with hours Monday to Sunday from 7.00am to 9.00pm it is likely to comply were the policy in force. The draft policy states:

*"f) Maximum trading hours for premises holding off-licences:  
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 no changes to the hours of Monday to Sunday 7.00am to 9.00pm.

#### **DESIGN AND LAYOUT OF THE PREMISE**

The premises are located on the existing supermarket site at Te Kumi Road. The premises are detailed in floor plans submitted with the application. The layout and design is typical of a supermarket, with a large general merchandise area, and numerous smaller display and processing areas.

The applicant has detailed the location of numerous CCTV cameras throughout the store. The points of sale are located near the entrance which is typically the case.

The Medical Officer of Health has provided comments regarding the store layout which must be considered. As a supermarket the premises must comply with the single alcohol area requirements.

## **SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL**

The premises are a supermarket selling the expected range of household merchandise. There are no other services provided.

## **REDUCTION OF AMENITY AND GOOD ORDER**

The premises to which this licence application applies has been a supermarket for a significant number of years. There is no evidence to suggest that it has affected the amenity of the surrounding area or that this application for renewal will have more than a minor effect on the surrounding area. There are no public objections.

The area of the supermarket is mixed use, but predominantly commercial. The limited hours of the supermarket also leads to the conclusion that alcohol related harm is unlikely to eventuate from the granting of this application.

## **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 all relevant signage, a good number of certificated managers and an extensive CCTV system.

A copy of the applicant's staff training material has been provided which covers the essential points relating to sales of alcohol.

## **ISSUES RAISED BY REPORTING AGENCIES**

Police report dated 10 July 2015 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) Alcohol may be sold only on the following days and during the following hours: Monday to Sunday 7.00am to 9.00pm
- b) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
- c) No alcohol is to be sold or delivered on Easter Sunday unless the alcohol is grape wine or fruit or vegetable wine made—
  - i. on the premises; or
  - ii. from grapes or fruit harvested from land on which the premises are situated:

- d) No alcohol may be sold other than—
- i. beer that complies with the appropriate New Zealand food standard for beer; or
  - ii. mead that complies with the appropriate New Zealand food standard for mead; or
  - iii. fruit or vegetable wine that complies with the appropriate New Zealand food standard for fruit or vegetable wine; or
  - iv. grape wine that complies with the appropriate New Zealand food standard for grape wine; or
  - v. a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.
- e) Drinking water must be freely available in the following places to customers while alcohol is being supplied free as a sample on the premises: In the body of the store where samples are being provided.
- f) Only the area delineated on the plan submitted with the application is a permitted area for the display and promotion of alcohol.
- g) The following steps must be taken to ensure that the provisions of the Act relating to the sales of alcohol to prohibited persons are observed:
- i. Signage shall be installed advising that minors and intoxicated persons shall not be served.
  - ii. CCTV system in place shall be maintained in good working order at all times.
- h) The holder of an on-licence or an off-licence or a club-licence must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed:
- i. attached to the inside of the premises concerned; and
  - ii. so as to be easily read by people entering each principal entrance.

**DATED** at ~~Te Awamutu~~ / Cambridge this 28<sup>th</sup> day of August 2015



Diane Sharpe  
**Chairperson**  
**Waitomo District Licensing Committee**