

APPLICATION

19/033/2021

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of an application by
Te Kuiti Supermarket Limited
for an off-licence
in respect of the premises situated
at 39 - 51 Rora Street, Te Kuiti, known as
Te Kuiti New World

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 or supplied only on Monday to Sunday, from 7am to 9.00pm.
 - (b) No alcohol may be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day.
 - (c) 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 and 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.
 - (d) The area where alcohol is to be sold is described in the plan date stamped as received by the Waitomo District Licensing Committee on 8 June 2021. The only area permitted within that plan, as an area for the display and promotion of alcohol pursuant to section

112, is the area shaded red in the right rear corner of the store.

- (e) The entire premises is undesignated.
- (f) 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. If a duty manager is not present, then there must be no alcohol sales and a notice displayed advising the public of this fact.
- (g) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- (h) A Host Responsibility Policy must be maintained and displayed at all points of sale and the licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- (i) 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.
- (j) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- (k) 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

- (l) Alcohol may be sold or supplied remotely at any time, on any day.
- (m) 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.
- (n) 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.
- (o) A copy of the licence must be displayed on the Te Kuiti New World internet site in a prominent place.

Reasons

1. This is an application by Te Kuiti Supermarket Limited for an off-licence in respect of the premises situated at 39 - 51 Rora Street, Te Kuiti, known as Te Kuiti New World. Te Kuiti Supermarket Limited have been operating the premises as a supermarket under a temporary authority.

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 oppose the application. Accordingly, the application is decided on the papers (s 202(1)).

Is Te Kuiti New World a supermarket?

3. In deciding whether to grant an off-licence the licensing committee must be satisfied that the premises is one of the categories that an off-licence can be granted for. An off-licence can be granted for a supermarket with a floor area of at least 1000m² (section 32(1)(e)). The premises has a floor area of 1,275m² and is therefore a supermarket.

Does Te Kuiti New World meet the criteria in section 105?

4. 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).
5. 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?
6. The licensing committee is satisfied that Te Kuiti Supermarket Limited is a suitable entity to hold an off-licence. The sole director, David Jones, has a considerable amount of experience in supermarket management and has held a manager's certificate for 20 years. The premises has been visited by the Inspector on 7 July 2021 while operating under a temporary authority and has been found to operate in accordance with the requirements of the Act. The proposed hours of operation are reasonable. The premises has a suitable design and layout to meet the requirements of the Act. It is well appointed and able to be monitored effectively by the staff of the premises. The application complies with the Waitomo District Local Alcohol Policy.
7. The licensing committee is satisfied that the grant of an off-licence to Te Kuiti Supermarket Limited will not have a negative effect on the good order of the locality. There have not been any concerns raised regarding the previous operation of this premises.
8. Te Kuiti Supermarket Limited has an appropriate Host Responsibility Policy and staff training procedures in place to ensure compliance with the Act. There are 8 Duty Managers who are responsible for ensuring compliance with the Act.

Does the application contain an appropriate single alcohol area?

9. When issuing an off-licence for a supermarket, the licensing committee must impose a condition on the licence describing one area within the premises "as a permitted area for the display and

promotion of alcohol” (section 112(2)). The single alcohol area must (so far as is reasonably practicable) “limit the exposure of shoppers in supermarkets ... to displays and promotions of alcohol” (section 112(1)). It may not be situated in an area “through which the most direct pedestrian route between the entrance to the premises and main body of the premises” or an area “through which the most direct pedestrian route between the main body of the premises and any general point of sale passes” (section 113(5)). No display or promotion of alcohol is permitted outside the alcohol area (section 114(1)(a)). A licensee must not display, promote or advertise non-alcohol products in a single alcohol area that does not contain sub-areas (section 114(1)).

10. The single alcohol area will remain in the same location as it was under the previous licensee. It is located in the right rear corner of the store, in an alcove, with a different coloured floor. There are no end of aisle displays. The licensing committee is satisfied that the single alcohol area is not in a prohibited area and the location does limit the exposure of shoppers to displays of alcohol. Therefore, the application does contain an appropriate single alcohol area.

Remote sale conditions

11. 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

12. 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. Therefore, the application for the issue of the off-licence is granted.

Dated this 25th day of August 2021



Sara Grayson
Commissioner
Waitomo District Licensing Committee