

Decision Number: 19/075/2016

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

AND

IN THE MATTER of an application by **Te Kuiti Liquor Centre 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 18th day of November 2016

INTRODUCTION

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

Reports have been received from the Police, Medical Officer of Health, NZ Fire Service 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/1/2009 was received by the Waitomo District Licensing Committee on 3 October 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 6 October 2016 and 13 October 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;*

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- (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

There are no concerns with the suitability of the above-mentioned company director or shareholder.

LOCAL ALCOHOL POLICY

The following were areas of non compliance:

- The premises is not a supermarket/grocery store. There are irresponsible sales of alcohol in the form of \$2 shots displayed for sale on the counter i.e. at the point of sale. In the opinion of the licensing inspector the sale of individual \$2 shots is not within the keeping of the object of the Act as this practice is not likely to minimise the *inappropriate consumption* of alcohol. Therefore a recommendation is made to place a condition on the licence to prohibit the sales of individual \$2 shots. The director of the applicant company agrees with this condition.
- The premises does not have any safe drinking messages or material displayed.
- The CCTV monitoring screen is not directly visible to customers and there is no warning signs to make customers aware that CCTV is operating as they enter the store. A recommendation is made to include signage to this effect as a condition on the licence. The director of the applicant company agrees to this condition.
- Staff have not received training on how to retrieve stored images. However images are stored on digital files in an office located in the adjacent premises, a grocery store with an off licence (Te Kuiti Supervalu), which is also owned and operated by the director and shareholders of the applicant company. Management of the grocery store, which also has a CCTV system, have access to the stored images.
- More than 50% of the stores front glazing is not transparent because of advertising (both alcohol and non-alcohol related). CPTED guidelines suggest there should be at least 50% transparency in the front of the premises so there is good visibility to and from the premises and the street. A recommendation is made as a condition on the licence to make at least 50% of the stores front glazing transparent. The director of the applicant company agrees to this condition.

DAYS AND HOURS

The applicant proposes no changes to the hours of Monday to Sunday 9.00am to 10.00pm.

DESIGN AND LAYOUT OF THE PREMISE

The premises are located on the site at 91 Rora Steet, Te Kuiti. The premises is a small retail store. There are no proposed changes.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There are no other goods sold or services offered.

REDUCTION OF AMENITY AND GOOD ORDER

There is no evidence to indicate that the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of an off licence to the applicant.

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 good number of available experienced certificated managers, a till ID prompt system, prohibited persons signage in place, a 'Super Liquor' host responsibility policy and staff training document.

ISSUES RAISED BY REPORTING AGENCIES

No objections were raised by reporting agencies.

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 from the premises 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 9.00am 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 artificial lighting and CCTV system shall be kept and maintained in good working order.
- g. At least 50% of the premises front glazing shall be transparent and free of alcohol related signage or advertising.
- h. There will be no 'single serve' off sales e.g. no individual 'RTD' products such as individual \$2 shots or individual 'stubbies' sized bottles of beer sold for off the premises consumption.
- i. All off licence sales will be packaged in sealed bags or by similar method.
- j. No party pills, psychoactive substances or any similar substances will be sold from the premises.
- k. A sign to be prominently displayed to customers as they enter the premises to indicate that CCTV is in operation.
- l. The holder of an off 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 the principal entrance.

DATED at Te Awamutu / Cambridge this 18th day of November 2016



Diane Sharpe
Chairperson
Waitomo District Licensing Committee