

Decision Number:

026
19/024/2015

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **KCL Group 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 November 2015

INTRODUCTION

The Waitomo District Licensing Committee has before it an application by **KCL Group 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/006/2014 was received by the Waitomo District Licensing Committee on 28 August 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 10 September 2015 and 17 September 2015. A notice was placed on the site (viewed by Licence 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:*


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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

Company Directors and Shareholders: Craig Henderson, Grant Henderson
 Additional Shareholder and Secretary: Geoffrey Henderson

There are no suitability issues associated with the company directors/shareholders. The applicant company owns and operates six other off licensed premises.

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 8.00am to 10.00pm 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 8.00am to 10.00pm.

DESIGN AND LAYOUT OF THE PREMISE

The premises are detailed in floor plans submitted with the original application. The layout and design is typical of a bottle store with a spacious merchandise area. The point of sale is located next to the entrance.

A site inspection on 2 October 2015 revealed that there was no operational CCTV system. A CCTV system was required to be installed, as a condition on the off licence, within three months from the commencement of the licence (date of commencement: 30 September 2014). Subsequent exchange of emails between the licensing inspector and the secretary of the applicant company reveals that the company was not aware of this condition on their licence, a failing which could be considered to be a 'suitability' issue.

A recommendation is therefore made to include a further condition on the licence to install a working CCTV system and to notify the licensing committee in writing when this installation has been completed.

SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL

There are no other goods sold or services provided.

REDUCTION OF AMENITY AND GOOD ORDER

The premises are situated on Rora Street in Te Kuiti. The premises is located at the southern end of the Rora Street commercial shops.

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
Waitomo Club	off (and club)	9.00am to 11.00pm
Te Kuiti New World	off	7.00am to 11.00pm
Te Kuiti Supervalu	off	7.00am 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 2.3km distant. Also within Te Kuiti there are five premises holding on-licences and three club licences (in addition to the two mentioned above).

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.

There are no residential dwellings within 50 metres of the applicant's premises.

The premise to which this licence application applies has been operating as a bottle store for two years. The business was previously located in an adjacent building, with no issues, for a significant number of years. There is no evidence to suggest that the premises to which this licence application applies has affected the amenity of the surrounding area, or that this application will have more than a minor effect on the surrounding area. There are no public objections.

SYSTEMS, STAFF AND TRAINING

The premises has a 'Point of Sale' age prompt which includes the date of birth for an 18 year old as well as a TV screen running promotional messages about responsible drinking and supply.

Staff training: the application states: 'the staff attend the Liquorland Regional Meeting with other store owners and Liquorland management where policies and legislation are discussed'. Discussion with the manager on duty at the store during the site inspection on 2 October 2015 established that only a store or an area manager attends such meetings. The manager on duty at the time of the site inspection appeared not to be aware of the applicant's host responsibility policy.

However this member of staff and other listed certificated managers, when interviewed, were found to be well versed on their responsibilities under the Act.

The application also states that every second month a 'mystery shopper', aged 18-20 years, visits the store and attempts to purchase alcohol without ID. To date this premises has not failed any Controlled Purchase Operations.

ISSUES RAISED BY REPORTING AGENCIES

Police report dated 2 October 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) 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 8.00am to 10.00pm
- c) The whole of the premises, as shown on the plans submitted with the application received by the District Licensing Committee on 2 September 2014, will be designated as: Supervised.
- d) 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.
- e) 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.
- f) 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.
- g) A CCTV system be installed within 3 months of the commencement of the licence. The CCTV system to cover the internal and external parts of the premises. The images will be recorded electronically and be stored for at least 12 days.

The monitor to be placed as to be easily visible from the point of sale so as to enable staff to observe the monitor at all times. The licensee is to notify the District Licensing Committee, in writing, when the CCTV is installed and operational.

DATED at Te-Awamutu / Cambridge this 13th day of November 2015



Diane Sharpe
Chairperson
Waitomo District Licensing Committee