

**Decision Number: 19/076/2016**

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

**AND**

**IN THE MATTER** of an application by **Black Bull Liquor Te Kuiti Limited** pursuant to s.100 of the Act for an **Off Licence**

**BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Te Awamutu / Cambridge on the 18<sup>th</sup> day of November 2016

**INTRODUCTION**

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

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 an off licence was received by the Waitomo District Licensing Committee on 10 October 2016 pursuant to section 99 of the Sale and Supply of Alcohol Act 2012.

The general nature of the premises is to be a bottle store. The applicant is currently operating the premises under a Temporary Authority (19/TEM/02/2016) which expires on 2 December 2016.

The application was in the correct form as detailed by section 100 of the Act, and was accompanied by the correct fee.

A certificate of building and planning compliance has been supplied pursuant to section 100(f) of the Act and the application has been publically notified in accordance with the Act.

The application was publicly notified in the Waitomo News on 18 October 2016 and 25 October 2016. A notice was placed on the site (viewed).

**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:*

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**licensing committee**



- (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**

The applicant directors have previously failed a controlled purchase operation conducted on 7 December 2011 whilst operating under a temporary authority as Blackbull Liquor Putaruru Limited. This is reported at *Sherwood v Putaruru Liquor Centre* [2012] NZLLA 10 (10 January 2012). The off-licence for this liquor store was suspended for 24 hours. There are no other known judgements against the applicant directors

#### **LOCAL ALCOHOL POLICY**

The only area of non compliance is that staff have not received training on how to retrieve stored images.

#### **DAYS AND HOURS**

The applicant proposes to operate a bottle store from the premises with hours of Monday to Sunday 9.00am to 10.00pm.

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

The premises are located on the site at 35 Carroll Street Te Kuiti. The building adjoins a branch of a well known chain of stores selling motor parts and accessories. There is a VTNZ testing station situated in a neighbouring building. The applicant proposes no changes to the existing floor plan. The applicant has designated the entire premises as a Supervised area.

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

No other goods sold or services provided.

## **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. The application states staff training will be undertaken twice yearly on conditions of the licence, the applicant's host responsibility policy (a copy is displayed within the premises) and Health Promotion Agency published guidance material. There is a policy in place to check the ID of anyone who appears to be under 25 and staff have access to an intoxication assessment tool.

## **ISSUES RAISED BY REPORTING AGENCIES**

No objections 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 issued immediately for the initial period of one year,*** 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 licensed premises are those detailed in plans date stamped as received by the District Licensing Committee on 10 October 2016.
- e. The following parts of the premises are designated as a supervised area: **The entire premises.**
- f. 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.
- g. 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.
- h. The artificial lighting and CCTV system shall be kept and maintained in good working order and all certificated managers are to be trained on how to operate the CCTV system including on how to access CCTV stored images.
- i. At least 50% of the premises front glazing shall be transparent and free of alcohol related signage or advertising.
- j. There will be no 'single serve' off sales e.g. no individual 'RTD' products such as individual \$1.99 shots or individual 'stubbies' sized bottles of beer sold for off the premises consumption.
- k. All off licence sales will be packaged in sealed bags or by similar method.
- l. No party pills, psychoactive substances or any similar substances will be sold from the premises.
- m. 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

18<sup>th</sup>

day of November 2016



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