

## Matamata-Piako District Licensing Committee

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

**AND**

**IN THE MATTER** of an application by **General Distributors Limited - Trading as Countdown** for the renewal of an **off-licence** pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.



Licence Number: **13/OFF/021/2023**  
Original Licence Number: **13/OFF/012/2020**  
File Number: **162.2005.101.7**

### **BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE**

Chairperson: Councillor Sue Whiting

### **DECISION ON THE PAPERS**

This is an application by General Distributors Limited for renewal of an off-licence in respect of premises situated at 91 Whitaker Street, Te Aroha known as Countdown. The general nature of the business is that of a Supermarket.

This application was lodged on 18 July 2023 and was advertised in accordance with s.101 of the Act, in the Piako Post on 26 July 2023 and 2 August 2023. No objections were received.

The days and hours of operation set out in the application are:

**Monday to Sunday 7.00am until 9.00pm**

These hours of operation comply with the requirements of the provisional Local Alcohol Policy.

The application was referred to the Police, Medical Officer of Health and Inspector for comment. No matters in opposition have been raised in respect of the application. Accordingly the application is determined on the papers.

The applicant, in accordance with s. 212 of the Act, has named eleven managers with current certificates to manage the sale of alcohol from the premises.

In deciding whether to renew an off-licence the committee must have regard to the matters set out in s.105 and 131 of the Act. These are:

#### **Section 105**

- (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 the applicant has appropriate systems, staff, and training to comply with the law:*
- (i) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103*

### **Section 131**

- (a) *whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:*
- (b) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*
- (c) *the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*



The object of the Act is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol should be minimised.

The Inspector has noted that he considers the applicant to be a suitable body to hold an off-licence. He has also noted that in his opinion the amenity and good order of the locality would be unlikely to be increased by more than a minor extent by the effects of a refusal to renew the licence.

I am satisfied as to those matters to which I must have regard and grant the renewal of the off-licence for a further three years.

When renewing an off-licence, section 132 allows the committee to impose conditions as set out in section 116 or to vary or cancel any conditions applying to the licence before its renewal.

Conditions (g), (h) and (i) are new conditions, the applicant's agent was contacted on 25 October 2023 and 8 November 2023 by the Inspector and given time to comment on the proposed new conditions. The Inspector received a response from the agent that they would be in contact with the applicant and give feedback regarding the conditions. As of 13 November 2023 they have not replied.

Having regard to the information supporting the application and the application meeting the relevant statutory criteria under section 105 of the Act I support the renewal of an On-licence for General Distributors Limited – Trading as Countdown with the following conditions imposed.

The renewal certificate can be issued immediately.

### **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) 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
- (c) Alcohol may be sold only on the following days and during the following hours:  
**Monday to Sunday 7.00am until 9.00pm**
- (d) The whole of the premises is undesignated.
- (e) The area delineated on the attached plan (CD Te Aroha 9452 14-10-16) is the only permitted area for the display and promotion of alcohol pursuant to section 112.
- (f) While alcohol is being provided free as a sample drinking water to be provided free from the same location
- (g) The holder of a Manager's Certificate or a properly appointed manager shall be on duty and on the premises at all times alcohol is sold. If a duty manager is not present then there must be no alcohol sales and a notice displayed advertising the public of this fact.
- (h) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite.



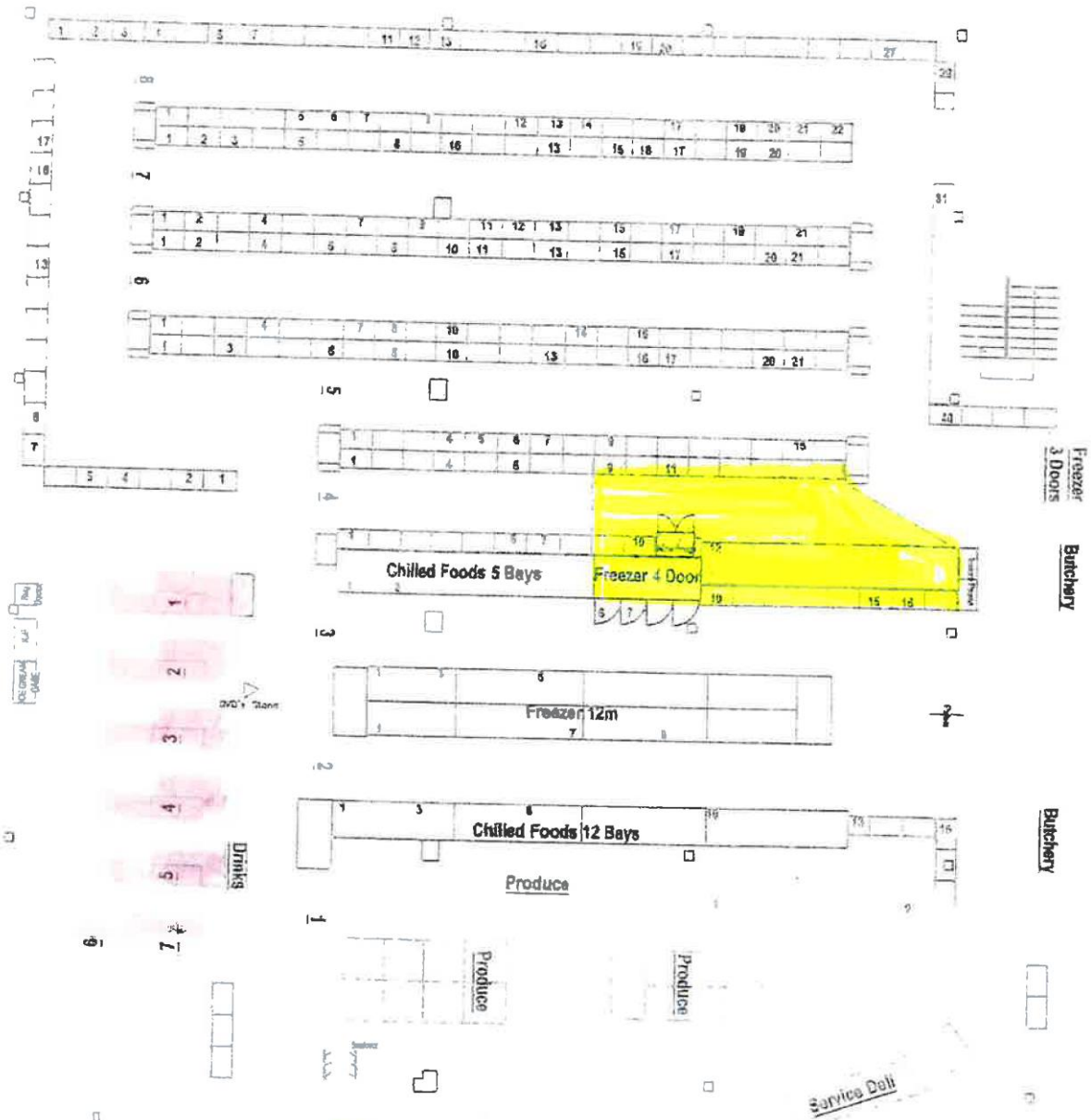
- (i) The licensee must ensure the following are displayed:
- (i) A sign to be seen from outside the principle entrance stating the ordinary hours of business during which the premise will be open for the sale of alcohol
  - (ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
  - (iii) A sign in a prominent place identifying the duty manager.

**Dated** 14 Nov, 2023



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Sue Whiting  
Chairperson  
Matamata-Piako District Licensing Committee



CD TE AROHA 9452 14-10-16