

## 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 **Special Spirits Limited** for the renewal of an **off-licence** pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.



Licence Number: **13/OFF/013/2023**  
Original Licence Number: **13/OFF/003/2021**  
File Number: **162.2020.1613.3**

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

Chairperson: Councillor Sue Whiting

### **DECISION ON THE PAPERS**

This is an application by Special Spirits Limited for renewal of an off-licence in respect of the premises situated at 129 Thames Street, Morrinsville known as Premium Spirits and Wines. The general nature of the business is that of a bottle store.

This application was lodged on 13 July 2023 and was advertised in accordance with s.101 of the Act, in the Piako Post on the 19<sup>th</sup> and 26<sup>th</sup> of July 2023. No objections were received.

The original off-licence application was heard at a hearing held before the Matamata-Piako District Licensing Committee on the 20<sup>th</sup> of July 2021.

The store opened on the 4<sup>th</sup> of July 2023 and has been trading for just over 2 months. Due to the short trading time we are unable to assess/inquire into any matters relating to the object of the Act or in which the applicant has sold, displayed, advertised or prompted alcohol under section 131(d) or whether the amenity and good order would likely to be increased.

The above issues was discussed with the applicant and they agreed to a truncated renewal period of one year.

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

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

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. The Police have not raised any matters that need consideration in the renewal of this licence. The Health promotion Officer initially opposed the application, the matters in opposition have been met, and they now support the application. The Licensing Inspector also supports the renewal of the licence. Accordingly the application is determined on the papers.

The applicant, in accordance with s. 212 of the Act, has named four 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 one year, expiring 18 August 2024.

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.

The renewal certificate can be issued immediately.

### **Conditions**

- (a) No alcohol is to be sold on the premises on **Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day**
- (b) Alcohol may be sold only on the following days and during the following hours:  
**Monday to Sunday from 9.00 am until 9.00 pm**
- (c) The licensee shall take the following steps to ensure 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) Evidence of age documents will be requested from any person appearing to be under the age of 25.
  - (iii) A sign shall be prominently displayed inside the premises which identifies the name of the manager on duty or the person responsible for the management of the sale and supply of alcohol under the licence.
  - (iv) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons.
- (d) The licensee shall ensure that when alcohol is being provided free, as a sample, drinking water will be made readily available, free of charge.
- (e) 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.
- (f) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite.
- (g) The whole of the premises is designated as a supervised area.
- (h) There is no external advertising except the trading name of the premises.



- (i) The retail display area inside the store is dedicated to specialty products only.
- (j) There is no display for RTDs and/or beers as the focus is on premium products.
- (k) There is no single sales of RTDs, beers and shots except single sales of craft beer (500mls).

**Dated** 11 Oct, 2023



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Sue Whiting  
Chairperson  
Matamata-Piako District Licensing Committee