

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 **Rings Scenic Tours 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/001/2024**
Original Licence Number: **13/OFF/001/2021**
File Number: **162.2013.879.5**

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Sue Whiting

DECISION ON THE PAPERS

This is an application by Rings Scenic Tours Limited for renewal of an off-licence in respect of premises situated at 487 Buckland Road RD 2, Matamata known as The Shire's Rest. The general nature of the business is that of a Gift Shop.

The shop is situated on the ground floor of the building. The shop sells merchandise relating to the Lord of the Rings and Hobbit movies. Branded alcohol is part of their merchandise.

This application was lodged on 16 November 2023 and was advertised in accordance with s.101 of the Act, in the Scene on 15 and 21 November 2023. No objections were received.

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

Monday to Sunday from 8.00 am until 9.00 pm

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

Section 125 of the Act states that an off-licence must not be renewed unless the premises qualify pursuant to the relevant section.

Section 32(1) describes the kinds of premises that may be granted an off-licence. This premises would not qualify under this section. However s.35 provides an exception for certain complimentary sales. The licensing committee may direct that an off-licence be issued if it is satisfied that –

- (a) The premises are a shop, but not a shop where the principal business carried on is the sale of food (whether food of a particular kind or kinds, or a range of foods); and
- (b) Alcohol would be an appropriate complement to goods of the kind sold (or to be sold) in the shop

The District Licensing Committee, has previously decided that alcohol would be an appropriate complement to the goods sold in the shop.

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 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 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.

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 is to be sold or delivered on Easter Sunday unless the alcohol is grape wine or fruit or vegetable wine made—
 - (i) on the premises; or
 - (ii) from grapes or fruit harvested from land on which the premises are situated
- (c) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday from 8.00 am until 9.00 pm
- (d) The whole premises is undesignated
- (e) Only alcohol consistent with the Hobbiton Movie Set theme to be sold from the premises
- (f) 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.
- (g) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite.



- (h) 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 23 Feb, 2024



Sue Whiting
Chairperson
Matamata-Piako District Licensing Committee

