Matamata-Piako District Licensing Committee

matamata piako district council

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.

DISTRICT LICENSING MATAMATA-PIAKO COMMITTEE

Licence Number:	**013/OFF/002/2015**
Original Licence Number:	013.2013.879
File Number:	162.2013.879.2

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Teena Cornes

DECISION ON THE PAPERS

This is an application by Rings Scenic Tours Limited for renewal of an off-licence in respect of their premises situated at 487 Buckland Road, Matamata known as the Shires Rest. The general nature of the business is that of a tourist venue.

The Shires Rest Cafe on this site and the Green Dragon on the set proper both hold on-licences. The shop on the ground floor of the Shires Rest sells merchandise relating to the Lord of The Rings movies and branded alcohol is part of that merchandise.

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 describes the kinds of premises that may be granted an off-licence and the Shires Rest does not qualify under that section.

However s.35(1)(b) provides an exception for certain complimentary sales. The licensing committee may direct that an off-licence be issued if it is satisfied that the premises are a shop, and alcohol would be an appropriate complement to the kind of goods sold in the shop.

The Licensing Committee or District Licensing Agency as it was then, decided in the issue of the original licence that branded alcohol would be an appropriate complement to the goods sold in the shop.

The application was lodged on 28 November 2014 and was advertised in accordance with s.101 of the Act in the Matamata Chronicle on 3rd and 10th December 2014. No objections were received.

The days and hours of operation set out in the application are Monday to Sunday from 8.00am until 9.00pm. These are the existing hours of operation and are consistent with the requirements of Council's Provisional Local Alcohol Policy.

TELARC REGISTERED Quality

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

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.

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:
(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

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Section 131

(b 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:
(c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:
(d) 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, Rings Scenic Tours Ltd, 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 that the sale of branded alcohol is complementary to the sale of other Lord of The Rings merchandise and that an off-licence is appropriate under s.35(1)(b). I am also satisfied as to those matters to which I must have regard under s.105 and 131 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.

I have repeated some of the conditions of the original licence and included a new condition imposed under section 116 requiring drinking water to be readily available when samples are being provided. The off-licence is now subject to these conditions.

The renewal certificate can be issued immediately.

Conditions

a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday or Christmas Day or before 1.00pm on Anzac Day.

b) Only alcohol that is consistent with the 'Lord of The Rings' theme may be sold from the premises.

c) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday from 8.00am until 9.00pm

d) The licensee must ensure that drinking water will be made readily available and free of charge, at all times when alcohol is being provided free as a sample.

e) The following steps shall be taken by the licensee to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
   i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the sale of alcohol to minors and the complete prohibition of sales to intoxicated persons, and
   ii) Photo identification is required to be produced by the customer when staff are in doubt of their age.

Dated at Te Aroha this 21st day of May 2015

DISTRICT LICENSING MATAMATA-PIAKO COMMITTEE

T. Cornes

Teena Cornes
Chairperson
Matamata-Piako District Licensing Committee