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 **General Distributors 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/002/2017**
Original Licence Number: 013/OFF/13/2005
File Number: 162.2005.101.4

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Teena Cornes

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 Te Aroha. The general nature of the business is that of a supermarket.

This application was lodged on 18 July 2014 and was advertised in accordance with s.101 of the Act, in the Piako Post on 23 & 30 July 2014. No objections were received from the public.

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

Monday to Sunday from 7.00 am until 11.00 pm

This application was received on the 18 July 2014. This was the first application for this premises since the introduction of the Sale and Supply of Alcohol Act 2012.

The new Act includes the direction that the district licensing committee designate a single area for the display and sale of alcohol.

The interpretation of the sections in the Act detailing how this is achieved proved problematic. The Alcohol Regulatory and Licensing Authority issued a practice direction suggesting that DLCs give consideration to refraining from determining applications for supermarket/grocery store renewals until appeals had been determined.

This process has been lengthy and recently culminated in a hearing at the Court of Appeal. Various questions of law were answered in that judgement.

This matter now has some urgency as the licence will expire on 21 August 2017 if not renewed. This renewal only renews the licence until this date so it will trigger an application for renewal immediately.

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The application was referred to the Police, Medical Officer of Health and Inspector for comment. The application drew objections from the MOH and the Police on the basis that it did not comply with section 112, relating to the display and sale of alcohol in a single area.
These matters have now been resolved to the satisfaction of both parties and the objections have been withdrawn. Accordingly the matter is determined on the papers.

The applicant, in accordance with s. 212 of the Act, has named six 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:
(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

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.

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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.

I have repeated the condition of the original licence with the variation in operating hours, 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) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday 7.00am to 11.00pm

(b) No alcohol is to be sold or delivered on Good Friday, Christmas Day, Easter Sunday or before 1pm on Anzac Day

(c) 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.

(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 notified manager shall be on duty and on the premises at all times alcohol is sold.

(h) There must be no sale or supply to minors or intoxicated persons and there must be displayed at every point of sale appropriate signs detailing these restrictions

Dated at Te Aroha this 16th day of February 2017

DISTRICT LICENSING MATAMATA-PIAKO COMMITTEE

Teena Cornes
Chairperson
Matamata-Piako District Licensing Committee