

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 **Jotpreet Enterprises 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/003/2019**
Original Licence Number: **13/OFF/012/2017**
File Number: **162.2017.1241.2**

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

DECISION ON THE PAPERS

This is an application by Jotpreet Enterprises Limited for renewal of an off-licence in respect of premises situated at 127 Whitaker Street, Te Aroha known as Te Aroha Supermarket. The general nature of the business is that of a grocery store.

This application was lodged on 6 June 2018 and was advertised in accordance with s.101 of the Act, in the Piako Post on 27 June & 4 July 2018. No objections were received.

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

Monday to Sunday from 7.00 am until 7.00 pm

These days and hours are the same as the existing licensed hours and comply with the requirements of Council's Provisional Local Alcohol Policy as it applies to this type of 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 by the Police or Inspector. The Medical Officer of Health originally opposed as the applicant did not supply 12 month's worth of sales figures and they only had one manager. This has now been resolved and the Medical Officer of Health has withdrawn her opposition. Accordingly the application is determined on the papers.

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.

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:

A handwritten signature in blue ink, likely of the Chairperson, Councillor Adrienne Wilcock.

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.

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 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 to 7.00pm

- (d) the only area delineated on the attached plan is a permitted area for the display and promotion of alcohol:
- (e) while alcohol is being provided free as a sample drinking water to be provided free from the same location
- (f) The holder of a managers certificate shall be on duty and on the premises at all times when alcohol is sold. If a duty manager is not present then there must be no sales and a notice displayed advertising the public of this.
- (g) The whole of the premises is undesignated.

Dated at Te Aroha this 22nd day of May 2019


Adrienne Wilcock
Chairperson
Matamata-Piako District Licensing Committee

