

**APPLICATION** 17/OFF/005/2015

**IN THE MATTER** of the Sale and Supply of Alcohol Act 2012(The Act)

**AND**

**THE MATTER OF** an application by Simon Middlemiss of Harkness Henry Lawyers on behalf of Route to Joy Liquor Store Limited pursuant to s127 of the Act for the renewal of an Off-licence in respect of premises situated at 47 Ashworth Street Tokoroa and known as Liquor Hut Tokoroa.

**BEFORE THE SOUTH WAIKATO DISTRICT LICENSING CHAIRPERSON**

**Quorum:** Jeff Gash JP

**THE APPLICATION:**

Simon Middlemiss of Harkness Henry lawyers on behalf of Route to Joy Liquor Store Limited has filed an application pursuant to s.127 of the Sale and Supply of Alcohol Act 2012 for the renewal of an Off-licence in respect of premises situated at 47 Ashworth Street Tokoroa and known as Liquor Hut Tokoroa.

The general nature of the business is that of an established Off-licensed bottle store

The applicant has advised that there will be three certified manager's employed to provide monitoring and control of the premises.

The applicant seeks the following hours:

- Monday to Thursday 9:00am to 10:00pm
- Friday & Saturday 9:00am to 11:00am
- Sunday 10:00am to 9:30pm

The application was publicly notified in the South Waikato News on 1<sup>st</sup> & 8<sup>th</sup> of June 2016. No objections were received.

Both the New Zealand Police and Medical Officer of Health have reported without opposition to the application.

The Inspector has filed a comprehensive report with the District Licensing Committee pursuant to Section 103 (2) of the Sale and Supply of Alcohol Act 2012 (herein after referred to as; the Act). The report does not need to be restated, it is clear and covers off the provisions of Section 106 of the Act which relate to Amenity and Good Order.

## **REASONS FOR THE DECISION**

The application is complete and contains all the supporting documents as required under s.100 of the Act. It was duly advertised and no objection, opposition or notice of desire to be heard has been received.

The Liquor Licensing Inspector states that the premises meets the criteria of s.32(1)(b) for the kind of premises that can hold an Off-Licence due to the principal business being that of a retail premises where at least 85% of the revenue is from the sale of alcohol for consumption off the premises.

When considering the criteria for the renewal of licenses as contained within Section 131 of the Act, the Committee must have regard to a number of issues. These include:

- (i) Purpose and Object of Act;
- (ii) Suitability of the applicant;
- (iii) Other information considered in respect to criteria in section 131 of the Act;

In deciding whether to renew a licence, the licensing committee concerned must have regard to the following matters:

- I. the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1);
- II. 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;
- III. any matters dealt with in any report from the Police, an Inspector, or a Medical Officer of Health made by virtue of section 129;
- IV. the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

The Inspectors report is both comprehensive and positive.

There is no question as to the suitability of the applicant.

There is nothing in that report to suggest that the applicant has managed the Sale and Supply of Alcohol in an inappropriate manner during the currency of the Off-licence.

In this matter I believe that the criteria under Section 131 of the Act have generally been met given that:

- (i) The Inspector has provided a positive report;
- (ii) The relevant Agencies have reported without opposition;
- (iii) The application has drawn No Objection from the public;
- (iv) The applicant has managed the Sale and Supply of alcohol appropriately during the currency of the licence.

- The Licensing Inspector does not oppose this application.
- The Police do not oppose this application.
- The Medical Officer of Health does not oppose the application.
- The Fire Risk Management Officer does not oppose this application.
- The premises meets the requirements of the Resource Management Act 1991
- The premises meets the requirements of the Building Code.
- The premises currently has a designation of "Supervised", this is appropriate for this type of business and is to continue
- Currently the South Waikato does not have a Local Alcohol Policy.

Overall I am satisfied as to the matters to which we must have regard as set out in s.105 and s. 131 of the Act.

### **DECISION**

I am satisfied as to the matters which I must have regard as set out in s.105 of the Act and I am satisfied that the application meets the Purpose and Object of the Act. Accordingly I renew the Applicants' Off-Licence (17/OFF/005/2015) in respect of premises situated at 47 Ashworth Street Tokoroa and known as Liquor Hut Tokoroa subject to conditions as recommended by the Inspector in the report. The licence may be issued upon payment of any outstanding fee if any for a period of three (3) years.

### **CONDITIONS**

This licence is subject to the following conditions:

1. No alcohol is to be sold or delivered on Good Friday, Christmas Day, or before 1 pm on Anzac Day
2. Alcohol may be sold only on the following days and during the following hours:

Monday to Thursday	9:00am to 10:00pm
Friday & Saturday	9:00am to 11:00am
Sunday	10:00am to 9:30pm
3. 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:
4. The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the sale and supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
5. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied;
6. The whole of the premises is designated as a supervised area;
7. A certificated manager must be on duty within the licensed area at all times when the premises are open for the sale and supply of alcohol;
8. A copy of this licence must be displayed at the principal entrance to the premises.

**DATED** at TOKOROA this 19<sup>th</sup> day of December 2016



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Jeff Gash JP

**Chairperson**

**South Waikato District Licensing Committee**