

Decision number: 17/OFF/002/2023

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

AND

IN THE MATTER of an application by
**BROOKS FILS ET FILLE
LIMITED** pursuant to s. 100
of the Act for the grant of an
OFF Licence in respect of
premises situated 5 Windsor
Place, Tokoroa to be known
as **'THE LAST DROP'**.

BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE

The Application

BROOKS FILS ET FILLE LIMITED applies for the grant of an OFF Licence in respect of premises situated 5 Windsor Place, Tokoroa to be known as **'THE LAST DROP'**.

The applicant asks that the Off-Licence be endorsed pursuant to section 40 of the Act.

The applicant is based in residential premises and is an importer of speciality wines and wants to commence remotes sales online. There will be no on-site sales to members of the public.

The application is not opposed by the Police or the Medical Officer of Health.

The application was notified in the South Waikato News on the 13th of March 2024 and no objections have been received from members of the public.

A waiver was sought, and granted, for the single public notification of this low-risk activity.

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 public objections have been received.

The Police and Medical Officer of Health raise no matters in opposition.

Section 214 requires that a certificated manager be on duty at all times unless s 215 applies. Section 215 provides a range of exceptions, where a manager does not need to be "physically on duty at all times when alcohol is being sold or supplied to the public..." and this includes off-licence premises endorsed under s40 as remote sellers.

However, the DLC holds an overarching discretion to require a Manager to be "on duty at all times" under section 215(4) if we think the prevailing circumstances require it.

In relation to this application the Committee is satisfied that the operation will be low risk, and not one, which would require a manager to be on duty at all times when alcohol is sold for remote delivery.

The licensee **must have** a certificated manager properly appointed to the business, but, pursuant to sections 214 and 215, that manager does not need to be physically on duty at all times.

Overall, I am satisfied that the applicant plans to carry out the business of a remote seller of alcohol and of the matters to which we must have regard as set out in the Act.

Accordingly, I deal with the matter on the papers.

DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **grants** an application by **BROOKS FILS ET FILLE LIMITED** for an OFF Licence in respect of premises situated 5 Windsor Place, Tokoroa to be known as **'THE LAST DROP'** subject to conditions.

Conditions:

1. Subject to condition 3, alcohol may be sold from the premises at any time on any day, and delivered somewhere else for consumption off the premises.
2. No alcohol is to be delivered from the premises on Good Friday, Easter Sunday, or Christmas Day or before 1.00 pm on Anzac Day.
3. No alcohol is to be delivered to the buyer (or to any other person on the buyer's behalf) at any time after 11pm on any day and before 6am on the next day.
4. The licensee must follow the procedures set out in Regulations 14 & 15 of the Sale and Supply of Alcohol Regulations 2013 to ensure that neither the purchaser nor the person to whom alcohol is delivered is a minor.
5. There must be a certificated manager properly appointed to the business by the licensee.
6. The licensee must state the licensee's name, licence number and the date the licence expires:
 - a. on every receipt issued for alcohol sold remotely;
 - b. in every catalogue if alcohol is sold by remote sale using catalogues;
 - c. on the internet site if alcohol is sold by remote sale using an internet site;
 - d. if alcohol is sold by remote sale using an internet site, the site must also display wither a legible image of the licence, or a clearly identified link to such an image.

The Licence is to be endorsed "**Section 40 applies**"

DATED at TOKOROA this 17th day of May 2024



Murray Clearwater
Chairperson/Commissioner
South Waikato District Licensing Committee