

**APPLICATION** (17/OFF/03/2015)

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

**AND**

**THE MATTER OF** an application by Harmandip Singh Sandhu and Vinod Kumar Sharma on behalf of H & V Partnership Limited pursuant to s.127 of the Act for an Off Licence in respect of premises situated at 35-37 Main Road Tirau known as The Merchant of Tirau.

**BEFORE THE SOUTH WAIKATO DISTRICT LICENSING CHAIRPERSON**

**THE APPLICATION:**

Harmandip Singh Sandhu and Vinod Kumar Sharma on behalf of H & V Partnership Limited has filed an application pursuant to s.100 of the Sale and Supply of Alcohol Act 2012 for an OFF Licence in respect of premises situated at 35-37 Main Road, Tirau known as The Merchant of Tirau.

Mr Harmandip Singh Sandhu and Mr Vinod Kumar Sharma have taken over ownership of the Merchant of Tirau business and have registered their company with Companies office with reference number 5779729 as H & V Partnership Limited.

The business is an established bottle store having operated for approximately twenty years and the applicants have recently purchased the business. It has been operating under a temporary authority and is now equipped to apply for an Off License.

This particular store is a small stand-alone bottle store in the middle of Tirau. The premise has historically had considerable focus on the passing trade (tourist) and visitors because the local Tirau population is insufficient to maintain a variable commercial Off-licence business.

There will be three (3) managers employed on site.

There have been no complaints pertaining to disorder or offensive behaviour associated with the premises.

A designation of Supervised Area is in place.

The applicant seeks to modify the existing hours of Monday to Sunday 8am – 11pm to Monday to Sunday 8am – 10pm.

The application was publicly notified in the South Waikato News. There was one objection. The objection has been determined by the Licensing Inspector to be unsubstantiated and unsupported.

Her reasons are as follows:

1. The hours in which the prospective applicants have sought are reducing the previous owners original hours and this could be deemed as being more in line with the Object of the Act, by limiting the availability that alcohol can be purchased.
2. The Merchant of Tirau is the only Off-Licensed trader in Tirau.
3. The Merchant of Tirau's proposed licensed hours are within the National default trading hours.
4. The signs that the new owners have erected are acceptable within the district plan, nor have the applicants breached Section 237 of the Sale and Supply of Alcohol 2012, pertaining to advertisement. I have also included exterior photos of before Mr Sandhu and Mr Sharma purchased the store and photos of the store after the purchase of the store,
5. The Merchant of Tirau sells many other products other than alcohol, their signage out the front of the store promotes, a variety of delicatessen foods. I have included photos of the section of the store dedicated to delicatessen
6. The licence sought is the same as the previous occupant (Nancy Dibert). The conditions are the same.

On inspection of the premises I am in agreement with the Licensing Inspectors conclusions therefore I will deal with the matters on paper.

### **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 received one objection that has been investigated, considered and discounted.

On inspection of the premises I agree 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. I confirm that standard.

The Police and the Medical Officer of Health do not oppose the application.

The Fire Risk Management Officer does not oppose the application.

The Chairperson has received a detailed report on the application from the Licensing Inspector and she does not oppose the application.

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 the Act.

### **DECISION**

The District Licensing Committee Chairperson, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by Harmandip Singh Sandhu and Vinod Kumar Sharma on behalf of H & V Partnership for an OFF Licence in respect of premises situated at 35-37 Main Road Tirau known as The Merchant of Tirau subject to conditions.

Pursuant to the Object of the Act section (1) (b) a further modification to the hours sought for the sale and supply of alcohol in the application (17/OFF/03/2015) has been identified in the conditions.

## **CONDITIONS**

This licence is subject to the following conditions:

1. Alcohol may be sold on, or from, the premises for consumption off the premises, and supplied free as a sample for consumption on the premises, only on the following days and hours:  
**MONDAY TO SUNDAY 8.30AM – 10PM**
2. No alcohol is to be sold or delivered from the premises on Good Friday, Christmas Day, or before 1 pm on Anzac Day:
3. 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
4. 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;
5. The Licensee must display signage as follows:
  - At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
  - A copy of the licence attached to the premises so as to be easily read by persons attending the premises; and
  - A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.
6. The whole of the premises is designated as a supervised area
7. This licence may be issued immediately and is valid for one year from the date of issue.

## **CONCLUSION**

Having regard to the relevant provisions of the Sale and Supply of Alcohol Act 2012, I am satisfied that a new Off-licence should be granted, pursuant to the conditions set out above.

**DATED** at TOKOROA this 1<sup>st</sup> day of March 2016



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Jenny Shattock QSM JP

**Chairperson**

**South Waikato District Licensing Committee**