

APPLICATION (17/OFF/07/2016)

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

AND

IN THE MATTER of an application by **REVOLUTION 2004 LIMITED** pursuant to s100 of The Act for the grant of an Off-Licence in respect of premises situated at 11-13 Main Road, Tirau and to be known as "**NOTTING HILL INTERIORS**"

BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE

Quorum: Chairperson: Jeff Gash - Chairperson

APPLICATION

I have before me an application by **REVOLUTION 2004 LIMITED** (the Applicant), for the grant of an Off-Licence pursuant to s.100 of the Sale and Supply of Alcohol Act 2012 (the Act), in respect of premises situated at 11-13 Main Road, Tirau.

The general nature of the business to be undertaken for the premises trading as "**NOTTING HILL INTERIORS**" is that of an off licence pursuant to s.35 of the Act and endorsed under s.40 of the Act.

The hours sought are Monday to Sunday **9.00 am to 5.00 pm**

Reports on the application were received from the Inspector, the Medical Officer of Health and the New Zealand Police, none of whom oppose the licence being granted.

The Inspector has filed a comprehensive report pursuant to Section 103 (2) of the Act. The report is clear and covers off the provisions of Sections 105 and 106 of the Act.

The Fire Service has no objections to the application.

The Territorial Authority Building Department and Planning Department provided certificates stating the application meets the requirements of the Building Code and Resource Management Act.

The application was publicly notified in the South Waikato News on the 30 August 2017 and no public objections were received within the statutory timeframe following the public notification.

I am satisfied as to the matters to which I must have regard and I am satisfied that the application meets the Purpose and Object of the Act.

REASONS FOR THE DECISION

When considering the criteria for the issue of licenses as contained within Section 105 of the Act, the Committee must have regard to a number of issues. These will include:

1. the object of this Act.

2. the suitability of the applicant.
3. any relevant local alcohol policy.
4. the days on which and the hours during which the applicant proposes to sell alcohol.
5. the design and layout of the premises.
6. the effect if any on amenity and good order.
7. any matters dealt with in any report from the Police, Inspector, or a Medical Officer of Health made under section 103 of the Act.

In assessing the application against the criteria found in s.105 of the Act; I find that;

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

There is No Local Alcohol Policy in force in the South Waikato.

The proposed hours of operation of the premises are less than the National Default Hours pursuant to section 43(1)(b) of the Act, for premises for which an Off-Licence is held.

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 grant the applicant an Off-Licence for the Sale and Supply of Alcohol from the premises for the consumption off the premises.

The applicant states that there is only one certificated manager who works from Monday to Friday. The applicant has said that each weekend, or indeed any time that the manager is not on site, any baskets/hampers containing alcohol will have the alcohol removed and any signage indicating the availability of such baskets will be removed.

The District Licensing Committee Chairperson, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application from **REVOLUTION 2004 LIMITED** trading as **NOTTING HILL INTERIORS** for an Off licence pursuant to s.35 of the Act and endorsed under s.40.

The licence will be subject to conditions as below. The licence may be issued upon payment of any outstanding fee if any.

CONDITIONS

The following conditions apply:

- 1) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, 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 Sunday 9.00 am to 5.00pm

- 3) The whole of the premises is undesignated.

- 4) A certificated manager must be on duty within the licensed area at all times when the premises are open for the sale of alcohol.
- 5) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - a. Alcohol will only be sold as part of gift baskets/hampers that contains other non-alcohol products.
 - b. The licensee must take all reasonable steps to verify that the buyer (and if applicable the receiver) is not a minor and is not intoxicated.
 - c. All potential internet customers must complete a declaration stating that they are 18 years of age or over prior to entering the site and immediately before the sale is complete.
 - d. All delivery packages must be labelled with the following words: -

COURIER WARNING

"CONTAINS ALCOHOL PRODUCT

- * Do not leave at destination without proof of delivery;
 - * Do not leave with persons under the age of 18 - If the receiver appears to be under the age of 25, valid identification must be checked which is a current passport, a current New Zealand driver's licence or a HANZ 18+ card.
 - * Do not leave with intoxicated persons"
- e. Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
 - f. Ensure that appropriate signs are prominently displayed detailing the statutory restrictions on the supply of liquor to minors and intoxicated persons, at each entry and adjacent to every point of sale.
- 6) This licence may be issued immediately and is valid for one year from the date of issue.

Dated at Tokoroa this 14th day of December 2017.



Jeff Gash
Chairperson
South Waikato District Licensing Committee