

Decision number: 17/OFF/001/2019

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

**AND**

**IN THE MATTER** of an application by  
**JANDA ENTERPRISES  
LIMITED** pursuant to Section  
127 of the Act for the renewal  
of an OFF Licence in respect  
of premises situated at 143  
Balmoral Drive, Tokoroa  
known as "**BALMORAL  
FOUR SQUARE**"

**BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE**

**THE APPLICATION**

**JANDA ENTERPRISES LIMITED** applies for the renewal of an OFF Licence in respect of premises situated at 143 Balmoral Drive, Tokoroa known as "**BALMORAL FOUR SQUARE.**"

The general nature of the business is that of a grocery store and they stock a full range of food products and other household goods.

The current hours are Monday to Sunday 7.00am to 10.00pm. No changes are sought.

The application was notified in the South Waikato News on 28 August 2019 and no objections were received from members of the public.

The alcohol is displayed in a single alcohol area (SAA) in part of the store away from main thoroughfares and direct access to the checkouts.

Verified revenue figures have been provided showing that food products are the principal income stream at over 35%.

Neither the report of the Police nor that of the Medical Officer of Health oppose the renewal of this licence.

## **REASONS FOR THE DECISION**

The application is complete and contains all the necessary documentary evidence as required under s.127 of the Act and its regulations. It was duly advertised, and no public objection or opposition was received.

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

The Committee is satisfied that the business is that of a grocery and has a well-defined Single Alcohol Area.

The second public notice was not published by the newspaper. We rule that the public's right to object has not been unreasonably impinged upon and grant a waiver for the incorrect notification of this renewal.

Overall, I am satisfied as to the matters to which we must have regard as set out in s.112-115, 131 of 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, **approves** an application by **JANDA ENTERPRISES LIMITED** for the renewal of an OFF Licence in respect of premises situated at 143 Balmoral Drive, Tokoroa known as "**BALMORAL FOUR SQUARE**" subject to conditions.

**We refresh the licence conditions to include the recent amendment of the Act allowing non-alcoholic beer to be displayed within the SAA.**

### **Conditions:**

The licence is subject to the following conditions:

1. Alcohol may be sold on, or delivered 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 7.00am to 10.00pm;**
2. No alcohol is to be sold on or delivered from the premises on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day;

3. 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;
  - v. or a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted;
4. While alcohol is being supplied free as a sample, water is to be provided to patrons at no cost from a water supply prominently situated on the premises;
5. The Licensee must have available for purchase on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages.
6. A properly appointed Certificated, or Acting or Temporary, Manager must be on duty, at or nearby the point of sale, at all times when the premises are open for the sale and supply of alcohol.
7. The Licensee must display signage as follows:
  - i. At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
  - ii. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principle entrance to the premises; and
  - iii. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.
8. The “single alcohol area” for the premises is as described on the plan attached at Appendix 'A' to this decision. The licensee must ensure that:
  - i. No alcohol is displayed, promoted or advertised outside the single alcohol area; and
  - ii. No products other than alcohol, low-alcohol and non-alcoholic beer, wine or mead are displayed, promoted or advertised inside the single alcohol area.

**A renewal will be for three (3) years from the expiry of the current licence and a Replacement Licence is to be issued.**

**DATED** at Tokoroa 22 January 2020

A handwritten signature in black ink, appearing to read 'Murray Clearwater', with a long, sweeping tail extending to the right.

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Murray Clearwater  
**Chairperson/Commissioner**  
**South Waikato District Licensing Committee**