

Matamata-Piako District Licensing Committee

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Krishna 2017 Limited** for an **off-licence** pursuant to section 99 of the Act in respect of premises situated at 144 Whitaker Street Te Aroha 3320.



Licence Number:

13/OFF/019/2023

File Number:

162.2023.1842.1

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Sue Whiting

DECISION ON THE PAPERS

This is an application by Krishna 2017 Limited for an off-licence in respect of a premises situated at 144 Whitaker Street, Te Aroha known as Thirsty Liquor. The general nature of the business is that of a Bottle store.

For the past 6 months the premises has been trading pursuant to a temporary authority issued by this committee. There have been no issues with how the premises has operated during that time.

The application was filed on 24 August 2023 and was advertised in accordance with the Act, in the Piako Post on 13 and 20 September 2023. No public objections were received

The days and hours of operation set out in the application are:

Monday to Sunday from 10.00 am until 9.00 pm

These hours comply with the requirements of Council's Local Alcohol Policy for this type of premises.

The application was referred to the Police, Medical Officer of Health and Inspector for comment. Police have not raised any matters that need consideration in the renewal of this licence.

The Health promotion officer initially opposed the application, issues raised by them were resolved by the applicant, based on that information the opposition was withdrawn.

The certificates required by s.100(d) and (f) have been received. Accordingly the application is determined on the papers.

The applicant, in accordance with s.212 of the Act, has named four managers with current certificates to manage the sale of alcohol from the premises.

In deciding whether to grant an off-licence the committee must have regard to the matters set out in s.105 of the Act. These are:



Section 105

- (a) *the object of this Act:*
- (b) *the suitability of the applicant:*
- (c) *any relevant local alcohol policy:*
- (d) *the days on which and the hours during which the applicant proposes to sell alcohol:*
- (e) *the design and layout of any proposed premises:*
- (f) *whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:*
- (g) *whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*
- (h) *whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:*
- (i) *whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—*
 - (i) *they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
 - (ii) *it is nevertheless desirable not to issue any further licences:*
- (j) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
- (k) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103*

The object of the Act is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol should be minimised.

The Inspector reporting on the application has noted that he considers the applicant, Krishna 2017 Limited, has the necessary experience and is suitable to operate a licensed premises.

The Local Alcohol Policy became operative on the 13th of September 2023. The policy does not restrict the number of off-licence premises however section 4.5 applies:

4.5 Further issuing of off-licences in the district

4.5.1 With regard to off-licences in the Matamata-Piako District there is a presumption that new licences will not be issued in the Matamata Ward, the Morrinsville Ward or the Te Aroha Ward, if, in the opinion of the District Licensing Committee, the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence.

This is a new Off-Licence application; however, it is an existing bottle store that has new owners. The application is consistent with the requirements of the policy.

The Inspector has also noted that in his opinion the amenity and good order of the locality would not be likely to reduce by more than a minor extent if the licence is issued.

His recommendation is for the application to be granted subject to conditions.

I am satisfied as to those matters to which I must have regard and grant the applicant an off-licence for a period of one year from the date of issue pursuant to s.104.

The applicant must comply with all conditions specified on the licence.

The licence will be subject to the following conditions:

Conditions

- a) No alcohol is to be sold on the premises on **Good Friday, Christmas Day, or before 1 pm on Anzac Day**
- b) Alcohol may only be sold under the licence on the following days and during the following hours:
Monday to Sunday from 10.00 am until 9.00 pm
- c) The whole of the premises is designated as a supervised area
- d) The holder of a Manager's Certificate or a properly appointed manager shall be on duty and on the premises at all times alcohol is sold. If a duty manager is not present then there must be no alcohol sales and a notice displayed advertising the public of this fact
- e) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite
- f) The licensee must ensure the following are displayed:
 - (i) A sign to be seen from outside the principle entrance stating the ordinary hours of business during which the premise will be open for the sale of alcohol
 - (ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it
 - (iii) A sign in a prominent place identifying the duty manager
- g) Single sales of alcohol products priced less than \$6 per unit are prohibited.

Dated 26 Oct, 2023



Sue Whiting
Chairperson
Matamata-Piako District Licensing Committee