

# 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 **Shelby Trading Limited T/A Four Square Te Aroha** for an **off-licence** pursuant to section 99 of the Act in respect of premises situated at 122 Whitaker Street Te Aroha 3320.



Licence Number:

**13/OFF/014/2023**

File Number:

162.2023.1844.1

## **BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE**

Chairperson: Councillor Sue Whiting

### **DECISION ON THE PAPERS**

This is an application by Shelby Trading Limited T/A Four Square Te Aroha for an off-licence in respect of a premises situated at 122 Whitaker Street Te Aroha known as Te Aroha Four Square. The general nature of the business is that of a Grocery Store.

The premises is currently trading pursuant to a temporary authority issued by this committee.

The application was filed on 31 August 2023 and was advertised in accordance with the Act, in the Piako Post on 30 August and 6 September 2023. No public objections were received.

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

**Monday to Sunday from 7.00 am until 9.00 pm**

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

The application was referred to the Police, Medical Officer of Health and Inspector for comment. No matters in opposition have been raised in respect of the application by those reporting bodies. 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 eight 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, Shelby Trading Limited, has the necessary experience and is suitable to operate a licensed premises. He 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 or delivered on the premises on **Good Friday, Christmas Day, or before 1 pm on Anzac Day**
- b) 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; or
  - (v) a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted
- c) Alcohol may be sold only on the following days and during the following hours:  
**Monday to Sunday from 7.00 am until 9.00 pm**
- d) The whole of the premises is undesignated
- e) The 'single alcohol area' for the premises is as shown on the attached plan received 28 September 2023:
  - (i) No alcohol is to be displayed, promoted or advertised outside the single alcohol area.
  - (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
- f) while alcohol is being provided free as a sample drinking water to be provided free from the same location
- g) 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
- h) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite



- i) 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

**Dated** 16 Oct, 2023



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Sue Whiting  
Chairperson  
Matamata-Piako District Licensing Committee

