

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 **Crafty Brothers Limited** for an **off-licence** pursuant to section 99 of the Act in respect of premises situated at 44 Broadway, Matamata.



Licence Number: **13/OFF/006/2019**
File Number: 162.2019.1466.1

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

DECISION ON THE PAPERS

This is an application by Crafty Brothers Limited for an off-licence in respect of a premises situated at 44 Broadway, Matamata known as Good Merchant. The general nature of the business is that of a Tavern.

The application was filed on 20 May 2019 and was advertised in accordance with the Act, in the Scene on 28 May and 4 June 2019. No public objections were received

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

Monday to Sunday from 8.00 am until 9.00 pm

The advertised hours were from Monday to Sunday from 8.00am until 10.00pm. Those hours do not comply with the Local Alcohol Policy. This was discussed with the applicant and the agreed hours will be Monday to Sunday 8.00am until 9.00pm. These hours are less than those advertised.

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.

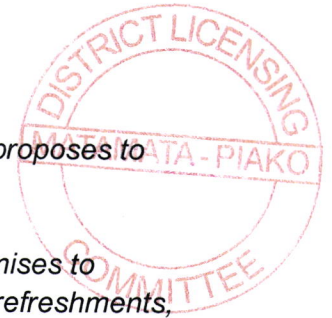
The applicant, in accordance with s.212 of the Act, has named five managers with current certificates to manage the sale of alcohol from the premises.

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:*

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- (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, Good Merchant 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's attention is drawn to s.259 of the Act which makes it an offence to not comply with certain requirements and restrictions imposed by or under this Act, specifically sections 46 to 60 as they apply to an off-licence and s.231(1)

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

The licence will be subject to the following conditions:

Conditions

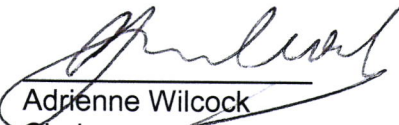
- a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day
- b) Alcohol may only be sold under the licence on the following days and during the following hours:

Monday to Sunday from 8.00 am until 9.00 pm

- c) The licensee shall take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
 - i) All staff will be trained in their responsibilities under the Act.
 - ii) Evidence of age documents will be requested from any person appearing to be under the age of 25.
 - iii) A sign shall be prominently displayed inside the premises which identifies the name of the manager on duty or the person responsible for the management of the sale and supply of alcohol under the licence.
 - iv) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons.
- d) The licensee shall ensure that when alcohol is being provided free, as a sample, drinking water will be made readily available, free of charge.
- e) The bar area as per the attached plan to be designated supervised. The rest of the premises to be undesignated.
- f) The only alcohol to be sold is boutique beer & cider made especially for or by Crafty Brothers Limited.

Dated at Te Aroha this 13th day of September 2019




Adrienne Wilcock
Chairperson

Matamata-Piako District Licensing Committee