

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 **A & A Phimester Limited**
for an **off-licence** pursuant to section 99 of the
Act in respect of premises situated at 122
Whitaker, Street Te Aroha.

Licence Number: **13/OFF/002/2019**

File Number: 162.2019.1430.1

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

DECISION ON THE PAPERS

This is an application by A & A Phimester Limited 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 application was filed on 22 January 2019 and was advertised in accordance with the Act, in the Piako Post on 27 February and 6 March 2019. 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. The Medical Officer of Health originally opposed based on the size & layout of the store and the sales figures were not supplied. This has since been resolved and the objection withdrawn. No matters in opposition have been raised in respect of the application by the Police and Inspector. 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 two 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, A & A Phimester 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 or delivered on Good Friday, Easter Sunday, 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 7.00am to 9.00pm
- (d) The “single alcohol area” for the premises is as shown on the plan received 1 March 2019.
 - (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.
- (e) While alcohol is being provided free as a sample drinking water to be provided free from the same location
- (f) 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.

Dated at Te Aroha this *3rd* day of April 2019


Adrienne Wilcock

Chairperson

Matamata-Piako District Licensing Committee

Plan view of
bottle storage



RECEIVED
 1 MAR 2019
 Matamata Piako District Council