

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 **Mile Marker 66 Limited** for an **off-licence** pursuant to section 99 of the Act in respect of premises situated at 44 George Street Morrinsville.



Licence Number:

13/OFF/007/2024

File Number:

162.2024.1901.1

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Sue Whiting

DECISION ON THE PAPERS

This is an application by Mile Marker 66 Limited for an off-licence in respect of a premises situated at 44 George Street Morrinsville known as Mile Marker 66 Beverages. The premises has not been previously licensed. The general nature of the business is that of a Remote Seller.

The application is made under Section 100 of the Sale and Supply of Alcohol Act 2012. The application was filed on 18 March 2024 and was advertised in accordance with the Act, in the Morrinsville News on 25 April and 2 May 2024 and no objections were received.

The applicant has formed a company whose sole business will be the remote supply of spirits, and therefore qualifies under section 32 (1) C(ii), 85% of annual income is expected to be earned from the remote sell of alcohol.

Section 40 of the Act applies to this application.

Off licences endorsed under s40 can sell alcohol at any time on any day but cannot deliver on Good Friday, Easter Sunday, Christmas day or before 1.00pm on ANZAC day nor between 11.00am and 6.00am the following day (s49/59)

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

Monday to Sunday 24 hours a day

These hours do not comply with the requirements of the Local Alcohol Policy, as it applies to the premises type.

Under the policy for an off licensed premises, the maximum trading hours are: Monday to Sunday from 7.00am until 9.00pm

The Policy did not envisage remote sales when it was reviewed.

However, the days and hours are permitted under section 49 of the Act. Remote sales are exempted from trading hour's restrictions.

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.

Section 215 exempts a manager from being on duty if endorsed under Section 40 and Section 212 requires the licence holder to only have one manager. The applicant appointed a manager.

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, Mile Marker 66 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. He supports the granting of the licence 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) Alcohol may be sold or supplied at any time, on any day, while always trading as a remote seller.
- b) Alcohol must not be delivered on **Good Friday, Easter Sunday, Christmas Day** or before 1.00pm on **ANZAC day** or between 11.00pm and 6.00am the following day.
- c) The licensee must take reasonable steps to verify that the buyer (and if applicable, the receiver) is not under the purchase age. The licensee must ensure that the sale will not be made unless the buyer (and if applicable, receiver) completes a declaration that they are 18 years of age or over.
- d) There must be no delivery of alcohol to minors or intoxicated persons and there must be displayed on the Mile Marker 66 Beverage internet site, in a prominent place appropriate signs detailing these restrictions.
- e) The outside of every delivery package made by remote sale must contain the following words:
 - COURIER WARNING:
 - (i) Do not leave at destination without proof of delivery
 - (ii) Do not leave with persons under 18 years of age. If the receiver appears to be under the age of 25 years.
 - (iii) Check valid identification such as current passport, driver licence or Hospitality NZ 18+ Card Evidence of Age document to ensure the receiver is 18 years of age or over.
 - (iv) Do not leave with intoxicated persons
 - (v) Contains alcoholic product.
- f) A copy of the licence must be displayed on the Mile Marker 66 beverage Remote Sales internet site in a prominent place.
- g) Every receipt for the sale of alcohol by remote sale must contain the licence holder's name, licence number and the date on which the licence expires.

Dated 06 Jun, 2024



Sue Whiting
Chairperson
Matamata-Piako District Licensing Committee