

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 **Te Poi Enterprises Limited** for the renewal of an **off-licence** pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

Licence Number: **13/OFF/009/2022**
Original Licence Number: **13/OFF/005/2021**
File Number: **162.2021.1632.2**

BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

DECISION ON THE PAPERS

This is an application by Te Poi Enterprises Limited for renewal of an off-licence in respect of premises situated at 3999 State Highway 29, RD 3, Matamata known as the Te Poi Supermarket. The general nature of the business is that of a Grocery Store.

This application was lodged on 21 June 2022 and was advertised in accordance with s.101 of the Act, in the Matamata Chronicle on 22 and 29 of June 2022. No objections were received.

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

Monday to Sunday 7.00 am until 8.00 pm

These hours comply with the requirements of the provisional Local Alcohol Policy, as it applies to the premises type.

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. 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 renew an off-licence the committee must have regard to the matters set out in s.105 and 131 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 the applicant has appropriate systems, staff, and training to comply with the law:*
- (i) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103*

Section 131

- (a) *whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:*
- (b) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*
- (c) *the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*

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 has noted that he considers the applicant to be a suitable body to hold an off-licence. He has also noted that in his opinion the amenity and good order of the locality would be unlikely to be increased by more than a minor extent by the effects of a refusal to renew the licence.

I am satisfied as to those matters to which I must have regard and grant the renewal of the off-licence for a further three years.

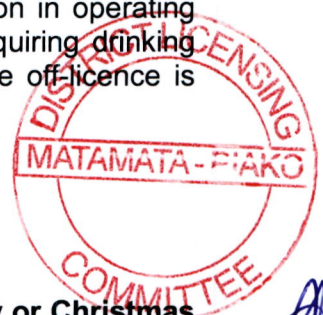
When renewing an off-licence, section 132 allows the committee to impose conditions as set out in section 116 or to vary or cancel any conditions applying to the licence before its renewal.

I have repeated the condition of the original licence with the variation in operating hours, and included a new condition imposed under section 116 requiring drinking water to be readily available when samples are being provided. The off-licence is now subject to these conditions.

The renewal certificate can be issued immediately.

Conditions

- a) No alcohol is to be sold or delivered on **Good Friday, Easter Sunday or Christmas Day or before 1.00pm 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 7.00 am to 8.00 pm

- d) The “single alcohol area” for the premises is as shown on the plan received 20 June 2022

- (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) 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.

- g) The whole of the premises is undesignated.

- h) 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.

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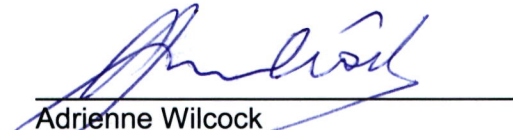
- j) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite.

- k) 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.

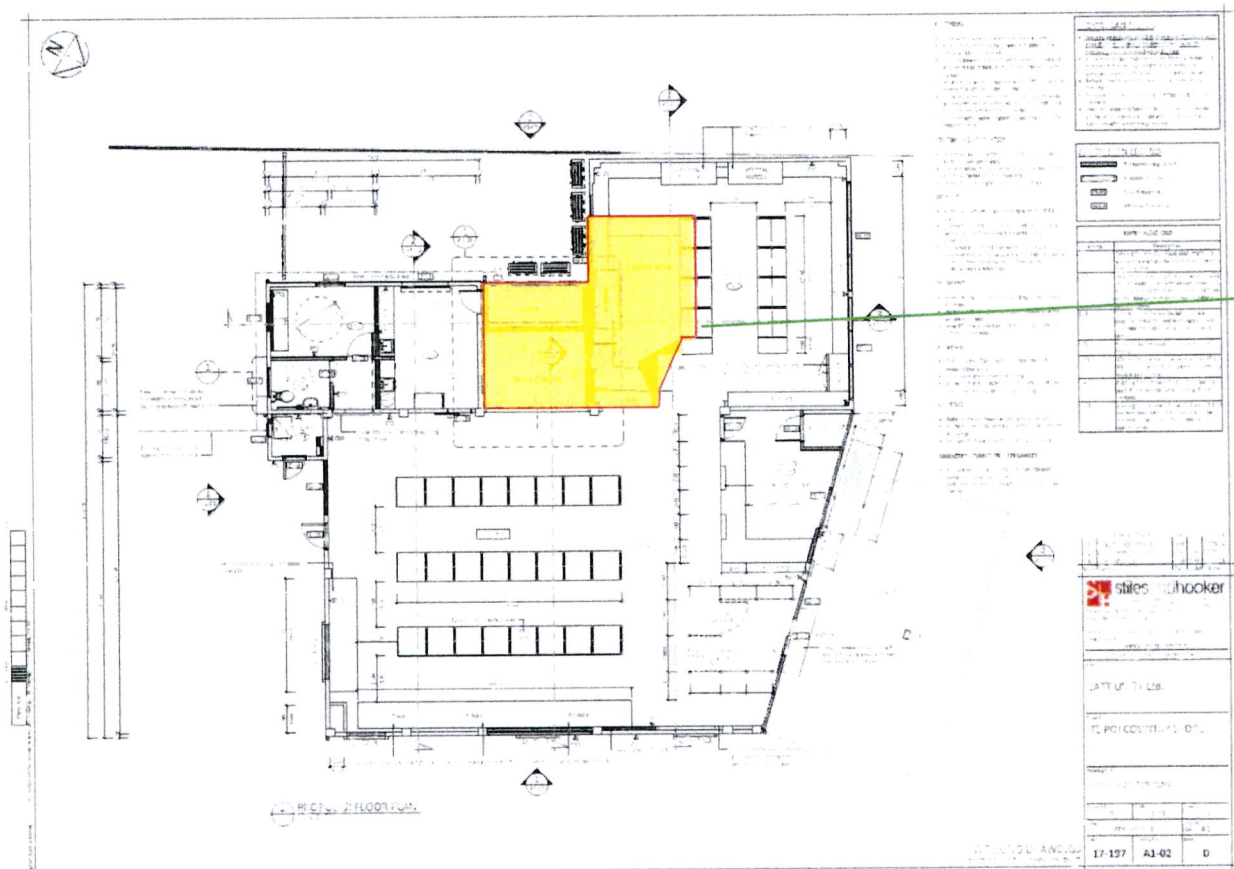
Dated at Te Aroha this 27th day of July 2022


Adrienne Wilcock
Chairperson
Matamata-Piako District Licensing Committee



Floor plan

Te Poi Supermarket



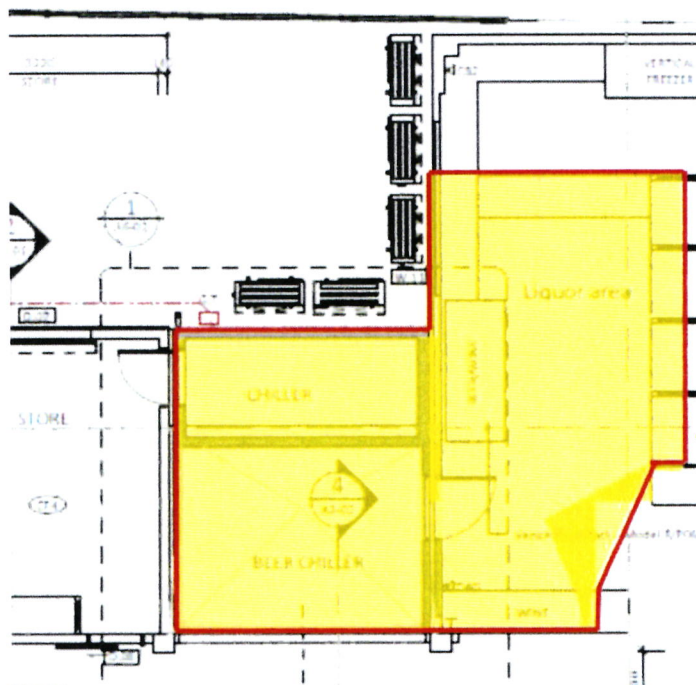
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20 JUN 2022
Matamata Piako District Council



Floor plan

Te Poi Supermarket



Single Alcohol Area

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A handwritten signature in blue ink, appearing to be 'J. Smith', written over the bottom part of the red circular stamp.