

DECISION NUMBER

1283/2020

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **HB Transmission Specialists Limited** for a new Off-Licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 7 Hammond Road, Taradale, Napier and known as “Gratitude Wines”.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application for a new Off-Licence was advertised in the Hawkes Bay Today on the 3 and 10 July 2020 with no objections received. A site notice was also displayed in accordance with s. 101(a) of the Act.

No matters of opposition were raised under section 103 reports; therefore the matter was considered by the Napier District Licensing Committee on the papers contained in the full file provided by the secretary in accordance with the provisions of s.202 (1) and 191(2) of the Sale and Supply of Alcohol Act 2012.

Commissioner: **Stuart Hylton**

RESERVED DECISION OF THE NAPIER DISTRICT LICENSING COMMITTEE

Application

(1) This is a new licence for a remote sales style off-licence resulted from a change of ownership of premises/establishment of new business and business premises relocation. .

(2) The application for new off-license was made on the 2nd July 2020 on the prescribed form. The general nature of the business will be that of a ‘Remote Seller’ Style OFF-licence. As such sales will be made via the computer. The premise is located in a residential zone and the application included a certificate of compliance with Resource Management Act 1991 and NZ Building Code.

(3) The file contained evidence that the business is an approved type for which off-licences may be issued in terms of the Act.

(4) The complete file that I received included –

- The application
- Certificate of incorporation
- Host Responsibility Policy

- Owners consent letter
- Lease deed
- Floor plan
- Copy of Newspaper advertisement
- Building and Planning Certificates of compliance
- Reports from Police, Medical Officer of Health and Inspector

Decision Making

(5) In considering this application for Off-Licence the District licensing Committee (here in after referred to as; the Committee) had regard to the criteria specified under s. 105 of the Act.

Sections 105 Analyses:

(6) the object of this Act:

The Inspector inquired into the application seeking evidence that the object of the Act will be complied with under this licence. The applicant provided a host responsibility policy that if followed should ensure statutory compliance.

(7) the suitability of the applicant:

The applicant is a private company incorporated in 2013 with one director/shareholder.

The applicant supplied the name of one certified manager, which is seen as appropriate.

The inspector and reporting agencies do not challenge suitability of the applicant and neither do I.

(8) any relevant local alcohol policy:

The application accords to the local alcohol policy.

(9) the days on which and the hours during which the applicant proposes to sell alcohol:

Applicant has applied for the following hours –

At any hour on any day.

These hours are within the national trading hours.

(10) the design and layout of any proposed premises:

The premise is a residential premise from which orders are taken over the internet. No concerns noted with design nor should there be.

(11) 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 accept the inspectors assessment that there have been no complaints about nuisance type offences in the area in the past and that if managed well this should continue with no or little reduction in amenity due to the issue of the licence.

(12) **whether the applicant has appropriate systems, staff, and training to comply with the law:**

The applicant has nominated one manager.

Reporting Agencies

(13) The following reports were received under section 103 of the Act.

(14) **Police** – Report received on the 14 July 2020, of **no opposition**.

(15) **Medical Officer of Health** - Report received on 3 July 2020, of **no opposition**.

(16) Licensing Inspector

Full report dated 31 July 2020. The inspector provided, amongst other things, his assessment of the application in relation to the Act. The inspector also assessed the application against s105 criteria. This assessment has been referred to in this report.

The inspector concluded that the application is complete and will likely meet the criteria for a new off – licence (remote seller). **No opposition** raised within the inspectors report and relevant conditions suggested for this type of licence.

Committees Decision and Reason

(17) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my site inspection and my assessment above, I conclude that the application generally meets the s. 105 criteria under the Act to be granted a new off-licence for the premise situated at 7 Hammond Road, Taradale, Napier, to be known as ‘Gratitude Wines’.

(18) Accordingly the application is **approved** for issue for one year subject to the following conditions and payment of any outstanding fees, if any.

(19) The following conditions will apply to the licence:

(a) Alcohol may be sold **at any time on any day**.

(b) The holder of the licence must ensure –

- No alcohol may be delivered from the premises on Good Friday, or Christmas Day, or before 1pm on Anzac Day; and
- No alcohol may be delivered from the premises at any time on Easter Sunday unless it is grape wine or fruit or vegetables wine made on the premises or from produce harvested from land on which the premises are situated.
- No alcohol may be delivered to the buyer (or to any other person on the buyer’s behalf) at any time after 11pm on any day and before 6am on the next day.

(c) The following information must be displayed on the internet site in a prominent place, in any catalogue used by the license holder and on every receipt issued for any alcohol sold via the internet site:

- The licence holders name, the licence number, and the date on which the licence expires.
- A copy of the licence or a clearly identified link to such an image must be displayed in a prominent place on the internet site.

(d) The following steps must be taken to verify that people are over the purchase age:

- In the case of an order made using an internet site, telephone order, or physical order - the prospective buyer must declare that he or she is 18 years of age or over (and where the prospective receiver is involved that the prospective receiver is also 18 years of age or over)

(e) The licensee must comply with the requirements relating to remote sales by holders of off-licences as stipulated under section 59 of the Sale and Supply of Alcohol Act 2012.

Dated at Napier District this 6 August 2020.

Signed



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Stuart Hylton
Napier District Licensing Commissioner

