

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Wairiki Vineyards Limited** for a renewal of Off- Licence pursuant to section 127 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 29 Campbell Street, Ahuriri, Napier and known as “Wairiki Vineyards Limited”.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The application for renewal of Off-Licence was advertised in the Hawkes Bay Today on the 6 April 2020 with no objections received. The required public notice to the exterior of the premises was also displayed in statutory compliance. No matters of opposition were raised under section 128 and 129 reports; therefore the matter was considered by the Napier District Licensing Commissioner 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) The premises at 29 Campbell Street, Ahuriri, Napier, is currently operating as a Remote Seller Style Off licence (030/OFF/1270/2019) and this application is to renew the licence. This is the licensee’s first renewal.

(2) The application to renew was made on 30 March 2020 on the prescribed form. The application seeks to renew with the same existing conditions. The general nature of the business will continue to be that of a ‘Remote Seller Style Off Licence’. Sales are completed through a webpage and delivered from site to the purchaser.

(3) The applicant has been operating for a year with no apparent compliance issues noted. The premises has not come to the notice of enforcement agencies during the renewal period.

(4) The complete file that I received included –

- The application
- Certificate of incorporation
- Licensed Premises Policy
- Copy of current licence
- Floor Plan
- Copy of renewal advertisement
- Letter stating the premise is exempt from having an evacuation of premises scheme
- Reports from Police, Medical Officer of Health and Inspector

Decision Making

(5) In considering this application for renewal of Off-Licence the District Licensing Committee (here in after referred to as “the Committee”) had regard to the criteria specified under s. 131 of the Act.

(6) the object of this Act:

The Inspector has inquired into the application seeking evidence that the object of the Act will be complied with under this licence. It’s noted that the applicant has not committed any offence that would suggest renewing the licence would result in the object of the Act not being complied with. We agree. The applicant also has suitable policies and manuals that if followed should ensure the Act is complied with.

(7) the suitability of the applicant:

The applicant is a private company with no structure changes during the renewal period. The applicant has not supplied the name of any certified managers to manage the licence. The inspector has commented in his report on this matter.

To summarise, remote sellers endorsed under s. 40 of the Act are exempt from having to have a certified manager on duty at all times when alcohol is being sold. S.212 makes it a requirement of off-licences to appoint a manger in accordance with that particular part of the Act i.e. management of licensed premises. The Committee’s reading of this section is that the requirement under s.212 to appoint a manager is not required due to s. 215(1)(c) exemption to have a manager on duty for this type of licence.

There are no matters raised in the reports indicating any non-compliance issues over the renewal period.

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

(8) any relevant local alcohol policy:

Application accords with policy.

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

Applicant has applied for the same hours as previous which have operated without incident.

- **At any hour of any day**

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

No changes to the premise layout which is shown in the plan submitted with the original licence.

(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 in her opinion the amenity and good order of the locality would unlikely to improve by more than a minor extent if the licence was not renewed.

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

The applicant has nominated two managers which is seen as sufficient. The premises is not open to the public, only pre-arranged testings.

Reporting Agencies

(13) The following reports were received under section 103/129 of the Act.

(14) **Police** – Report received on 5 May 2020, offering no opposition.

(15) **Medical Officer of Health** - Report received on 6 April 2020, offering no opposition.

(16) Licensing Inspector

Full report dated 22 May 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 having regard to the required criteria together with the performance of the applicant, he has no opposition to the application being renewed.

Committees Decision and Reasons

(17) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies and my assessment above, I conclude that the application meets the s. 105/131 criteria under the Act to be granted renewal of an Off-licence for the premise situated at 29 Campbell Street, Ahuriri Street, Napier, to be known as ‘Wairiki Vineyards Limited’.

(18) Accordingly the application is **approved for renewal for three years from the date of expiry** subject to the existing conditions and payment of any outstanding fees, if any.

Dated at Napier this 1 day of June 2020.

Signed



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**Stuart Hylton
Napier District Licensing Commissioner**