

OTOROHANGA DISTRICT LICENSING COMMITTEE

Decision Number: 018/OFF/006/15

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by J & J Clark
Limited pursuant to s.100 of the
Act for an off licence.

BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE

Chairperson: Diane Sharpe

MEETING at Cambridge on this 8th day of January 2016

INTRODUCTION

The Otorohanga District Licensing Committee has before it an application by J & J Clark Limited pursuant to section 100 of the Act for an off licence.

Reports have been received from the Police, Medical Officer of Health and a Licensing Inspector. The application has been publically notified in accordance with the Act.

There are no objections to this application by reporting agencies or the public in respect to this application, and it is therefore determined on the papers by the Chairperson alone in accordance with section 191(2) of the Act.

THE APPLICATION:

Application for an off licence was received by the Otorohanga District Licensing Agency on 16 November 2015. The application was in the correct form and accompanied by the correct fee.

DECISIONS AND REASONS

The criteria to which this committee must have regard are detailed in section 105 of the Act.

“105 Criteria for issue of licences

(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

- (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.*
- (2) *The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence”*

Suitability of the applicant:

The applicant has not come to the attention of the relevant agencies regarding their suitability.

J & J Clark Limited has two directors; Janet and John Clark. Their company was incorporated in May 2006.

The applicant has provided information regarding 2 duty managers.

Judith Geraldine Johns - 018/CERT/007/14

Wendy Piggales – 018/CERT/027/14

Janet Clark has undertaken her LCQ and has applied for her manager’s certificate which is currently being processed.

Local Alcohol Policy:

The application meets the requirements of the Otorohanga District Licensing Agency Liquor Licensing Policy.

Days and hours:

The applicant proposes to operate an off licence from the premises with hours of Monday to Sunday 8.00am to 8p.m. The national default trading hours are 7am to 11pm

Design and Layout of the premise:

The premises are located on the site at 29 Jervois Street, Kawhia. The shop is laid out as a typical open plan grocery store. It has one main thoroughfare where the aisles lead off. Baskets are available to customers and the alcohol display is sited to the rear of the premises. The alcohol display is contained within the one area. No secondary areas have been applied for. There is no signage that will contribute to the excessive promotion of alcohol.

Sale of Goods and Services other than those related to alcohol

Bait, tackle and fishing supplies.
Some clothing.
Some toys.

Reduction of amenity and good order

The premises are sited in the commercial area of Kawhia Township. It is a typical small town store. No incidences have occurred in the area which was directly linked to these premises and would contribute to alcohol harm e.g. tagging, crime, violence, noise or vehicle accidents.

The store is situated in an area where the Liquor Control Bylaw 2007 is in force between Christmas Eve and the day after Waitangi Day.

Systems, staff and training

The applicant has provided evidence of 3 duty managers. In addition, Janet Clark, joint owner has applied for a manager's certificate which is currently being processed. John Clark, the other owner intends to apply for his manager's certificate when he has the required experience.

Manner in which the premises have been operated

No Issues

Issues raised by reporting agencies

Police report dated 16 November 2015 present no objections to the application.

The Medical Officer of Health was notified on 27 November 2015 and has not forwarded a report within the required 15 working day period.

S. 103(4) allows the licensing committee to assume, if no report is received within this time frame, then no objections are made.

Off licences

- 1) No alcohol is to be sold or delivered on Good Friday, Christmas Day, or before 1 pm on Anzac Day:
- 2) Alcohol may be sold under the licence only on the following days and during the following hours:
 - a. Monday to Sunday 8.00am to 8.00pm
- 3) The following steps must be taken to ensure that the provisions of the Act relating to the sales of alcohol to prohibited persons are observed:
 - a. Signage shall be installed advising that minors and intoxicated persons shall not be served.
- 4) The premises situated at 29 Jervois Street, Kawhia are more precisely identified as outlined in a plan held on file by the Otorohanga District Licensing Committee
- 5) The entire premises are to be designated unsupervised.
- 6) The holder of an off-licence must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—
 - a. attached to the inside of the premises concerned; and
 - b. so as to be easily read by people entering each principal entrance.

The licence can be issued immediately for the initial period of one year from the date of this decision.

DATED at Cambridge ⁸~~15~~th day of January 2016



Chairperson

OTOROHANGA DISTRICT LICENSING COMMITTEE