

**OTOROHANGA DISTRICT LICENSING COMMITTEE**

<b>Application</b>	018-0065
<b><u>IN THE MATTER</u></b>	of the Sale and Supply of Alcohol Act 2012
<b><u>AND</u></b> <b><u>IN THE MATTER</u></b>	of an application by Rome Limited for an off-licence in respect of the premises at 6 Main North Road, Otorohanga known as Bottle Service NZ pursuant to section 40 of the Act

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. The application for an off-licence endorsed for the remote sale of alcohol by using an internet site (pursuant to section 40) is granted. The licence may issue upon payment of the annual fee.
2. This licence continues in force until the close of the period of 12 months after the day it is issued.
3. The licence is subject to the following 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 pm on Anzac Day, or between 11:00pm and 6:00am the following day.
  - (c) The licensed premises is described in the plan date stamped as received by the Otorohanga District Licensing Committee on 20 April 2018.
  - (d) 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, the receiver) completes a declaration that they are 18 years of age or over on first entering the internet site and again immediately before the sale is completed.
  - (e) The outside of the delivery package must contain the following words:

**COURIER WARNING**

- a) **Do not leave at destination without proof of delivery.**
- b) **Do not leave with persons under 18 years of age. If the receiver appears to be under the age of 25 years 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.**

- c) Do not leave with intoxicated persons.**
- d) Contains alcoholic product.**

- (f) A copy of the licence must be displayed on the Bottle Service NZ 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.

### **Reasons**

1. This is an application by Rome Limited for an off-licence endorsed for the remote sale of alcohol by using an internet site in respect of the premises situated at 6 Main North Road, Otorohanga known as Bottle Service NZ. Rome Limited plans to sell 4 – 6 bottles of wine via the Bottle Service NZ website on a monthly club subscription basis.
2. The application was advertised, and no objections have been received from members of the public. The Liquor Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not oppose the application. Accordingly, the matter is decided on the papers (s 134).
3. The purpose of the Act is to put in place a new system of control over the sale and supply of alcohol (s 3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4).
4. In deciding whether to grant an off-licence endorsed for the remote sale of alcohol by using an internet site the licensing committee must have regard to sections 40, 49, 59 and 105 of the Act. Therefore, this committee must consider the following questions within the framework of the purpose and object of the Act:
  - a) Is the applicant suitable?
  - b) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
  - c) Does the applicant have appropriate systems, staff and training to comply with the law?
  - d) Does the applicant have a copy of the licence displayed in a prominent place on their internet site?
  - e) Does the applicant have the licence holder's name, licence number and the date on which the licence expires printed on each receipt for the remote sale of alcohol?
  - f) Has the applicant taken reasonable steps to ensure that alcohol is not sold to or received by persons under the age of 18 years?
  - g) Is the design and layout of the premises suitable?
  - h) Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
  - i) Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of licence?
  - j) Should it be a condition of the licence that a manager be on duty for particular days and times?
  - k) Have the police, inspector and medical officer of health raised any relevant considerations?
  - l) Does the application comply with the Otorohanga District Local Alcohol Policy?

### **Is the applicant suitable?**

5. The licensing committee is satisfied that Rome Limited is a suitable applicant to hold an off-licence endorsed for the remote sale of alcohol by using an internet site. The sole director of the company Kiran King holds a Licence Controller Qualification.

### **Are the days and hours during which the applicant proposes to sell alcohol reasonable? Does the applicant have appropriate systems, staff and training to comply with the law? Does the applicant have a copy of the licence displayed in a prominent place on their internet site? Does the applicant have the licence holder's name, licence number and the date on which the licence expires printed on each receipt for the remote sale of alcohol?**

6. Rome Limited has applied for a licence with sales permitted at any hour. This is appropriate because the holder of a licence endorsed for remote sales can sell alcohol at any time (section 49). However, alcohol cannot be delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day, or between 11.00pm and 6.00am the following day (section 59(1)).
7. The licensing committee is satisfied that Rome Limited employs one certificated duty manager who is qualified to ensure that all remote sales of alcohol comply with the Act.
8. The licensing committee is satisfied that Rome Limited will display the licence on the internet site and will ensure that the appropriate details are displayed on receipts.

### **Has the applicant taken reasonable steps to ensure that alcohol is not sold to or received by persons under the age of 18 years?**

9. Rome Limited is taking appropriate steps to ensure no sales are made to or received by persons under the age of 18 years. When a customer enters the website, they will be asked to confirm that they are over 18 years of age. Age verification will also be required at the point of purchase. Rome Limited has entered into an agreement with NZ Post Courier delivery service to deliver the alcohol. Alcohol will be packaged with an 18+ sticker to identify the goods are restricted. Courier drivers will check identification on delivery should the recipient looks under 25 years of age. In addition, if the recipient is assessed as being intoxicated, then the package will not be delivered, and a call card will be left at the address.
10. In order to ensure that these promises are complied with, it a condition of the licence that each package contains a warning label (condition (e)).

### **Is the design and layout of the premises suitable?**

11. The licensed premises is a small office designed for administration purposes and no alcohol will be stored there. Alcohol will be stored at the licensee's supplier's warehouses around the country. Orders will be sent straight to the manufacturer by the applicant and will be packed and dispatched by them to the purchaser. The design and layout of the premises is suitable for the administration of a remote sale operation.

### **Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?**

12. Workshop Wines Limited does not engage in the sale of goods or services other than those directly relating to the remote sale of alcohol.

**Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of licence?**

13. The licensing committee is satisfied that the grant of an off-licence endorsed for the remote sale of alcohol by using an internet site to Rome Limited will not have a negative effect on the good order of the locality.

**Should it be a condition of the licence that a manager be on duty for particular days and times?**

14. The holder of a licence endorsed for remote sales is not required to have a manager on duty at all times when alcohol is being sold unless it is a condition of the licence (section 215). If it is not a condition of the licence that a manager be on duty when alcohol is sold, there is no requirement to maintain a manager's register (section 232).
15. The licensing committee does not consider that it is necessary to have a manager on duty when alcohol is sold. There is simply nothing that needs to be monitored in a remote sale process provided that appropriate systems are in place and maintained. However, it will be useful for the company director and any staff employed to receive training in the requirements of the Act, to ensure that appropriate systems are maintained.

**Does the application comply with the Otorohanga District Local Alcohol Policy?**

16. The licensing committee is satisfied that the application complies with the Otorohanga District Local Alcohol Policy.

**Conclusion**

17. Therefore, the application for an off-licence is granted.

Dated this 11th day of May 2018



Sara Grayson  
Commissioner