

ŌTOROHANGA DISTRICT LICENSING COMMITTEE

Decision	018/0515
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u> <u>IN THE MATTER</u>	of an application by JKD 2024 Limited for an off-licence in respect of the premises situated at 144 Maniapoto Street, Ōtorohanga known as Thirsty Liquor

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The application for an off-licence authorising the sale and supply of alcohol for consumption off the premises, to any person who is present on the premises 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 only from 9.00am to 10.00pm, Monday to Sunday
 - (b) No alcohol may be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day.
 - (c) The area where alcohol is to be sold is described in the plan date stamped as received by the District Licensing Committee 9 August 2024.
 - (d) The entire premises is designated as a supervised area (no persons under 18 years can be in the area unless with their parent or legal guardian).
 - (e) Single sales of alcoholic products priced at less than \$6.00 per unit are prohibited.

- (f) The display or sale of games, toys or accessories promoting excessive or inappropriate consumption of alcohol is prohibited.
- (g) A properly appointed certificated, acting or temporary manager must be on duty and on the premises at all times when the premises is open for the sale and supply of alcohol.
- (h) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- (i) The licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- (j) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be appropriate signs detailing these restrictions at every point of sale.
- (k) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- (l) The Licensee must ensure the following are displayed;
 - i) A sign to be seen from outside the principal entrance stating the ordinary hours of business during which the premises 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.

Remote Sale Conditions

- (m) Alcohol may be sold remotely at any time, on any day.
- (n) 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.
- (o) The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver (where present) is not intoxicated.
- (p) The outside of the delivery package must contain a label with the following words:
CONTAINS ALCOHOL
 - Do not leave at destination without proof of delivery.
 - Do not deliver to intoxicated persons or persons under 18 years of age.
- (q) A copy of the licence must be displayed on the Thirsty Liquor internet site in a prominent place.

Reasons

1. This is an application by JKD 2024 Limited for an off-licence in respect of a bottle store situated at 144 Maniapoto Street, Ōtorohanga known as Thirsty Liquor. JKD 2024 Limited has

been operating the business by way of a temporary authority which expires 3 December 2024. Planning certificate and building code of compliance having been received.

2. The application was advertised, and no objections have been received from members of the public. The Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not object to the application. Accordingly, the application is decided on the papers (s 202(1)).
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). In deciding whether to issue a licence the District Licensing Committee must have regard to the criteria in s 105 of the Act. Therefore, we 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) Is the design and layout of the premises suitable?
 - d) 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?
 - e) 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? Is the amenity and good order of the locality already so badly affected by the effects of the existing licenses that it is unlikely to be reduced further by the effects of the issue of the licence or is it desirable not to issue any further licenses?
 - f) Does the applicant have appropriate systems, staff and training to comply with the law?
 - g) Have the Police, Inspector and Medical Officer of Health raised any relevant considerations
 - h) Does the application comply with the Ōtorohanga District Local Alcohol Policy?

Is the applicant suitable?

4. The licensing committee is satisfied that JKD 2024 Limited is a suitable entity to hold an off-licence. The company owns and manages a similar outlet in Ōtorohanga, have been monitored by the Licensing Inspector and have been found to operate in accordance with the requirements of the Act.

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 application comply with the Local Alcohol Policy?

5. JKD 2024 Limited proposes to operate the off-licence from Monday to Sunday, from 9.00 am to 10.00pm. The licensing committee is satisfied that these are appropriate hours of operation.
6. The licensing committee is satisfied that JKD 2024 Limited has an appropriate staff training procedures in place to ensure compliance with the Act. There are 3 Duty Managers employed to ensure compliance with the Act.
7. The Licensing Inspector reports that the application does comply with the Ōtorohanga District Local Alcohol Policy.

Is the design and layout of the premises suitable?

8. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. The bottle store layout is open plan with shelving along the internal walls. The counter is at the front door and persons entering the premises can be readily monitored. There is a walk-in chiller with 2 CCTV cameras that can be viewed from the till. It is well appointed and able to be monitored effectively by the staff of the premises and a total of 7 CCTV cameras.

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?

9. JKD 2024 Limited does not engage in the sale of goods or service other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food.

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?

10. A bottle store has been in operation at this site for a number of years. We are satisfied that the grant of an off-licence to JKD 2024 Limited will not have a negative effect on the good order of the locality.

If the licence is granted, what conditions should be imposed?

11. The licensing committee may issue a licence with any reasonable conditions not inconsistent with this Act (section 117). In general terms, we aim to promote consistent reasonable conditions for all licensees in the Ōtorohanga area. Any proposed conditions inconsistent with other licensee conditions and require more restrictive management by the licensee must be based on sound evidence that an identified risk requires mitigation. This risk must be based on a concern regarding the criteria in section 105 and ultimately focus on the object of the Act, which is to ensure that alcohol is consumed safely, and harm caused by the excessive or inappropriate consumption of alcohol is minimised.

No single sales and other sales restrictions

12. In her report, the Medical Officer of Health raises concerns about the availability of alcohol in the area and the impact on a vulnerable community. She notes that the premises is also close to a number of sensitive sites. She proposes an additional condition of 'no singles sales of alcohol products priced at or less than \$6.00 per unit are be displayed or sold' to mitigate the accessibility of cheap single cans/bottles of higher alcohol products. A 'no single sales condition' has been applied to several other off- licences operating in more vulnerable communities.
13. The Licensing Inspector has also recommended a condition prohibiting the sale and promotion of drinking games and buckets of party shots. She does not believe that these games are suitable in a vulnerable community. We agree that alcoholic games, toys and accessories as they promote risky drinking practises and encourage inappropriate consumption of alcohol. 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). Therefore, we have formed a view that there is a benefit in adding a condition to the off licence prohibiting the sale and promotion of these products in store.

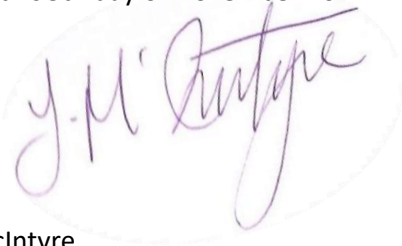
14. Under Section 18(1) of the Act, the holder of an off licence is entitled to sell alcohol on or from the premises the licence is issued for and deliver it somewhere else. The Licensing Committee has formed a view that there is a benefit in adding remote sale conditions that repeat statutory requirements because they draw the licensee's attention to the statutory requirements and serve as a useful reminder and training tool for staff. The remote sale conditions included in the licence reiterate the provisions in sections 18 & 49 of the Sale and Supply of Alcohol Act 2012 and regulations 14 & 15 of the Sale and Supply of Alcohol Regulations 2013 in a general sense.

Conclusion

15. The licensing committee is satisfied that the grant of the off-licence with the appropriate conditions will ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol.

16. Therefore, the application for the issue of the off-licence is granted.

Dated at this 5th day of November 2024



Tegan McIntyre
Commissioner
Ōtorohanga District Licensing Committee