

**OTOROHANGA DISTRICT LICENSING COMMITTEE**

**Application**

OF0030

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**  
**IN THE MATTER**

of an application by  
TL Otorohanga Limited  
for an off-licence  
in respect of the premises situated  
at 144 Maniapoto Street, Otorohanga,  
known as Thirsty Liquor Otorohanga

**DECISION OF THE OTOROHANGA 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 Monday to Sunday, from 9.00am to 10.00pm.
  - (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 Otorohanga District Licensing Committee on 5 April 2017.
  - (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) A holder of a manager's certificate must be on duty and on the premises at all times alcohol is sold.
  - (f) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
  - (g) A Host Responsibility Policy must be maintained and displayed at all points of sale and the licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.

- (h) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be displayed at every point of sale appropriate signs detailing these restrictions.
- (i) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- (j) 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.

## **Reasons**

1. This is an application by TL Otorohanga Limited for an off-licence in respect of a bottle store situated at 144 Maniapoto Street, Otorohanga, known as Thirsty Liquor Otorohanga. TL Otorohanga Limited has been operating the business by way of a temporary authority since 24 February 2017.
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 object to the application. Accordingly, the application is decided on the papers (s 202(1)).
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 issue a licence the District Licensing Committee must have regard to the criteria in s 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) 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 Otorohanga District Local Alcohol Policy?
5. The licensing committee must have regard to section 116 in deciding what conditions apply to an off-licence.

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

6. The licensing committee is satisfied that TL Otorohanga Limited is a suitable entity to hold an on-licence. The sole director of the company, Kanwal Singh, owns and manages two other bottle stores located in Putaruru and Te Kuiti. Enquires with the relevant alcohol licensing offices reveal that there are no issues of concern with the operation of these businesses.
7. In addition, the business has been inspected by the Licensing Inspector during the period it has been operated under the temporary authority and it was found to be fully compliant with the Act.

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

8. The application is compliant with the Otorohanga District Local Alcohol Policy.

### **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?**

9. TL Otorohanga Limited proposes to operate the off-licence from Monday to Sunday 9.00 am to 10.00pm. The licensing committee is satisfied that these are appropriate hours of operation..
10. The licensing committee is satisfied that TL Otorohanga Limited has an appropriate Host Responsibility Policy and staff training procedure in place to ensure compliance with the Act. There are sufficient Duty Managers employed to ensure compliance with the Act. It is expected that TL Otorohanga Limited will provide a record of the staff training conducted when the application for the renewal of the licence is filed.

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

11. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. It is well appointed and able to be monitored effectively by the staff of the premises.

### **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. TL Otorohanga 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?**

13. The licensing committee is satisfied that the grant of an on-licence to TL Otorohanga Limited will not have a negative effect on the good order of the locality. The Licensing Inspector reports that there are no anticipated concerns regarding this business and its effect on the local neighbourhood.

### **Conclusion**

14. 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.

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

Dated this 25<sup>th</sup> day of May 2017

A handwritten signature in black ink, appearing to be 'Sara Brown', written in a cursive style.

Sara Brown  
Commissioner