



**OTOROHANGA DISTRICT LICENSING COMMITTEE**

Decision Number: 018/OFF/001/16

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by KB 2010 Limited for the renewal of an off-licence.

**BEFORE THE OTOROHANGA DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Cambridge on 26th February 2016

**INTRODUCTION**

The Otorohanga District Licensing Committee has before it an application by for the renewal of OFF licence in respect to premises situated at 6 Maniapoto Street, Otorohanga and known as Kiwitown Liquor Centre.

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, 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 the renewal of off licence number 018/OFF/1/12 was received by the Otorohanga District Licensing Committee on 15 January 2016 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was on time, and in the correct form as detailed by section 127 of the Act, and was accompanied by the correct fee. The application includes a statement in regard to fire safety and evacuation schemes as required by section 127(2) (e).

**DECISIONS AND REASONS**

The criteria to which this committee must have regard are detailed in section 131 of the Act.

**"131 Criteria for renewal**

- (1) *In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
- (a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):*
  - (b) whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:*
  - (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*
  - (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*
- (2) *The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence."*

The provisions of section 105 referred to above are highlighted in bold as follows:

**"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:

KB 2010 Limited has held an off licence for 4 years.

There have been no substantiated complaints received regarding the off licence operation neither has there been a controlled purchase operation failure in that time.

Local Alcohol Policy:

The application has been assessed against the Otorohanga District Local Alcohol Policy 2013.

N.B. The proposed hours of operation will eventually exceed the closing hours stipulated in the proposed policy i.e. 10 p.m.

Days and hours:

The applicant proposes no change to the current hours of 8 a.m. to 11p.m. Monday to Sunday inclusive.

This is in accordance with the other off licence hours in Otorohanga CBD.

Design and Layout of the premise:

The premises are located on the site at 6 Maniapoto Street, Otorohanga. The primary activity conducted on the premises is bottle store.

The applicant proposes no changes to the existing designation.

Sale of Goods and Services other than those related to alcohol

The operator sells chips, confectionary, cassava and ice.

Reduction of amenity and good order

The premises are sited in commercial area of Otorohanga CBD. There have been no recorded incidences in the neighbourhood which would be directly linked to these premises contributing to alcohol harm i.e. tagging/crime/violence/noise and vehicle accidents. There was no observed tagging at the time of the visit.

A photograph taken on the day of the inspection confirms this.

Systems, staff and training

The applicants have provided evidence of three Duty Managers.

Manner in which the premises have been operated

Meets the requirements of the Legislation.

Issues raised by reporting agencies

Police report dated 20 January 2016 present no objections to the application. Notification to the Medical Officer of Health was sent on 20 January 2016 however a report was not presented within 15 working days and in accordance with section 103(4), the district licensing committee can assume they make no objection to the application.

The Public

The application was publically notified in accordance with section 127(3). No public objections were received in relation to this application.

CONCLUSION

Having been satisfied as to the matters to which the Committee must have regard in s.131 of the Act as detailed above, the application is **granted**.

A replacement licence and renewal notice can be issued immediately containing the compulsory conditions of section 116 of the Act and the conditions to which the existing licence is subject, namely:

- 1) No alcohol is to be sold or delivered on Good Friday, Christmas Day, or before 1 pm on Anzac Day:
- 2) No alcohol is to be sold or delivered on Easter Sunday.
- 3) Alcohol may be sold under the licence only on the following days and during the following hours:
  - a. Monday to Sunday 8am to 11pm
- 4) 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.
- 5) The premises situated at 6 Maniapoto Street, Otorohanga and identified in photographs stamped and received by the Otorohanga District Licensing Committee on 19 February 2016.
- 6) The off licence area is to be supervised.

- 7) Drinking water must be freely available to customers in the following places at all times alcohol is being supplied free as a sample on the premises:
  - a. In the body of the off sales area near where the samples are being provided.
- 8) 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.
- 9) The applicant has provided a floor plan which defines the area where alcohol off licence sales is to be confined to.

**DATED AT Cambridge this 26th day of February 2016**



**Chairperson  
OTOROHANGA DISTRICT LICENCING COMMITTEE**