

**Decision Number: 019/OFF/002/2015**

**IN THE MATTER** of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER** of an application by **Te Kuiti Liquor Mart Limited** pursuant to s.100 of the Act for an **Off Licence Renewal**.

**BEFORE THE WAITOMO DISTRICT LICENSING COMMITTEE**

Chairperson: Diane Sharpe

**MEETING** at Te Awamutu / Cambridge on the 14<sup>th</sup> day of August 2015

**INTRODUCTION**

The Waitomo District Licensing Committee has before it an application by **Te Kuiti Liquor Mart Limited** pursuant to section 100 of the Act for an **Off Licence Renewal**.

Reports have been received from the Police 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 the renewal of off licence number 019/OFF/002/2014 was received by the Waitomo District Licensing Committee on 23 June 2015 pursuant to section 127 of the Sale and Supply of Alcohol Act 2012.

The application was not on time (received 14 days and not the required 20 days before the expiry of the existing licence), but was 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(e).

The licence is eligible to be renewed as it meets the criteria detailed in section 125.

The application was publicly notified in the Waitomo News on 23 June 2015 and 30 June 2015. A notice was placed on the site (not viewed).

The original off licence application for these premises was subject to a public hearing and the off licence was subsequently issued by the Committee. Since the issuing of the off licence there has been a change of Director, which took place before the premises opened for trading. The change of Director was notified to the Ministry of Justice on 8 August 2014 who in turn informed the District Licensing Committee and the Police. A change of Director means no temporary authority and no new off licence application is required.

**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 is a private company incorporated under the Companies Act 1993 on 14 April 2014 and meets the requirements under Section 30 relating to who may hold an off-licence.

Company Director: Sahil Sharma  
Shareholders: Aman Singh (33.60%)  
Sonpreet Ghumann (33.20%)  
Sahil Sharma (33.20%)

The application declares the following convictions:

Sahil Sharma Drink Driving (24/07/2011)  
Aman Singh Drink Driving (2007 and 2008)

The police have raised no objections.

The directors own several branches of Sai Wholesale Liquor Stores in New Zealand. When a previous Director (Nipun Kumar Sharma) was involved with these outlets he was subject to enforcement proceedings for failing controlled purchase operations. This director no longer has any involvement with these outlets.



## **LOCAL ALCOHOL POLICY**

The provisional Local Alcohol Policy has yet to be adopted by Waitomo District Council. As an application for renewal of an off licence with hours Monday to Sunday from 9.00am to 10.00pm it is likely to comply were the policy in force. The draft policy states:

"f) *Maximum trading hours for premises holding off-licences:*

- *No off-licence shall be issued or renewed in respect to a supermarket premise with trading hours that exceed the following:  
Monday to Sunday 7.00am to 10.00pm.*
- *No off-licence shall be issued or renewed in respect to any other premises excluding supermarkets with trading hours that exceed the following:  
Monday to Sunday 9.00am to 10.00pm."*

## **DAYS AND HOURS**

The applicant proposes no changes to the hours of Monday to Sunday 9.00am to 10.00pm.

## **DESIGN AND LAYOUT OF THE PREMISE**

The premises are located on the site at 35 Carroll Street, Te Kuiti. The building adjoins a branch of a well known chain of stores selling motor parts and accessories. There is a VTNZ testing station situated in a neighbouring building. The applicant proposes no changes to the floor plan submitted with the original application. The applicant has designated the premises as a '**Supervised area**'.

## **SALE OF GOODS AND SERVICES OTHER THAN THOSE RELATED TO ALCOHOL**

There are no other goods sold or services provided.

## **REDUCTION OF AMENITY AND GOOD ORDER**

The premises are situated on State Highway 3 in Te Kuiti. Passing traffic is predominantly vehicular – with occasional foot traffic. Heavy Goods Vehicles occasionally use the open parking area next to the premises, which is contiguous with the railway track through town.

In addition to the applicant's premises there are six other premises holding off-licences in Te Kuiti:

<b>Name</b>	<b>Licences Held</b>	<b>Hours</b>
Quota Club	off (and club)	9.00am to 11.00pm
Waitomo Club	off (and club)	9.00am to 11.00pm
Te Kuiti New World	off	7.00am to 11.00pm
Te Kuiti Liquorland	off	8.00am to 10.00pm
Te Kuiti Supervalu	off	7.00am to 11.00pm
Super Liquor Te Kuiti	off	9.00am to 11.00pm

These premises are all within 500m of the proposed Te Kuiti Liquor Mart except Te Kuiti New World, which is 1.6km distant. Also within Te Kuiti, there are five premises holding on-licences and three club licences (in addition to the two mentioned above).

Although there are no residential dwellings within 50 metres of the applicants premises there is a motel located 50 metres on the other side of the road.

There are a number of sites which could be classified as sensitive either due to attracting children, vulnerable persons, or are culturally sensitive or places of worship:

- 1 Skate Park
- 2 Youth centres

- 5 Schools
- 7 Childcare centres
- 5 Churches
- 2 Culturally sensitive sites (Maraes)

All the above are within 500 metres of the proposed bottle store. Of concern is the proximity of the skate park (within 100 metres), which attracts predominantly young local people.

Twelve CCTV cameras, covering both internal and external areas, are installed and working. A monitoring screen is placed where staff can easily view same. Recordings are stored for one month.

There is no evidence to indicate that in the 12 months since the licence was issued that the amenity and good order of the locality has been reduced by more than a minor extent.

### **SYSTEMS, STAFF AND TRAINING**

The application states each staff member is given a refresher test at least once a year on their 'compliance programme'. Copies of test questions were supplied with the application. Both a Host Responsibility Policy and a supporting document, 'Alcohol Management Plan', were provided with the application.

A site inspection confirmed the applicant has a till prompt in place to check for ID.

### **ISSUES RAISED BY REPORTING AGENCIES**

Police report dated 25 June 2015 presents no objections to the application.

No report was received from the office of the Medical Officer of Health. Section 103 (4) of the Act states:

*"The licensing committee may assume that, if no report is received from the Police or Medical Officer of Health within 15 working days after sending the copy of the application to them, the Police or Medical Officer of Health does not oppose the application."*

### **THE PUBLIC**

The application was duly advertised in accordance with the Act. No public objections were received.

### **CONCLUSION**

Being satisfied as to the matters to which the Committee must have regard in s.105 of the Act the application is granted. **The licence can be renewed and issued immediately for a three year period**, subject to the following conditions:

- The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.
- No alcohol is to be sold or delivered for consumption off the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
- Alcohol may be sold or delivered only on the following days and during the following hours:  
**Monday to Sunday 9.00am to 10.00pm**
- Drinking water must be freely available in the following places to customers while alcohol is being supplied free as a sample on the premises: **At all points of supply.**



- e) The licences premises are those detailed in plans date stamped as received by the District Licensing Committee on 28 April 2014.
- f) The following parts of the premises are designated as a supervised area: **The entire premises.**
- g) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
  - i) Signage shall be installed advising that minors and intoxicated persons shall not be served;
  - ii) The applicants host responsibility policy shall be displayed on the premises.
- h) There is no advertising of alcohol on the windows of the premises.
- i) There will be no 'single serve' off sales e.g. individual 'stubbies' or 'RTD' products in one or less than one standard drink portions will not be sold for off the premises consumption.
- j) All off licence sales will be packaged in sealed bags or by similar method.
- k) No party pills, psychoactive substances or any similar substances will be sold from the premises.
- l) The lighting and surveillance equipment installed on the premises must be kept and maintained in good working condition at all times.
- m) The holder of an on-licence or off-licence or a club-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:
  - i) attached to the inside of the premises concerned; and
  - ii) so as to be easily read by people entering each principal entrance.

**DATED** at Te Awamutu / Cambridge this 14<sup>th</sup> day of August 2015



Diane Sharpe  
**Chairperson**  
**Waitomo District Licensing Committee**