

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by ARA 22 Enterprises Limited pursuant to s.127 of the Act for the renewal of an Off-Licence in respect of premises situated at 39 Hakiha Street, Taumarunui, known as "Super Liquor Taumarunui".

**BEFORE THE RUAPEHU DISTRICT LICENSING COMMITTEE**

Commissioner: Ross Murphy

**DECISION**

1. This is an application by pursuant to s.127 of the Act for the renewal of an Off-Licence by ARA 22 Enterprises Limited in respect of premises situated at 39 Hakiha Street, Taumarunui, known as "Super Liquor Taumarunui".
2. The application was required to be notified in accordance with s.127 of the Act. No objection has been received under s.128 of the Act.
3. Reports from the Police, Medical Officer of Health and an Inspector do not raise any matters in opposition to the application. Accordingly the application is determined on the papers.
4. **In deciding whether to renew the licence the District Licensing Committee must have regard to the criteria in s.105 and 131 of the Act.** Therefore, this committee must consider the following questions within the framework of the purposes and object of the Act:
  - Is the object of the Act met or likely to be met?
  - Is the applicant suitable?
  - Are the requirements of any relevant local alcohol policy met?
  - Are the days on which and the hours during which the applicant proposes to sell alcohol reasonable?
  - Is the design and layout of the premises suitable?
  - Does the applicant engage 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?
  - Is the amenity and good order of the locality likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence?
  - Does the applicant have appropriate systems, staff and training to comply with the law?
  - Is the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol appropriate?
  - Have the Police, the Medical Officer of Health or an Inspector raised any relevant considerations?
5. **Is the object of the Act met or likely to be met?**

There is no opposition from the agencies and all documentation convinces the committee there are no concerns regarding the potential for alcohol related harm.

**6. Is the applicant suitable?**

The licensing committee is satisfied that ARA 22 Enterprises Limited is a suitable entity to hold this licence. The directors are of good character and have demonstrated their ability that they can comply with the Sale and Supply of Alcohol Act 2012.

**7. Are the requirements of any relevant local alcohol policy met?**

The licensing committee is satisfied there are no matters contrary to the Ruapehu local alcohol policy.

**8. Are the days on which and the hours during which the applicant proposes to sell alcohol reasonable?**

ARA 22 Enterprises Limited will continue to operate the bottle store from 9.00 am to 10.00 pm. The committee is satisfied that these hours are appropriate for this operation.

**9. Is the design and layout of the premises suitable?**

The licensing committee is satisfied that the bottle store has a suitable design and layout to meet the requirements of the act. It is well appointed and able to be monitored by the staff on duty. The entire premises is designated as a 'Supervised' area (no persons under 18 can be in the area unless with their parent or legal guardian]. There is CCTV throughout.

**10. Does the applicant engage 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? Not applicable.**

**11. Is the amenity and good order of the locality likely to improve if we refuse to renew the licence?**

The bottle store has been in operation on this site for a number of years. There is no opposition or objections against the continuance.

**12. Does the applicant have appropriate systems, staff and training to comply with the law?**

The licensing committee is satisfied that ARA 22 Enterprises Limited has an appropriate Host Responsibility Policy. The Super Liquor franchise uses an inhouse e-learning system, the 'Super Liquor Academy'. New employees complete training at inductions and then on a six-monthly basis thereafter. They are also required to read and sign a Staff Acknowledgement Policy which cover the store's policies in line with the Sale and Supply of Alcohol Act every three months.

The Inspector confirms a review of the supporting information demonstrates that the applicant has appropriate systems, staff and training to meet the requirements of the Act and the Ruapehu LAP.

**13. Remote sales.** This is defined in the Act as "a sale that is entered into (using the internet, by telephone or mail order, or in any other way) between a seller who holds an off licence and a person who is at a distance from the premises and alcohol is delivered by or on behalf of the seller".

Section 59 of the Act and the relevant regulations sets out 'requirements' for the remote sale of alcohol. These are required for all off-licences that sell remotely, not just for those endorsed under section 40. Section 63 of the Act also confirms requirements and restrictions (laid out in the Act) are imposed as conditions.

To this extent this District Licensing Committee has added these to the licence conditions if the Licensee conducts remote sales. ARA 22 Enterprises Limited confirmed on first issue they do allow sales remotely and the Inspector obtained the appropriate consent.

14. **Have the Police, the Medical Officer of Health or an Inspector raised any relevant considerations?**  
The Police, Inspector or MOH have raised no issues regarding any of the above criteria and the Committee has no concerns.
15. **The Licensing Committee is satisfied as to the matters to which must be regarded as set out in the Act and grant the renewal application for three years on the existing conditions;**

DATED this 2<sup>nd</sup> day of February 2024

A handwritten signature in black ink, appearing to read 'Ross Murphy', with several overlapping loops and a long, sweeping underline.

Ross Murphy  
Commissioner  
Ruapehu District Licensing Committee