

DECISION NUMBER

4369/2024

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **MANU AND KAMU LALA** for a renewal of Off- Licence pursuant to section 127 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 405 Waitea Branch Road, Kakahi and known as "Kakahi General Store".

BEFORE THE RUAPEHU DISTRICT LICENSING COMMITTEE

The application for renewal of Off-Licence was advertised in the Taumarunui Bulletin newspaper on 25 January 2024 with no objections received.

No matters of opposition were raised under section 128 and 129 reports; therefore the matter was considered by the Ruapehu District Licensing Commissioner on the papers contained in the full file provided by the secretary in accordance with the provisions of s.202 (1) and 191(2) of the Sale and Supply of Alcohol Act 2012.

Commissioner: Stuart Hylton

RESERVED DECISION OF THE RUAPEHU DISTRICT LICENSING COMMITTEE

Application

(1) The premises at 405 Waitea Branch Road, Kakahi, Marewa, is currently operating as an off licence 'General Store Style Off-licence' (030/OFF/3609/2021) and this application is to renew the licence. This is the licensee's eighth renewal.

(2) The application to renew was made on the 17 January 2024 on the prescribed form. The application seeks to renew with the same existing conditions. The general nature of the business will continue to be that of a 'General Store Style Off-Licence'. The premises has a 'low' risk rating.

(3) The Inspectors report contained an examination of the applicant's status as a premise able to obtain an off licence as a general store within the definitions contained within section 32, 33 and 34 of the Act and Regulation 12 of the Sale and Supply of Alcohol Regulations 2013. The Inspector notes

the licence was initially granted in 1999 by the Liquor Licensing Authority as a “General Store” - 34 Area where some licensed premises not economic. In that decision the Authority said: *“The business is located in a remote settlement some 16 kilometres from Taumarunui, and has held an off-licence since February 1999, granted by the Authority in decision LLA 212/99. The licence was granted pursuant to s.36(2) of the Act on the basis that the premises are:*

(a) situated in an area where the sale of liquor in premises of a kind described in s36(1)(c) or

(d) would not be economic; and

(b) that the premises are not of a shop of a kind commonly known as a dairy.

The licence authorises the sale of all types of liquor.”

I accept the inspector’s analysis and determination that this premise is a premises for which off-licences may be issued in terms of s. 34 of the Act.

(4) The complete file that I received included –

- The application
- Draft renewal advertisement
- Fire evacuation scheme declaration from owner
- Permission letter from owner
- Photos from interior of shop taken by the inspector
- Reports from Police, Medical Officer of Health and Inspector

Decision Making

(5) In considering this application for renewal of Off-Licence the District licensing Committee (here in after referred to as; the Committee) had regard to the criteria specified under s. 131 of the Act.

Sections 105/131 Analyses:

(6) the object of this Act:

Both the Inspector and Medical Officer of Health inquired into the application seeking evidence that the object of the Act will be complied with under this licence. It is noted that the premise has not come to the notice of the authorities in an adverse way during the renewal period. The applicant’s Host Responsibility Policy, if followed correctly, should ensure that the object of the act is complied with.

(7) the suitability of the applicant:

The applicant is a partnership that was officially formed in 1976 and held a licence at the store since 1999. Mr Lala is a partner, sole store employee and manager. For this type of operation this is suitable.

The inspector and reporting agencies do not challenge suitability of the applicant and neither do I.

(8) any relevant local alcohol policy:

The licence accords with the LAP.

(9) the days on which and the hours during which the applicant proposes to sell alcohol:

Applicant has applied for the existing hours:

Monday to Sunday 8.00am to 10.00pm.

These hours are within the national trading hours and same as the hours contained in the current licence. These are considered fit for purpose and have operated without incident in the past.

(10) the design and layout of any proposed premises:

No CPTED assessment received with the application but as it's an existing licence with no issues reported I see no issue with design and layout. The premise is a relatively simple small store as detailed within site plan dated 15 January 2018, with no changes noted during the renewal period.

(11) 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 accept the inspectors assessment that there have been no complaints about nuisance type offences in the area in the past and that if managed well this should continue.

(12) whether the applicant has appropriate systems, staff, and training to comply with the law:

The applicant has nominated one manager which is sufficient. The inspector notes the stores peculiarities as a small store in a rural settlement and the applicants' unique and honest endeavours to keep up training and knowledge of the Act. The Inspector is satisfied the applicant has sufficient systems and training and so do.

Reporting Agencies

(13) The following reports were received under section 103/129 of the Act.

(14) **Police** – Report received on 22 January 2024, of no opposition.

(15) **Medical Officer of Health** - Report received on 12 February 2024, of no opposition.

(16) Licensing Inspector

Full report dated 4 March 2024. The inspector provided, amongst other things, their assessment of the application in relation to the Act. They also assessed the application against s105 criteria. This assessment has been referred to in this report.

The inspector concluded that the application is complete and will likely meet the criteria for renewal on the conditions presently attached to the licence.

Committees Decision and Reason

(17) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, I conclude that the application generally meets the s. 105/131 criteria under the Act to be granted renewal of an off-licence for the premise situated at 405 Waitea Branch Road, Kakahi, and known as "Kakahi General Store".

(18) Accordingly the application is **approved** for renewal for three years subject to the following conditions and payment of any outstanding fees, if any.

(a) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday 8.00am to 10.00pm

(b) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day.

- c) Alcohol must only be sold within the area marked on the plan submitted with the application date stamped as received by the District Licensing Committee on 15 January 2018.
- d) Drinking water shall be freely available on the premises as specified in the application.
- e) The entire premises is undesignated
- f) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
- g) A manager's register is to be maintained and available on site.
- h) A Host Responsibility Policy must be maintained and displayed at all points of sale and the Licensee must ensure all staff receives training in their responsibilities and obligations under the Act.
- i) 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.
- j) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- k) The licensee must ensure the following are displayed:
 - A sign to be seen outside the principle entrance at 405 Waitea Branch Road, Kakahi stating the ordinary hours of business during which the premises will be open for the sale of alcohol;
 - A copy of the original licence with all the conditions, just inside the principle entrance at 405 Waitea Branch Road, Kakahi so persons entering can read it;
 - A sign in a prominent place identifying the duty manager.

Dated at Ruapehu District this 9th day of March 2024.



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Stuart Hylton
Ruapehu District Licensing Commissioner