

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by MEDEA HOLDINGS LIMITED for an off-licence pursuant to s.17 of the Act in respect of premises situated at 103 Bridge St, Market Cross known as "KARAMEA FOUR SQUARE SUPERMARKET"

BEFORE THE BULLER DISTRICT LICENSING COMMITTEE Buller District Council

Chairman: Graeme Neylon

Authority of Chairperson

The functions, powers and duties of the District Licensing Committee is delegated to the committee chairperson under section 191(2) of the Sale and Supply of Alcohol Act 2012 when no objection has been filed, and no matters of opposition have been raised by the Police, Medical Officer of Health or the Inspector in respect of the following applications:

- An application for a licence
- An application for a manager's certificate
- An application for renewal of a licence or manager's certificate

DECISION

This is an application by MEDEA HOLDINGS LIMITED for an off-licence in respect of premises situated at 103 Bridge St, Market Cross, known as "KARAMEA FOUR SQUARE SUPERMARKET". The premises are a supermarket/grocery store.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

There have been no objections received in regards to this application and as such I am able to consider it on the papers put before me.

The applicant, Medea Holdings Limited, is seeking renewal of their off-licence for premises known as the Karamea Four Square Supermarket located at 103 Bridge Street, Karamea.

Medea Holdings Limited is a New Zealand registered company with Juliette James and Jason James both directors and shareholders and both are involved in the day to day operating of the supermarket business and are holders of current managers certificates.

The New Zealand police, NZ Fire Service and the Medical Officer of Health have no objections to the granting of this application and a favourable report has been received from the Chief Licencing Inspector. There have been no adverse reports received in regards to the management of these premises by any of the reporting agencies since the last renewal application.

There is nothing in the papers out before me that would indicate that the applicant is not suitable to be the holder of an off-licence.

The hours of operation sought are 8.00am to 8.00pm Monday to Sunday and these hours are considered to be reasonable for this type of operation.

The premises are in an L shape with alcohol being one single area and the majority of the store being foodstuff. In response to concerns raised by the Medical Officer of Health the applicant has made some changes to the store layout with the alcohol chiller cabinet being moved from the back wall to the side wall and placing a poster at the end of the top shelf of the wine rack to limit the direct viewing of the single alcohol area by shoppers entering the supermarket.

A supplied break down of the gross sales revenue for the period ending 31 July 2016 shows that more than 47% of the sales are food products and with sales of other household products the business is only generating 15% of its gross income from alcohol sales and thus complies with the requirements of s.33 of the Act and is able to be classed as a grocery store.

In addition to the two directors who hold managers certificates there are two other employees who also are holders of current managers certificates and there is a qualified duty manager on duty at all times the premises are open for business. A Host Responsibility Policy details the steps taken to ensure that no alcohol is sold to minors or intoxicated persons and that ID's are checked for those persons who look under 25 years of age. Low and non alcohol beverages are made available and alcohol promotions are done only within the requirements of the Act and do not encourage the rapid consumption of alcohol or the consumption of excessive amounts of alcohol.

The premises are situated within the Market Cross area of Karamea and have been selling alcohol since 1994 and the applicant has been operating the premises since 2000 with no adverse reports from any of the reporting agencies during that time. There are residential properties adjoining the premises and there is ample car parking on the road running past the shop.

Despite the close proximity of residential dwellings given the reasonable operating hours the applicant is seeking it is not expected that the amenity or good order of the neighbourhood will be effected in any other than a minor way by the granting of this application.

In considering the papers put before me I am satisfied that the sale and supply of alcohol can be done safely and responsibly and that the harm that may be caused by inappropriate or excessive supply of alcohol can be minimised by the actions the applicant has outlined in this application.

The application appears to comply with the criteria as set out in s.131 of the Act therefore I grant the application from Medea Holdings Limited for renewal of their off-licence for the premises known as Karamea Four Square Supermarket subject to conditions.

The licence may issue immediately.

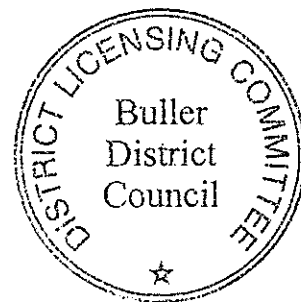
Conditions to be imposed:

- a) no alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.

- b) no alcohol is to be sold or delivered on Easter Sunday unless the alcohol is grape wine or fruit or vegetable wine made—(i) on the premises; or (ii) from grapes or fruit harvested from land on which the premises are situated:
- c) no alcohol may be sold other than— (i) beer that complies with the appropriate New Zealand food standard for beer; or (ii) mead that complies with the appropriate New Zealand food standard for mead; or (iii) fruit or vegetable wine that complies with the appropriate New Zealand food standard for fruit or vegetable wine; or (iv) grape wine that complies with the appropriate New Zealand food standard for grape wine; or (v) a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.
- d) alcohol may be sold only on the following days and during the following hours: Monday to Sunday 8.00am to 8.00pm.
- e) the only area delineated on the attached plan is a permitted area for the display and promotion of alcohol.
- f) Drinking water must be freely available for patrons where complimentary samples are being offered.
- g) The licensee must ensure that the provisions of the Act relating to the supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons.
- h) The off-licence is undesignated.
- i) The applicant's attention is also drawn to ss.56-57 and 214(3) of the Act obliging the licence holder to display:-
 - (i) A sign at each principal entrance to the premises attached to the inside or outside of the premises, so as to be easily read by persons immediately outside the entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol; AND
 - (ii) A copy of the licence including conditions, must be attached to the inside of the premises at each of the principal entrances, so as to be easily read by persons immediately outside the entrance. The entrance from Bridge Street is designated as the principal entrance; AND
 - (iii) A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.

DATED at Westport this 9th day of January 2017

Graeme Neylon
CHAIRPERSON
BULLER DISTRICT LICENSING COMMITTEE



IN THE MATTER

Section 228 of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by JACQUELINE ADELL MORROW for renewal of manager's certificate pursuant to s.224 of the Act

DECISION FOR UNCONTESTED RENEWAL OF MANAGER'S CERTIFICATE

Authority

The functions, powers and duties of the District Licensing Committee is delegated to the committee chairperson under section 191(2) of the Sale and Supply of Alcohol Act 2012 where no objections have been filed, and no matters of opposition have been raised by the Police, Medical Officer of Health or the Inspector in respect of an application for renewal of manager's certificate.

Summary and Evaluation of Evidence

There have been no objections received in regards to this application and as such I am able to consider it on the papers put before me.

The applicant, Jacqueline Adell Morrow, is seeking renewal of her manager's certificate first granted in 2009 and this is her third renewal application. The applicant is currently employed at the Inangahua General Store and has only done some casual work in licenced premises in Nelson just over a year ago but is intending to get back into employment in licenced premises in the near future hence her reason for the renewal application. Ms Morrow has previously worked at Berlins Café & Bar located in the Lower Buller Gorge. The applicant has the required relevant qualifications and has experience in managing licenced premises.

The NZ Police have no objections to this application and there is a favourable report from the Chief Licencing Inspector with no issues notified to the reporting agencies since the last renewal of the applicant's managers certificate. However, the Chief Licencing Inspector has given notice to the applicant that if she does not find employment in licenced premises between now and her next renewal then her next renewal application will be opposed.

There is nothing in the papers put before me that would indicate that Ms Morrow is not a suitable person to hold a manager's certificate.

I am satisfied that the applicant appears to be able to manage licenced premises with the aim of contributing to the reduction of alcohol related harm by not selling alcohol to intoxicated persons nor allowing intoxicated persons to remain on the premises. The applicant also makes sure ID's are checked to ensure that no alcohol is sold to minors.

Decision

The application appears to comply with the criteria required for the renewal of a manager's certificate as set out in s.227 of the Act and therefore I grant the application from Jacqueline Adell Morrow for renewal of her manager's certificate.

Dated at Reefton this 9th day of January 2017



Graeme Neylon
CHAIRPERSON
BULLER DISTRICT LICENSING COMMITTEE

IN THE MATTER

Section 228 of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Christopher James Coleman for renewal of manager's certificate pursuant to s.224 of the Act

DECISION FOR UNCONTESTED RENEWAL OF MANAGER'S CERTIFICATE

Authority

The functions, powers and duties of the District Licensing Committee is delegated to the committee chairperson under section 191(2) of the Sale and Supply of Alcohol Act 2012 where no objections have been filed, and no matters of opposition have been raised by the Police, Medical Officer of Health or the Inspector in respect of an application for renewal of manager's certificate.

Summary and Evaluation of Evidence

There have been no objections received in regards to this application and as such I am able to consider it on the papers put before me. The applicant, Christopher James Coleman, is seeking renewal of his manager's certificate granted in 2015 and this is his first renewal application although he did hold a manager's certificate up until 2014 but for personal reasons had allowed this to lapse.

The applicant is currently a co-director and involved in the day to day operations at The Westport a hotel located in Palmerston Street Westport. There have been no adverse reports received about the management of these premises in the time that Mr Coleman has been involved in managing these premises. The applicant has the required relevant qualifications and has significant experience in managing licenced premises.

The NZ Police have no objections to this application and there is a favourable report from the Chief Licencing Inspector with no issues notified to the reporting agencies since the last renewal of the applicant's managers certificate. There is nothing in the papers put before me that would indicate that Mr Coleman is not a suitable person to hold a manager's certificate.

I am satisfied that the applicant appears to be able to manage licenced premises with the aim of contributing to the reduction of alcohol related harm by not selling alcohol to intoxicated persons nor allowing intoxicated persons to remain on the premises. The applicant also makes sure that patrons know that food and is available for purchase and free water is available at all times and also makes sure ID's are checked to ensure that no alcohol is sold to minors.

Decision

The application appears to comply with the criteria required for the renewal of a manager's certificate as set out in s.227 of the Act and therefore I grant the application from Christopher James Coleman for renewal of his manager's certificate.

Dated at Reefton this 9th day of January 2017



Graeme Neylon
CHAIRPERSON
BULLER DISTRICT LICENSING COMMITTEE



IN THE MATTER

Section 64 of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Sheree Lee Wapp for a new manager's certificate pursuant to s.221 of the Act

DECISION FOR UNCONTESTED NEW MANAGER'S CERTIFICATE

Authority

The functions, powers and duties of the District Licensing Committee is delegated to the committee chairperson under section 191(2) of the Sale and Supply of Alcohol Act 2012 where no objections have been filed, and no matters of opposition have been raised by the Police, Medical Officer of Health or the Inspector in respect of an application for a new manager's certificate.

Summary and Evaluation of Evidence

There have been no objections received in regards to this application so as such I am able to consider it on the papers put before me.

The applicant, Sheree lee Wapp, had had 3 months employment at the Maruia Hot Springs at the time she lodged her application for a new manager's certificate. Ms Wapp has gained and supplied a copy of the required relevant qualifications and a character reference has been provided with her application.

The NZ Police have no objections to this application however the applicant has received an unfavourable report from the Chief Licencing Inspector as despite efforts by the Chief Licencing Inspector there has not been any further contact possible with Ms Wapp to arrange for the required interview to allow this application to be considered. The applicant had not shown that she had enough experience working in licenced premises and had not responded to requests for further information.

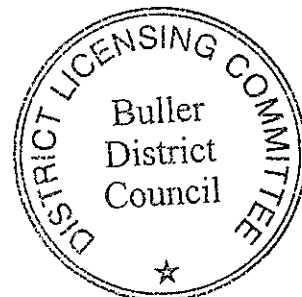
Decision

I am satisfied that the application does not meet the criteria required under s.222 of the Act therefore I do not grant the application from Sheree Lee Wapp for a new manager's certificate.

Dated at Reefton this 9th day of January 2017



Graeme Neylon
CHAIRPERSON
BULLER DISTRICT LICENSING COMMITTEE



Application No.: ON160008
Decision No.: DLC/001/2017

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

AND

IN THE MATTER of an application by **Ann Norton Limited** (the licensee) for On-Licence pursuant to ss. 14 of the Act for premises situated at 243 Palmerston Street, Westport and known as Yellow House Café and Restaurant.

BULLER DISTRICT LICENSING COMMITTEE
UNCONTESTED APPLICATION DECISION

Chairperson: Graeme Neylon

Authority of Chairperson

The functions, powers and duties of the District Licensing Committee is delegated to the committee chairperson under section 191(2) of the Sale and Supply of Alcohol Act 2012 when no objection has been filed, and no matters of opposition have been raised by the Police, Medical Officer of Health or the Inspector in respect of an application for a licence.

The special meeting to hear this application within the non-working day period under the Sale and Supply of Alcohol Act 2012 (Part 1 (5)) commenced with a committee of one hearing the application.

Decision

There have been no objections received in regards to this application and as such I am able to consider it on the papers put before me.

The applicant, Ann Norton Limited, is seeking a new on-licence for premises located at 243 Palmerston Street Westport and known as the Yellow House Café and Restaurant. The applicant is a New Zealand Limited company and the sole director is Karolyn Ann Samartino who is also a 50% shareholder with Warren Norton Lee holding the other 50% of the shares.

Ms Samartino is the holder of a current manager's certificate and is involved in the day to day running of the premises. Ms Samartino will be operating from the same premises that she has previously held an on-licence for and is looking at providing good food catering for breakfast, brunch and dinner aimed mainly for family groups.

The NZ Police, NZ Fire Service and the Medical Officer of Health have no objections to the granting of this application and a favourable report to the application has been received from the Chief Licensing Inspector.

There is nothing in the papers put before me that would indicate that the applicant is not suitable to be the holder of an on-licence.

The applicant is seeking operating hours of 8.00am to 10.00pm Monday to Sunday and these hours are considered to be appropriate for this type of operation and are within the default hours as set out in the Act. The original application sought operating hours from 8.00am to midnight and these are the hours that were advertised in the public notices, but the current resource consent for these premises only allows operating hours up to 10.00pm and any outside dining must cease half an hour after sunset.

The premises consist of one main room with tables and chairs and a smaller side room with couches. There is a small deck area at the front of the building and another small deck area at the rear of the building. Tables and chairs are also located in the garden areas both front and rear of the building. There is a children's playground area at the rear of the building. All areas are visible from the kitchen area except the small side room.

The building has a current building warrant of fitness and meets the requirements of the Building Code and the Resource Management Act. The applicant has requested that the premises be undesignated and this is considered to be appropriate for a restaurant.

With the granting of this application it is not expected that the amenity or good order of the neighbourhood will be affected in any other than a minor way and the sale, supply and consumption of alcohol will only take place within the premises including the outdoor deck areas. There will be no bar as such with patrons only served alcohol at tables by wait staff. It is not intended that there will be any live bands playing on the premises.

The applicant has listed Ms Smartino as a suitably qualified nominated duty manager on the application and the applicant is reminded that there is a requirement for a suitably qualified manager to be on the premises at all time that alcohol is being supplied or sold. Up to 6 additional suitably trained staff will be employed, depending on demand.

The applicant is intending that appropriate signage will be displayed and ID will be requested by staff from all those who look under 25 years of age. Intoxicated persons will not be served and a sober driver service is promoted and the applicant has phone access available for those wishing to arrange an alternative form of transport home. A host responsibility policy has been provided with the application and this will be adhered to by all staff and will be displayed at all times.

This application is for an on-licence only so no off-licence sales will be permitted. The applicant has stated that the core business of the Yellow House Café and Restaurant will be the provision of food and the aim is to have a safe family atmosphere for people to enjoy good food with friends and family.

A range of non-alcohol and low alcohol beverages is always available and a wide variety of food is available via the meal menus at all times. Free water is available on the premises at all times.

I am satisfied that the sale, supply and consumption of alcohol can be undertaken safely and responsibly by the applicant and that any harm that may be caused by excessive or inappropriate consumption of alcohol can be minimised by the steps as outlined by the applicant's host responsibility policy and implementation plan as stated in this application.

The application appears to meet the criteria as required under s.105 of The Act and I therefore grant the application from Ann Norton Limited for a new on-licence for the premises located at 243 Palmerston Street Westport and known as the Yellow House Café and Restaurant subject to conditions.

Conditions to be imposed

The licence will be subject to the following conditions:

- (a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day to any person who is not present on the premises to dine.
- (b) Alcohol may be sold only on the following days and during the following hours: Monday to Sunday 8.00am-10.00pm to any person.
- (c) Drinking water must be freely available at all times while the premises are open for the sale and supply of alcohol.
- (d) The following steps must be taken to promote the responsible consumption of alcohol:
 - (i) A Host Responsibility Policy must be maintained and displayed and the Licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
 - (ii) A range of food choices must be readily available at reasonable prices at all times that the premises are open. Menus must be visible and food actively promoted.
 - (iii) A range of non-alcoholic and low-alcoholic drinks must be readily available at reasonable prices.
 - (iv) Information relating to safe transport options must be readily available to customers. A phone must also be available on request for customers to arrange safe transport.
- (e) 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) ID is to be requested from any person who looks under 25 years of age.
 - (ii) There must be no sale or supply of alcohol to minors or intoxicated persons.
 - (iii) There must be displayed at every point of sale appropriate signs detailing these restrictions.
- (f) The whole of the licensed area is undesignated.
- (g) The applicant's attention is also drawn to ss.56-57 and 214(3) of the Act obliging the licence holder to display:-
 - (i) A sign at each principal entrance to the premises attached to the inside or outside of the premises, so as to be easily read by persons immediately outside the entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol; AND
 - (ii) A copy of the licence including conditions, must be attached to the inside of the premises at the principal and secondary entrances, so as to be easily read by persons immediately outside the entrance. The entrance to the premises from Palmerston Street is designated as the principal entrance. AND
 - (iii) A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.
- (h) No off-licence sales permitted on these premises.

DATED at Westport this 5th day of January 2017



Graeme Neylon
CHAIRPERSON
BULLER DISTRICT LICENSING COMMITTEE