

Decision: (Off-Licence New / Supermarket )

Decision No: 152/2023

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by K & C Watty 2022  
Limited pursuant to s.99 and s100 of the  
Act for an off-licence in respect of  
premises situated at 31 London Street  
Hampden 9410 known as “Hampden  
Night 'n Day”

**BEFORE THE WAITAKI DISTRICT LICENSING COMMITTEE**

Chairman: Cr Jim Hopkins

**DECISION – ON PAPERS**

This is an application by K & C Watty 2022 Limited for an off-licence in respect of premises situated at 31 London Street Hampden 9410 known as “Hampden Night 'n Day”.

The application is in respect of premises in which the sale of alcohol would be an appropriate complement to the kind of goods sold in the premises.

The premises are a supermarket in terms of s.32 (e) of the Sale and Supply of Alcohol Act 2012.

The application was duly advertised and no objection or notice of desire to be heard has been received.

Reports have been received from The Waitaki District Council Licensing Inspector, The New Zealand Police and The Medical Officer of Health.

Based on the information provided to us on the complete file, we have determined to grant the application on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant an off-licence pursuant to s.17 to s.20 of the Act.

The applicant's attention is drawn to:

1. Section 56 of the Act - Display of signs:

The holder of an on-licence issued for the premises or an off-licence (other than an off-licence issued for premises for which a club licence is held) must ensure that for each principal entrance to the premises there is displayed at all times a sign attached to the inside or outside of the premises, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the premises are open for the sale of alcohol (or, in the case of an on-licence endorsed under section 37, open for the consumption of alcohol).

2. Section 57(1) of the Act – Display of licence:

The holder of an on-licence or an off-licence (other than an off-licence issued for premises for which a club licence is held or a remote-sale 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.  
The entrance from 31 London Street, Hampden is designated as the principal entrance.

3. Section 214(3) of the Act – Manager to be on duty at all times and responsible for compliance:  
At all times while a manager is on duty on any licensed premises, the full name of the manager must be prominently displayed inside the premises so as to be easily read by people using the premises; and the person named as manager at any time is to be treated for the purposes of this Act as the manager at that time.

The licence is approved and will be subject to the following conditions:

1. HOURS: Alcohol may be sold only on the following days and during the following hours:
  - (a) Monday to Sunday 7.30am to 10.00pm.
  - (b) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day.
2. RESTRICTIONS:
  - (a) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed.
  - (b) 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.
  - (c) Only the area delineated on the attached plan is a permitted area for the display and promotion of alcohol.
3. WATER: While alcohol is being supplied free as a sample, free drinking water must be provided for customers at the tasting location.
4. DESIGNATED AREAS: The whole of the premises is undesignated.
5. SIGNAGE: Signage must be displayed at each point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
6. Only the area delineated on the attached plan is a permitted area for the display and promotion of alcohol.

The Licensed Premises:

In terms of s.105 (e) of the Act the premises, situated at 31 London Street Hampden 9410 are more precisely identified in a plan dated as accepted by the District Licensing Committee on **9 August 2023**.

The licence may issue immediately and expire on 9 August 2024 that being one year from the date of issue, unless again renewed.

**DATED** at OAMARU this 9<sup>th</sup> day of August 2023

  
Chair  
Waitaki District Licensing Committee

