

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by The Gourmet Grocer
(NZ) Limited pursuant to s.99 and s100
of the Act for an off-licence in respect of
premises situated at 4 Harbour Street
South Hill Oamaru 9400 known as “**The
Gourmet Grocer**”

BEFORE THE WAITAKI DISTRICT LICENSING COMMITTEE

Chairman: Cr Jim Hopkins

DECISION – ON PAPERS

This is an application by The Gourmet Grocer (NZ) Limited for an off-licence in respect of premises situated at 4 Harbour Street South Hill Oamaru 9400 known as “**The Gourmet Grocer**”.

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 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, endorsed s.40 (remote sales).

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 4 Harbour Street, Oamaru 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:

Conditions:

1. Alcohol may only be sold from the premises at any time on any day, and delivered somewhere else for consumption off the premises, only on the following days and hours:
Monday to Sunday 9.30 a.m. to 6.00 p.m.
2. No alcohol is to be delivered from the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 p.m. on Anzac Day;
3. Remote alcohol sales can only be as part of a gift basket or hamper that also contains other non-alcoholic items or products;
4. No alcohol is to be delivered to the buyer (or to any other person on the buyer's behalf) at any time between 11.00 p.m. and 6.00 a.m. the following day, on any day of the week.
5. There must be a certified manager properly appointed to the business by the licensee;
6. The licensee must follow the procedures set out in Regulations 14 and 15 of the Sale and Supply of Alcohol Regulations 2013 to ensure that neither the purchaser nor the person to whom alcohol is delivered is a minor;
7. The licensee must state the licensee's name, license number and and the date the licence expires:
 - a. on every receipt issued for alcohol sold remotely;
 - b. in every catalogue, if alcohol is sold by remote sale using catalogues;
 - c. on the internet site, if alcohol is sold by remoter sale using an internet site;
 - d. if alcohol is sold by remote sale using an internet site, the site must also display either a legible image of the licence, or a clearly identified link to such an image.
8. The licensee, if selling alcohol by remote sale by telephone must comply with any regulations made under the Sale and Supply of Alcohol Act 2012 requiring information to be given to callers.

The Licensed Premises:

In terms of s.105 (e) of the Act the premises, situated at 4 Harbour Street South Hill Oamaru 9400 are more precisely identified in a plan dated as accepted by the District Licensing Committee on 9 November 2023.

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

DATED at OAMARU this 9th day of November 2023


Chair
Waitaki District Licensing Committee

