

Decision: (Off-Licence New)

Decision No: 236/2023

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Valli Vineyards
Limited pursuant to s.99 and s100 of the
Act for an off-licence in respect of
premises situated at 45 Bledisloe Street
Kurow 9435 known as “**VALLI Wine
Bar**”

BEFORE THE WAITAKI DISTRICT LICENSING COMMITTEE

Chairman: Cr Jim Hopkins

DECISION – ON PAPERS

This is an application by Valli Vineyards Limited for an off-licence in respect of premises situated at 45 Bledisloe Street Kurow 9435 known as “**VALLI Wine Bar**”.

The application is in respect of premises in which *the principal business is the sale of alcohol.

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 45 Bledisloe Street, Kurow 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:

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

Monday to Sunday 11.00 a.m. to 11.00 p.m.

2. No alcohol shall be sold on the premises on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day
3. A properly appointed, certificated acting or temporary manager must always be on duty and on the premises when the premises are open for the sale and supply of alcohol.
4. The licensee must implement and maintain the steps proposed in their Host Responsibility Policy detailing the steps to be taken to promote the responsible consumption of alcohol and ensure there is a safe drinking environment on the premises and ensure that all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
5. The licensee shall ensure that the provisions of the Sale and Supply of Alcohol Act 2012 relating to the sale and supply of alcohol to prohibited persons are observed.
6. Drinking water must be freely available and displayed whenever alcohol is being supplied during complimentary tastings on the premises.
7. There must be no sale or supply of alcohol to minors and a complete prohibition on sales to intoxicated persons and the licensee must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on such sales or supply.
8. A manager's register (as required by s.232 of the Act) is maintained and available on the premises.
9. The Licensee must ensure the following are displayed:
 - (i) A sign visible from outside the principal entrance stating the ordinary hours of business where the business will be open for the sale of alcohol.
 - (ii) A copy of the original licence with all conditions located just inside the principal entrance where persons entering the premises can read it.
 - (iii) A sign in a prominent place identifying the duty manager's name.

10. DESIGNATED AREAS:

The whole of the premises is designated as a supervised area. (This means no persons under 18 years of age can be in the area unless with their parent or legal guardian). The area from where alcohol is to be sold is described in the plan date stamped as received by the Waitaki District Licensing Committee on November the 9th, 2023.

11. REMOTE SALES:

Alcohol sold remotely must not be delivered on Good Friday, Easter Sunday, Christmas Day or before 1.00pm on Anzac Day, and must not be dispatched from the store or delivered between 9.00pm and 6.00am the following day.

12. The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver (where present) is not intoxicated.
13. The delivery package must contain a label with the following words: CONTAINS ALCOHOL
 - No delivery shall be left at the destination without proof of delivery.
 - No delivery shall be made to intoxicated persons or persons under 18 years of age.
14. A copy of the license must be displayed in a prominent place on the Valli Vineyards Limited internet site.
15. The licensee must state the licensee's name, license number and the date the license 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 remote 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.
- e. 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 45 Bledisloe Street Kurow 9435 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

