

DECISION NUMBER

4438/2024

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Shiv and Preet Limited** for a renewal of an Off-licence pursuant to section 127 of the Sale and Supply of Alcohol Act 2012, in respect of the premises situated at 97 Hakiaha Street, Taumarunui and known as “Taumarunui Four Square”.

BEFORE THE RUAPEHU DISTRICT LICENSING COMMITTEE

The application for renewal of Off-Licence was advertised in the Taumarunui Bulletin newspaper on 30 May and 6 June 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

DECISION OF THE RUAPEHU DISTRICT LICENSING COMMITTEE

Application

- (1) The premises at 97 Hakiaha Street, Taumarunui is currently operating as an off-licence ‘Grocery Store Style Off-licence’ (032/OFF/3700/2021) and this application is to renew the licence. This licence has been in existence since 2014 and this is the fourth renewal.
- (2) The application to renew was made on the 15 May 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 ‘Grocery Store Style Off-Licence’.
- (3) The inspectors report contained an examination of the applicant’s status as a grocery store within the definitions contained within section 33 of the Act and Regulation 12 of the Sale and Supply of Alcohol Regulations 2013. 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. 33 of the Act.
- (4) The complete file that I received included –
 - The application
 - Floor plan showing single alcohol display area
 - Sales revenue notice from applicants accountant
 - 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.
- (6) The Committee must also have regard to the stores display and promotion of alcohol and set a condition in relation to ‘single alcohol area/s’ in accordance with s. 112 of the Act. That section is copied for clarity:

s. 112 Compulsory conditions relating to display and promotion of alcohol in single area in supermarkets and grocery stores

- (1) *The purpose of this section and [sections 113](#) and [114](#) is to limit (so far as is reasonably practicable) the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol, and advertisements for alcohol.*
- (2) *The licensing authority or licensing committee concerned must ensure that, when it issues or renews an off-licence for premises that are a supermarket or grocery store, it imposes on the licence a condition describing one area within the premises as a permitted area for the display and promotion of alcohol.*
- (3) *On the renewal of an off-licence for premises that are a supermarket or grocery store, any single-area condition imposed when the licence was issued (or was last renewed) expires.*
- (4) *Subsection (3) is subject to [section 115\(4\)](#).*
- (7) Sections 113 to 115 go on to further describe the requirements when determining ‘single alcohol area/s’.
- (8) The purpose of a single alcohol area under the Act is to limit (so far as is reasonably practicable) the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol.
- (9) The application contained the following information to assist the Committee to make its decision on the s.112 matter:
- A copy of a premise floor plan dated 15 2024 indicating single alcohol area.
 - The Inspectors report stated that the single area currently in use, and as marked on the plan, complies with the s. 112 to114 requirements. The report states – *“The single alcohol area is shown midway down on the site plan dated 15 May 2024 on the right-hand side and consists of three chillers and a shelving unit. The single sale area is located in a rear corner of the store. Alcohol is not visible from the main entrance, and you do not need to pass through the single alcohol area to access the main body of the store or point of sale.”*
- (7) This area in question, in my view, is outside –
- the most direct pedestrian route between the entrance to the premises and the general point of sale.
 - the most direct pedestrian route between the main body of the premises and the general point of sale.

This is a requirement of s.113 (5)(b).

- (8) The reporting agencies have all enquired into the application, offered no opposition to the Single Alcohol Area or the substantive licence. Therefore on balance based on the information supplied within the complete file, I am of the opinion that the proposed Single Alcohol Area as shown on the 'file' floor plan and currently in use, is compliant with s. 112 – 115 requirements.

Sections 105/131 Analyses:

- (9) **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 failed an inspection in 2024 due to inadequate signage that was promptly rectified. It's also noted the store has had other compliance issues in the past which lead to a hearing before this DLC in 2018. It appears from the Inspector's report that most of these matters have now been addressed. The applicant's Host Responsibility Policy, if followed correctly, should ensure that the object of the act is complied with.

- (10) **the suitability of the applicant:**

The applicant is a private company comprising three directors and six shareholders, with no changes to structure noted during renewal period. The applicant supplied five names of certified managers to be employed on the premises, which is seen as adequate for this type of licensed premise.

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

- (11) **any relevant local alcohol policy:**

The licence accords with the LAP.

- (12) **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 7.00am to 10.00 pm.

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. They accord with Ruapehu's LAP.

- (13) **the design and layout of any proposed premises:**

The shop layout is open plan and the majority of the store is visible from the checkout. The checkouts are in front of the principal entrance with aisles located parallel and perpendicular to them.

The layout is typical of a modern four square operation and has not changed from last renewal. 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. Single Alcohol Area layout is discussed earlier in this report.

- (14) **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.

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

The applicant has nominated five managers of varied experience and skills. The Inspector notes that whilst the applicant appears to have staff meetings and training sessions on SSAA matters it is *“strongly recommended to the applicant that brief minutes of the meetings are kept in a diary”* as this will provide a good record of training and will be useful to the store regardless.

Reporting Agencies

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

(17) **Police** – Report received on 4 June 2024, of no opposition.

(18) **Medical Officer of Health** - Report received on 31 May 2024, of no opposition.

(19) **Licensing Inspector**

Full report dated 9 July 2024. The inspector provided, amongst other things, her assessment of the application in relation to the Act. The Inspector also assessed the application against s105 criteria. Her assessment has been referred to in this report.

The Inspector noted *“The premises has historically struggled with good maintenance of a training program, so it is positive to see them gradually improving over time”*. This is good to hear and hopefully this continues.

The inspector concluded that the application is complete and will likely meet the criteria for renewal on the conditions presently attached to the licence, with addition of a single area condition as requested and currently in use.

Committees Decision and Reason

(20) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, the site inspection and my assessment above, 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 97 Hakiha Street, Taumarunui and known as “Taumarunui Four Square”.

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

Dated at Ruapehu District this 12th day of July 2024.



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Stuart Hylton
Ruapehu District Licensing Commissioner