

Decision No. GREYDLC077/2019

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012 (the Act)

AND

IN THE MATTER

of an application by **HOPAHOLICS BREWERY LIMITED** pursuant to s.100 of the Act for an OFF Licence in respect of premises situated at 51 Stuart & Chapman Drive, Karoro, Greymouth known as "Hopaholics Brewery"

BEFORE THE GREY DISTRICT LICENSING COMMITTEE

Hopaholics Brewery Limited has applied for an OFF Licence in respect of premises situated at 51 Stuart & Chapman Drive, Karoro, Greymouth, to be known as "Hopaholics Brewery".

The business is based in a special purpose dwelling and applicants have sought and been issued with a Resource Consent and a certificate has also been provided advising the planned use of the premises meets the building code.

The applicant asks that the Off-Licence be endorsed pursuant to section 40 of the Sale and Supply of Alcohol Act 2012 as part of the business is internet based.

The application is not opposed by the Medical Officer of Health and Police and is not the subject of public objections.

Trading hours on the premises are as applied for (7am to 6pm) including any deliveries being between the hours of 7am and 6pm.

Craft Beer only to be sold (no spirits, RTDs, ciders or other alcoholic products will be sold).

The application was notified on the Council's website with the last day for objections being 16 July 2019 and no objections have been received from members of the public.

REASONS FOR THE DECISION

The application is complete and contains all the supporting documents as required under s.100 of the Act. It was duly advertised and no objection, opposition or notice of desire to be heard has been received.

The Police and Medical Officer of Health offer no matters in opposition.

The hours sought are within the default maximum trading hours of 7am to 11pm. However, the Act permits sales of the remote sale type at any time of the day or week (section 49(1)) but restricts delivery of the alcohol to between 6am to 11pm on any one day (section 59(1)). The licence conditions shall reflect these permissions and restrictions.

The applicant offers online sales through its website. If a customer places an online order 'after hours', we would not wish to see the applicant fall foul of a licence condition restricting sales to 7am to 6pm.

The public notification was for shorter hours requested by the applicant. We are, in effect, varying the licence to hours beyond those in the public notice, but we do not consider a section 208 waiver is required as the applicant has not "neglected or omitted to do" anything. We do not consider the public will be in any way adversely impacted by the grant of longer hours for internet sales only.

Section 214 requires that a manager to be on duty at all times, unless s 215 applies. Section 215 provides a range of exceptions, where a manager does not need to be "on duty at all times when alcohol is being sold or supplied to the public..." and this includes off-licence premises endorsed under s40 as remote sellers. However, the DLC holds an overarching discretion to require a Manager to be "on duty at all times: under section 215(4).

In the case of these premises, the Committee is satisfied that the operation would be low risk, and not one which would require a manager to be on duty at all times when alcohol is sold for remote delivery, however a manager is to be on duty when customers are on the premises.

The Applicant must have a certificated manager properly appointed, but, due to sections 214 and 215, that manager does not need to be on duty at all times.

Overall I am satisfied that the applicant carries out the business of a remote seller of alcohol and of the matters to which we must have in regard as set out in the Act.

Accordingly I deal with matter on the papers

CONDITIONS OF LICENCE

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 **grants** an application by the Hopaholics Brewery Limited for an OFF Licence in respect of premises situated at 51 Stuart & Chapman Drive, Karoro, Greymouth to be known as Hopaholics Brewery subject to conditions:

1. Alcohol may be sold from the premises at any time on any day remotely, with on premise customer sales and deliveries somewhere else for consumption off the premises only on the following days and hours: Monday to Sunday 7am to 6pm:
2. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours: Monday to Sunday 7am to 6pm.
3. No alcohol is to be delivered from the premises on Good Friday, Easter Sunday or Christmas Day or before 1pm on ANZAC Day;
4. Off-licence alcohol sales are limited to sales of craft beer. No sales of any other alcoholic products may be made under this licence.
5. The whole of the licence premise is to be designated as a supervised area.
6. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
7. The licensee must follow the procedures set out in Clause 59 of the Act and Regulation 14 of the Sale and Supply of Alcohol Regulations 2013 to ensure that neither the purchaser nor the person to whom the alcohol is delivered is a minor;
8. A properly appointed certificated or acting or temporary manager must be appointed, however that manager does not need to be on duty when alcohol is sold remotely;
9. The Licensee must display on the premises:
 - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. At the principal entrance to the premises, so as to be easily read by people entering each principle entrance to the premises; and

10. The licensee must display on its website and/or catalogues and on every receipt issued for alcohol sold remotely:

- a. The licence holder's name and licence number;
- b. The date on which the licence expires;
- c. A legible image of the licence or a clearly identified link to such an image.

The Licence is to be endorsed "Section 40 applies"

DATED at GREYMOUTH this 19 day of July 2019



Alan T O'Connell

Chairman/Commissioner

