

Decision No. GREYDLC150/2020

**IN THE MATTER**

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

**AND**

**IN THE MATTER**

of an application by **LAKE BRUNNER SUPPLIES MOANA LIMITED** pursuant to s.127 and s.120 of the Act for an renewal and variation of an OFF Licence in respect of premises situated at 2137 Arnold Valley road, Moana known as the "On The Spot Lake Brunner"

**BEFORE THE GREY DISTRICT LICENSING COMMITTEE**

The application by the Lake Brunner Supplies Moana Ltd for an renewal of an Off Licence with variation in respect of premises situated 2137 Arnold Valley Road, known as the "On The Spot Lake Brunner."

The Variation is a change to the licenced area – the premises will be relocated within the existing site to be an exact mirror image of the current building, with the same layout and licenced area. The new store will be completed in April 2021

The business is that of a local Supermarket store and as noted in the Plan supplied the off licence premise area will be in a single and separate part of the store away from the entrance for public viewing.

The applicant seeks the following days and hours: Monday to Sunday 7am to 8pm. These hours are within the default national maximum trading hours for an off-licence of 7am to 11pm. There is no Grey District Local Alcohol Policy in place.

The application was notified on the Council website and no objections were received from the public.

The Applicant is a private company incorporated on 18 March 2019 with directors and shareholders Stephanie Jane Ching and Dale Ronald Gray who are described as experience licensees who have been involved in the industry previously.

Neither the Police nor the Medical Officer of Health have raised any matters in opposition to this application.

**DECISION**

The District Licensing Committee Chairperson, acting pursuant to the Sale and Supply of Alcohol Act 2012 **grants** an application by the Lake Brunner Supplies Moana Limited for an off licence in respect of premises situated at 2137 Arnold Valley Road, Moana and subject to the following conditions:

1. 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 8pm**

2. No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1pm on Anzac Day.
3. No alcohol may be sold other than –
  - a. Beer that complies with the applicable New Zealand food standard for beer; or
  - b. Mead that complies with the applicable New Zealand food standard for mead; or
  - c. Fruit or vegetable wine that complies with the applicable New Zealand food standard for fruit or vegetable wine; or
  - d. Grape wine that complies with the applicable New Zealand food standard for grape wine; or
  - e. A food flavouring, prepared for culinary purposes that is unsuitable for drinking undiluted.
4. 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.
5. The “single alcohol area” for the premises is as described on the plan attached at **Appendix A** to this decision. **A note to this effect is to be made on the licence.**
6. The “single alcohol area” for the premises is as shown on the plan submitted by the applicant and attached as **Appendix A**. In terms of that single alcohol area, the licensee must ensure that:
  - a. No alcohol is displayed, promoted or advertised outside the single alcohol area; and
  - b. No products that are not alcohol are displayed, promoted or advertised inside the single alcohol area.
7. A properly appointed Manager must be on duty at all times, within the licensed area, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.
8. The Licensee must display:
  - 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 immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
  - c. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principal entrance.
9. The licence is subject to the payment of licence fees as required by the Sales and Alcohol (fees) Regulations 2013.

The premises are as set out on the plan submitted with the application and date stamped 11 November 2020. A note to this effect is to be made on the licence.

### REASONS FOR THE DECISION

The Committee has received a report on the application from Licensing Inspector who does not oppose the application. The Police and Medical Officer of Health also do not oppose the application being granted with the hours and aisle as per plan submitted.

The application was advertised and no objections have been received therefore I will deal with the matter on the papers.

The purpose of the Sale and Supply of Alcohol Act 2012 (the Act) is to put in place a system of control over the sale and supply of alcohol (s3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s4).

Overall I am satisfied as to the matters to which we must have regards as set out in 2.112-115, 120, 131 and s.132 of the Act.

The Act requires that supermarkets and grocery stores sell alcohol in a single area. The applicant has supplied a plan with the application, which identifies a single area, which would appear to comply with the single alcohol area required under the Act. Accordingly, the single alcohol area is to be that set out on the plan submitted with the application dated 11 November 2020, and attached to this decision as Appendix A.

It is understood that the applicant will move into a new building within the existing site by April 2021. The new building will have the same floor plan as the current building.

For completeness, I have considered whether the display of alcohol would be inconsistent with the licensee's obligations under the Act. On the evidence available, I cannot see any inconsistency between the proposed single alcohol area, and obligations under the Act.

DATED at GREYMOUTH this 21<sup>st</sup> day of December

2020

  
Rachel M Van der Geest  
Chairperson/Commissioner

