

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **Nikhil Himalaya  
Taihape Limited** for a renewal of Off-  
Licence pursuant to section 127 of the  
Sale and Supply of Alcohol Act 2012, in  
respect of the premises situated at 17  
Mataroa Road, Taihape and known as  
“The Bottle O Taihape”.

**BEFORE THE RANGITIKEI DISTRICT LICENSING COMMITTEE**

The application for renewal of Off-Licence was advertised on the Council website from the 30 August to the 19 September 2018 with no objections received. A statutory notice was also placed on the entrance door and verified by the inspector.

No matters of opposition were raised under section 128 and 129 reports; therefore the matter was considered by the Rangitikei 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**

**RESERVED DECISION OF THE RANGITIKEI DISTRICT LICENSING  
COMMITTEE**

***Application***

(1) The premises at 17 Mataroa Road, Taihape is currently operating as an off licence ‘Bottle Store’ (**037/OFF/0015/2017**) and this application is to renew the licence. The licence has been in existence for one year so this is the first renewal.

(2) The application to renew was made on 9th August 2018 on the prescribed form. The application seeks to renew with similar existing conditions. The general nature of the business will continue to be that of a ‘Bottle Store’.

(3) The complete file that I received included –

- The application
- Supporting Information from Hospitality Licensing Limited (most helpful)
- Certificate of incorporation
- Host Responsibility Policy
- Floor plan
- Fire evacuation notice from owner
- Site Plan
- Photos of interior and exterior

- Public Notices including premise notification
- Reports from Police, Medical Officer of Health and Inspector

### ***Decision Making***

(4) 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.

#### **(5) 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 has not come to the notice of the authorities in an adverse way during the renewal period and has a host responsibility plan that if followed, should ensure compliance with the object of the Act. The inspector also noted that over the past three years the premise has not failed any Controlled Purchase Operations or agency inspections for compliance.

#### **(6) the suitability of the applicant:**

The applicant is a private company incorporated in 2011. The applicant owns and operates a number of other 'Bottle Stores' in the Country. The applicant supplied three names of certified managers to be employed on the premises, which is seen as appropriate.

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

#### **(7) any relevant local alcohol policy:**

No local policy is currently in place.

#### **(8) 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 9.00am 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 reasonable.

#### **(9) the design and layout of any proposed premises:**

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.

#### **(10) 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:**

The premise is in the outer CBD area of Taihape and has the appropriate consents to operate. 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.

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

The applicant has nominated three managers of varied experience and skills. The inspectors report notes the applicant seeks customer ID's under 25. The inspector notes the training staff receives in their responsibilities.

### ***Reporting Agencies***

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

(13) **Police** – Report received on 16th August 2018, of no opposition.

(14) **Medical Officer of Health** - Report received on 23rd August 2018, of no opposition.

#### **(15) Licensing Inspector**

Full report dated 18th October 2018. 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. This assessment has been referred to in this report.

The inspector concluded that the application is complete and will likely meet the criteria for renewal on the conditions presently attached to the licence.

### ***Committees Decision and Reason***

(16) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my 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 17 Mataroa Road, Taihape, to be known as 'The Bottle O Taihape'.

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

(18) The following conditions will apply to the licence:

- (a) No alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday, Christmas Day or before 1.00pm on Anzac Day
- (b) Alcohol may only be sold or delivered on the following days and during the following hours:

**Monday to Sunday 9.00am to 10.00pm.**

- (c) The licensee 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.
- (d) The licensee and managers on duty must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory

restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

- (e) The licensee 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—
  - attached to the inside of the premises concerned; and
  - so as to be easily read by people entering each principal entrance.
- (f) Drinking water must be freely available to customers while alcohol is being supplied free as a sample on the premises and signage directing people to drinking water must be prominently displayed on the premises at that time.
- (g) The whole of the premises is designated as ‘**supervised**’.

**Dated at 26th day of October 2018.**

**Signed**



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**Stuart Hylton**  
**Rangitikei District Licensing Commissioner**