

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by Pangotra Holdings
(Taumarunui) Limited for Renewal of Off Licence
pursuant to s.127 of the Sale and Supply of Alcohol Act
2012 in respect of premises situated at 57 High Street
Hawera Trading as "Black Bull Liquor"

BEFORE THE SOUTH TARANAKI DISTRICT LICENSING COMMITTEE AT HAWERA

Chairperson: Cr. I.J. Wards

Members: Cr. K.V. Bourke

Cr. S. Mackay

HEARING at Hawera on the Ninth day of December 2016

APPEARANCES:

Mr Sahil Sharma - Director of the applicant Company

Mrs Chantelle Denton – South Taranaki District Licensing Inspector – to assist

Sergeant A Russ – NZ Police Hawera - to assist

OBJECTIONS:

The following objections were considered to have a greater interest in the application than the public generally. s. 102 (1) and in compliance with s. 102 (2)

Te Korowai O Ngaruahine Trust --Represented by Ms Louise Tester – Object of the Act –
Amenity and good order of the locality

RESERVED DECISION OF THE DISTRICT LICENSING COMMITTEE

Introduction:

- [1] Before the Committee is an application for Renewal of an off-licence in respect of premises situated at 57 High Street Hawera trading as "Black Bull Liquor" The hours sought being Monday to Sunday 9.00 a.m. to 10.00 p.m.
- [2] The application is dated 4th August 2016. The application must be considered under the Sale and Supply of Alcohol Act 2012 and in accordance with the criteria set forth in s. 131 of the Act.
- [3] The District Licensing Committee is satisfied that the application for Renewal complies with s. 127 of the Act

[4] Applicant Evidence:

[5] Mr Sharma stated that they are fully aware of their responsibilities in relation to the Sale and Supply of Alcohol Act 2012 and have not come to the attention of the Police or Inspector in relation to a Controlled Purchase Operation.

[6] Mr Sharma requested the DLC reconsider the condition requiring two staff members in the premises:

Monday to Friday Between 3pm -8pm

Saturday, Sunday, Public Holidays, School Holidays Between 10 am – 8 pm

[7] Mr Sharma considered the objection to be misconceived as they conduct the business to a very high standard and there is no evidence of any incidents of anti-social behaviour or litter problems attributed to their business.

REPORTING AGENCIES

District Licensing Inspector

[8] Mrs Dentons Report was “taken as read” by the committee. Mrs Denton stated that she had nothing further to add to her report

[9] Mrs Denton stated that the application complied with all s. 131 matters and offered no opposition to the application for Renewal of the Licence

[10] The Inspector recommended the hours be 9.00 am to 9.00 pm

[11] The Inspector made no recommendation in relation to the applicants request to alter the condition requiring two staff members to be on site at certain times

Police

[12] Sergeant A Russ of the Hawera Police stated that he had no opposition to the renewal of the Off Licence to Pangotra Holding (Taumaranui) Ltd

Medical Officer of Health

[13] Dr Jonathon Jarman did not appear but stated in his Report that he had no opposition to the renewal off the Licence.

[14] He drew the attention of the DLC to evidence that an increase in opening hours can have a significant impact on the volume of alcohol consumed and the rates of alcohol – related problems.

[15] Dr Jarman stated in his report that it may be worth considering maintaining the hours as they are, or even reducing them to achieve the Object of the Act

Objection

Te Korowhai O Ngaruahine Trust

Sunday, and Public Holidays as these are the acknowledged busy time for the business

[27] **The Application for Renewal of the Off Licence to Pangotra Holdings (Taumarunui) Ltd is granted for a period of Three (3) Years, subject to the following conditions, along with those imposed by the Act:**

(a) **The Licensee must ensure that the provision of the Act relating to the sale and supply of alcohol to prohibited persons are observed by:**

Display of appropriate signs detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons.

(b) **Alcohol may be sold or delivered only on the following days and during the following hours:**

Sunday to Thursday 9am – 8pm

Friday and Saturday 9am – 9pm

EXCEPT THAT

No alcohol is to be sold or supplied on Good Friday; on Easter Sunday; on Christmas Day; or before 1.00 pm on Anzac Day.

(c) **Each of the following parts of the premises is designated as a Supervised area:**

The whole of the premises.

(d) **The licensee will ensure that drinking water is freely available to customers, while alcohol is being supplied free as a sample on the premises and will be located:**

Placed in the same area and clearly visible where free alcohol samples are available to customers.

(e) **Security lighting must be operational on the interior and exterior of the premises as follows:**

Lighting inside and outside the premises, including the car park area will be well lit. When the premises are closed for the sale and supply of alcohol, sensory lighting will be operational.

(f) **Security cameras will be operating internally and externally on the premises as follows:**

Security cameras must be operating at all times and provide coverage of the entire internal shop and chiller area. External security cameras must be operating at all times and cover the immediate area outside the premises, the car park area and at least five metres beyond including the vehicle entrance on Albion Street. Cameras must be constantly recording to a hard

drive of sufficient capacity to retain images for ten days continuous. The images must be of good quality, sufficient to readily identify people from a moderate distance. The cameras must be operated by sensitivity to motion when the premises are closed for the sale of alcohol.

(g) There shall be on duty a minimum of two staff members in the premises:

Between 10 am and the specified closing time on Friday, Saturday, Sunday, and Public Holidays

(h) Advertising is to exclude:

- (1) Externally placed alcohol related advertising, being pavement and vehicle mounted advertising.**
- (2) Alcohol related advertising placed on any external surface of the premises.**
- (3) Alcohol related advertising or promotional material placed on any internal window surface where such material is visible externally.**

(i) Alcohol advertising and promotional displays:

- (1) Alcohol advertising and promotional displays placed on the internal surfaces of windows must not cover more than 20% of the surface area of windows E & F in Appendix #1 and must only be visible internally.**
- (2) Windows and doors shown as D in schedule #1 must remain free of any material restricting visibility into the premises.**
- (3) Windows C & G of schedule #1 must remain covered and free of any externally visible advertising or promotional material.**

(j) No single serve beverages known as 'ready to drink' or 'RTD's' are to be sold or supplied

I.J. Wards

Chairperson

South Taranaki District Licensing Committee