

Decision No. 1930/96 ✓✓

IN THE MATTER of the Sale of Liquor Act 1989

AND

IN THE MATTER of an application by N J & R M FOSTER LIMITED for an off-licence pursuant to s.29 of the Act in respect of premises situated at Oxford Street, Te Puke, Western Bay of Plenty District, known as "Te Puke New World"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge J P Gatley

Members: Mr R J S Munro

Mr J W Thompson

DECISION

This is an application by N J & R M Foster Limited for an off-licence in respect of premises situated at Oxford Street, Te Puke, Western Bay of Plenty District, known as "Te Puke New World".

The premises are a supermarket in terms of s.36(1)(d)(i) of the Act.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

We note that, although these premises have previously been the subject of an off-licence, the applicant failed to lodge application for renewal prior to the expiry of the licence in November 1995. We take the view that allowing licences in respect of existing operations to lapse may well call into question the suitability of an applicant to hold any licence. Any sales undertaken since the licence expired would have been in breach of the penal provisions of the Act and of concern to the Police.

We are otherwise satisfied as to the matters to which we must have regard as set out in s.35 of the Act and we grant the applicant an off-licence in terms of s.29 subject to the restrictions imposed by subs.(3) of s.37.

The licence may issue immediately.



The applicant's attention is drawn to s.48 of the Act obliging the holder of an off-licence to display:-

1. A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of liquor AND
2. A copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance.

The entrance from Oxford Street is designated as the principal entrance.

The licence will be subject to the following conditions:

- (a) No liquor shall be sold or delivered on any Sunday or on Good Friday or Christmas Day.
- (b) No liquor shall be sold other than:
 - (i) Grape wine that conforms to the standard prescribed by Regulation 219 of the Food Regulations 1984 (S.R. 1984/262), or any other standard that may be prescribed pursuant to the Food Act 1981 in substitution for that standard; and
 - (ii) Sparkling grape wine that conforms to the standard prescribed by Regulation 220 of those Regulations, or any other standard that may be prescribed pursuant to the Food Act 1981 in substitution for that standard; and
 - (iii) Fruit wine that conforms to the standard prescribed by Regulation 226 of those Regulations, or any other standard that may be prescribed pursuant to the Food Act 1981 in substitution for that standard; and
 - (iv) Sparkling fruit wine that conforms to the standard prescribed by Regulation 227 of those Regulations, or any other standard that may be prescribed pursuant to the Food Act 1981 in substitution for that standard; and
 - (v) Mead that conforms to the standard prescribed by Regulation 226 of those Regulations, or any other standard that may be prescribed pursuant to the Food Act 1981 in substitution for that standard.



- (c) Liquor may be sold or delivered only on the following days and during the following hours:

Monday to Wednesday and Saturday	8.30 am to 6.00 pm
Thursday	8.30 am to 7.00 pm
Friday	8.30 am to 8.00 pm


- (d) The licensee shall ensure that the provisions of the Act relating to the sale and supply of liquor to prohibited persons are observed and shall:

- (i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the sale and supply of liquor to minors and the complete prohibition on sales to intoxicated persons; and
- (ii) Have available for vendor staff forms of the kind anticipated by s.172 of the Act, enabling such staff to require customers to declare in writing that they are of the required age.

THE LICENSED PREMISES

In terms of Reg. 10 of the Sale of Liquor Regulations 1990 the sale or delivery of liquor is authorised in or from the premises generally. The premises, located at Oxford Street, Te Puke, Western Bay of Plenty District are more precisely identified in a plan date stamped as received by Tribunals Division on 9 October 1996.

DATED at WELLINGTON this 17th day of October 1996


 R Barber
 Deputy Secretary

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