

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by **OMAPERE HOLDINGS LIMITED** for an off-licence pursuant to s.29 of the Act in respect of premises situated at State Highway 12, Opononi, Far North District, known as "Andrewes Store"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge J P Gatley
Members: Mr R J S Munro
Mr J W Thompson

DECISION

The application is in respect of premises in which the principal business is that of a grocery store in terms of s.36(1)(d)(ii) of the Act.

Public notification of the application attracted a number of objections which expressed concerns relating to the proposed hours of trade, petrol sales, possible behavioural difficulties with patrons of the licensed premises and the availability of liquor from other licensed outlets in the locality.

The question of hours appears largely to have arisen as a direct consequence of the recent liberalisation of the legislation by the Sale of Liquor Amendment Act 1999 rather than as a desire to curtail any business activity.

The majority of the objectors do not seek to be heard in relation to the application and, of the remainder, one has been withdrawn, one was received by the District Licensing Agency after the final date prescribed in the Act and one was lodged by a representative of the licensee of the local hotel. We are precluded by s.35(2) of the act from having regard to any prejudicial effect that the grant of a licence may have on the business conducted under any other licence.

On the question of fuel sales we are satisfied that the premises do not fall within the description of a service station in terms of s.36(3)(a) of the Act. The fears relating to patron behaviour are speculative and it will be up to the licensee to ensure that the potential for such problems are minimised. We will deal with the matter on the papers.



We are 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. A copy of the licence setting out the conditions to which it is subject is attached to this decision.

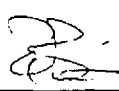
We point out that should the operation of the business bring it to the attention of the enforcement authorities it will be open to them to make application pursuant to s.132 of the Act for variation, suspension or cancellation of the licence.

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 readily 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.

DATED at WELLINGTON this 15th day of *May* 2000


R Barber
Deputy Secretary



COPY

001/OFF/7/2000

OFF-LICENCE

Sections 29 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, **OMAPERE HOLDINGS LIMITED** is authorised to sell or deliver liquor on or from the premises situated at State Highway 12, Opononi, Far North District, and known as "Andrewes Store", to any person for consumption off the premises.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Part VI of the Act.

CONDITIONS

This licence is subject to the following conditions:

- (a) No liquor is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on ANZAC Day;
- (b) No liquor is to be sold other than:
 - (i) Wine that conforms to the standard prescribed by Regulation 219 of the Food Regulations 1984 (SR 1984/262), or any other standard that may be prescribed pursuant to the Food Act 1981 in substitution for that standard; and
 - (ii) Sparkling 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; and
 - (vi) Beer that conforms to the standard prescribed by Regulation 218 of those Regulations, or any other standards that may be set by Regulations made under the Food Act 1981 or by food standards issued under that Act, in substitution for that standard.
- (c) Liquor may be sold or delivered only on the following days and during the following hours:

Monday to Saturday	7.30 am to 10.00 pm
Sunday	9.00 am to 10.00 pm
- (d) The licensee must ensure that the provisions of the Act relating to the sale and supply of liquor 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.

THE LICENSED PREMISES

In terms of Regulation 10 of the Sale of Liquor Regulations 1990 the sale or delivery of liquor is authorised in or from the premises generally. The premises situated at State Highway 12, Opononi, Far North District are more precisely identified as outlined in a plan date stamped as received by the Liquor Licensing Authority on 6 March 2000.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S


A copy of this licence must be displayed at the principal entrance to the premises. The entrance from State Highway 12 is designated as the principal entrance.

DURATION

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force -

- (a) Until the close of the period of 1 year commencing with the date of its issue; or
- (b) If an application for the renewal of the licence is duly made, until the application is determined; or
- (c) If the licence is renewed, until the close of the period for which it is renewed.

DATED at WELLINGTON this 15th day of May 2000


R Barber
Deputy Secretary
Liquor Licensing Authority



