

IN THE MATTER
AND

of the Sale and Supply of Alcohol Act 2012

IN THE MATTER

of an application by **B M & D G Crosby Partnership** for a variation to an off-licence pursuant to s.99 of the Act in respect of premises situated at **31-37 Princess Street, Martinborough** known as **On Giants` Shoulders**

BEFORE THE SOUTH WAIRARAPA DISTRICT LICENSING COMMITTEE

Chairperson: Julie Riddell

DECISION

This is an application by **31-37 Princess Street, Martinborough** for a variation to an off-licence in respect of premises situated **31-37 Princess Street, Martinborough** known as **On Giants` Shoulders**

The application is in respect of premises in which the principal business is that of a winery. The variation is to amend the principal business type from remote sales to include cellar door sales.

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

I am satisfied as to the matters to which I must have regard as set out in s.105 of the Act and I grant the applicant a variation to an off-licence pursuant to s.17.

REASON FOR DECISION

On reading the Inspector's report and recommendations the DLC is satisfied that the Applicant meets the requirements for the variation of the Off Licence under the Sale & Supply of Alcohol Act 2012, and is therefore granted accordingly subject to the following conditions 1 – 16.

CONDITIONS OF LICENCE

1. Alcohol may be sold only on the following days and during the following hours:
 - a. Monday to Sunday 9.00 am to 8.00 pm.
2. No alcohol is to be sold or delivered on Good Friday, Christmas Day, or before 1 pm on Anzac Day.
3. No alcohol is to be sold or delivered on Easter Sunday unless the alcohol is grape wine or fruit or vegetable wine made:
 - a. on the premises; or
 - b. from grapes or fruit harvested from land on which the premises are situated.
4. Drinking water is to be freely available to customers while alcohol is being supplied free as a sample, from the location at which the sampling occurs.
5. The licensee must display:
 - a. At each principal entrance to the premises, the ordinary operating hours during which the sale of alcohol is permitted.
 - b. A copy of the licence and all conditions subject to which it is issued, to the inside of the premises so to be easily read by all people entering at each principal entrance.
 - c. At every point of sale for alcohol, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
6. The licensee 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 alcohol to minors and the complete prohibition on sales to intoxicated persons.

Remote sales

7. A remote sale of alcohol may be made at any time on any day.
8. No alcohol is to be delivered from the premises on Good Friday, or Christmas Day, or before 1.00 pm on Anzac Day.
9. No alcohol is to be delivered on Easter Sunday unless the alcohol is grape wine or fruit or vegetable wine made:
 - a. on the premises; or
 - b. from grapes or fruit harvested from land on which the premises are situated.
10. The licensee must ensure that any alcohol sold by remote sale is not delivered to the buyer (or to any other person on the buyer's behalf) at any time after 11.00 pm on any day or before 6.00 am on the next day.
11. Condition 10 applies whether the alcohol is delivered by the seller or by some other person.
12. The licensee must take reasonable steps to verify that the buyer of any alcohol that the holder sells by remote sale (and, if a person other than the buyer is to receive it, to verify that the receiver) is not under the purchase age.
13. The licensee complies with condition 12 if they comply with a procedure declared by regulation made under the Sale and Supply of Alcohol Act 2012 to be a reasonable procedure for that purpose.
14. The licensee when selling alcohol by remote sale via the Internet must comply with any regulations made under the Sale and Supply of Alcohol Act 2012 requiring information to be visible on the holder's website when people browse, enter, or otherwise access it.
15. The licensee when selling alcohol by remote sale by mail order must comply with any regulations made under the Sale and Supply of Alcohol Act 2012 requiring information to be published in the holder's catalogues.
16. The licensee when selling alcohol by remote sale by telephone must comply with any regulations made under the Sale and Supply of Alcohol Act 2012 requiring information to be given to callers.

THE LICENSED PREMISES

The premises, situated at **31-37 Princess Street, Martinborough**, are more precisely identified as outlined in a plan date received by the **South Wairarapa District Licensing Committee**.

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 **31 Princess Street, Martinborough 5711**, 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 Martinborough this 19th day of December 2018



Julie Riddell
Chairperson
South Wairarapa District Licensing Committee

OFF-LICENCE

Sections 17 to 20 and Section 64, Sale and Supply of Alcohol Act 2012

PURSUANT to the Sale and Supply of Alcohol Act 2012 **B M & D G Crosby Partnership** is authorised to sell or deliver alcohol on or from the premises situated at **31-37 Princess Street, Martinborough**, and known as **On Giants` Shoulders**, to any person for consumption off the premises and to supply complimentary samples of alcohol on the premises.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with subpart 7 of Part 2 of the Act.

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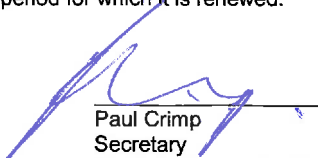
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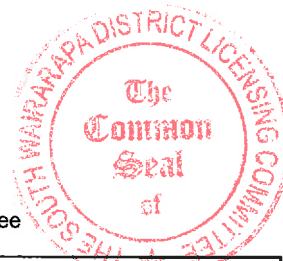
DURATION

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 3 years 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 Martinborough this **19 December 2018**.


Paul Crimp
Secretary
South Wairarapa District Licensing Committee



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, the licence expires on:

4 May 2019