

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Margrain Vineyards Limited** for an off-licence pursuant to s.99 of the Act in respect of premises situated at **5 Huangarua Road, Martinborough** known as **Margrain Vineyard**

BEFORE THE SOUTH WAIRARAPA DISTRICT LICENSING COMMITTEE

Chairperson: Julie Riddell

DECISION

This is an application by **Margrain Vineyards Limited** for an off-licence in respect of premises situated at **5 Huangarua Road, Martinborough** known as **Margrain Vineyard**

The application is in respect of premises in which the principal business is the manufacture and sale of alcohol.

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 are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant an off-licence subject to the following conditions:

Cellar Door

- 1) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 8.00 am to 8.00 pm.
- 2) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1pm 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 as a free sample.
- 5) 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:
 - 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.

Remote Sales

- 6) A remote sale of alcohol may be made at any time on any day.
- 7) The holder of this licence 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.
- 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 from the premises at any time on Easter Sunday unless it is grape wine or fruit or vegetable wine made –
 - a) On the premises; or
 - b) From produce harvested from land on which the premises are situated.



- 10) Condition 9 applies whether the alcohol is delivered by the seller or by some other person.
- 11) The holder of this licence 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.
- 12) The licensee complies with condition 11 if they comply with regulation 14 of the Sale and Supply of Alcohol Regulations 2013 to be a reasonable procedure for that purpose.
- 13) The holder of an off-licence who sells alcohol by remote sale must comply with regulation 15 of the Sale and Supply of Alcohol Regulations 2013 requiring information to be provided by remote sellers.

The applicant's attention is drawn to ss.55, 56, 57 and 214 (3) 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; AND
3. A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.

DATED at Martinborough this 13th day of October 2017

A handwritten signature in black ink that reads 'J. E. Riddell'.

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 **Margrain Vineyards Limited** is authorised to sell or deliver alcohol on or from the premises situated at **5 Huangarua Road, Martinborough**, and known as **Margrain Vineyard**, 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.

1. No alcohol is to be sold or delivered on Good Friday, Christmas Day, or before 1pm on Anzac Day;
2. 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;
3. Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 8.00am to 8.00pm.
4. Alcohol may be sold by remote sale at any time on any day.
5. Drinking water is to be freely available to customers while alcohol is being supplied free as a sample
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 liquor to minors and the complete prohibition on sales to intoxicated persons.
7. The holder of this licence 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.
8. Remote Sales: The holder of this licence 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.
9. The holder of an off-licence who sells alcohol by remote sale by telephone must comply with any regulations made under this Act requiring information to be given to callers.

THE LICENSED PREMISES

The premises, situated at **5 Huangarua Road, Martinborough** are more precisely identified as outlined in a plan date stamped as received by the **South Wairarapa District Licensing Committee** on the **16 May 2017**.

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 **5 Huangarua Road, Martinborough** 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 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.

REISSUED at Martinborough this **8th day of February 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:

21 June 2020