

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Cowen Davis Limited** for a renewal off-licence pursuant to s.127 of the Act in respect of premises situated at **6 Kitchener Street, Martinborough** known as **Martinborough Wine Merchants**.

BEFORE THE SOUTH WAIRARAPA DISTRICT LICENSING COMMITTEE

Chairperson: Alistair Plimmer

DECISION

This is an application **Cowen Davis Limited** for a renewal off-licence in respect of premises situated at **6 Kitchener Street, Martinborough**, known as **Martinborough Wine Merchants**.

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.131 of the Act and we grant the applicant a renewal off-licence authorising the sale and supply of liquor for consumption off the premises with the following conditions (a)-(o).

- (a) Alcohol may only be sold on, or delivered from the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours:

Monday to Sunday 9:00 am to 9:00 pm

- (b) No alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday, Christmas Day or before 1:00 pm on Anzac Day.
- (c) All alcohol products for consumption off the premises must be sold in a sealed container.
- (d) 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.
- (e) A properly appointed certified manager must be on duty at all times, within the licensed area, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.
- (f) 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:

- i. At each principal entrance to the premises, the ordinary operating hours during which the sale of alcohol is permitted.
- ii. 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.
- iii. At every point of sale for alcohol, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.

Remote Sales

- (g) A remote sale of alcohol may be made at any time on any day.
- (h) No alcohol is to be delivered from the premises on Good Friday, or Christmas Day, or before 1:00pm on ANZAC Day.
- (i) No alcohol is to be delivered on Easter Sunday unless the alcohol is grape wine or fruit, or vegetable wine made:
 - i. on the premises; or
 - ii. from the grapes or fruit harvested from land on which the premises are situated.
- (j) 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. Whether the alcohol is delivered by the seller or by some other person.
- (k) The licensee must follow the procedures set out in Regulations 14 of the Sale and Supply of Alcohol Regulation 2013 to ensure that neither the purchaser nor the person to whom alcohol is delivered is a minor.
- (l) The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver (where present), is not intoxicated.
- (m) Alcohol purchases must be signed for by someone who is aged 18 years or older. In order to take the delivery, valid and current identification must be shown to the person/s delivering the goods. This identification must include the following:
 - i. Full name,
 - ii. Date of birth,

- iii. Photo, and
 - iv. Signature.
- (n) Alcohol will not be delivered to any prohibited person or left unattended at an address.
- (o) The licensee must display on its website and/or catalogues and on every receipt issued for alcohol sold remotely;
- i. The licence holder's name and licence number;
 - ii. The date on which the licence expires;
 - iii. A legible image of the licence or a clearly identified link to such an image.

DATED at Martinborough this 4th day of October 2024.



Alistair Plimmer
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 **Cowen Davis Limited** is authorised to sell or deliver alcohol on or from the premises situated at **6 Kitchener Street, Martinborough**, and known as **Martinborough Wine Merchants**, 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.

CONDITIONS OF LICENCE

The following conditions are consistent with the style of off-licence sought:

- (a) Alcohol may only be sold on, or delivered from the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours:

Monday to Sunday 9:00 am to 9:00 pm

- (b) No alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday, Christmas Day or before 1:00 pm on Anzac Day.
(c) All alcohol products for consumption off the premises must be sold in a sealed container.
(d) 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.
(e) A properly appointed certified manager must be on duty at all times, within the licensed area, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.
(f) 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:
- At each principal entrance to the premises, the ordinary operating hours during which the sale of alcohol is permitted.
 - 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.
 - At every point of sale for alcohol, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.

Remote Sales

- (g) A remote sale of alcohol may be made at any time on any day.
(h) No alcohol is to be delivered from the premises on Good Friday, or Christmas Day, or before 1:00pm on ANZAC Day.
(i) No alcohol is to be delivered on Easter Sunday unless the alcohol is grape wine or fruit, or vegetable wine made:
- on the premises; or
 - from the grapes or fruit harvested from land on which the premises are situated.
- (j) 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. Whether the alcohol is delivered by the seller or by some other person.
(k) The licensee must follow the procedures set out in Regulations 14 of the Sale and Supply of Alcohol Regulation 2013 to ensure that neither the purchaser nor the person to whom alcohol is delivered is a minor.
(l) The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver (where present), is not intoxicated.
- i. Alcohol purchases must be signed for by someone who is aged 18 years or older. In order to take the delivery, valid and current identification must be shown to the person/s delivering the goods.
This identification must include the following:
- Full name,
 - Date of birth,
 - Photo, and
 - Signature
- (m) Alcohol will not be delivered to any prohibited person or left unattended at an address.
(n) The licensee must display on its website and/or catalogues and on every receipt issued for alcohol sold remotely:
- The licence holder's name and licence number;
 - The date on which the licence expires;
 - A legible image of the licence or a clearly identified link to such an image.

THE LICENSED PREMISES

The premises, situated at **6 Kitchener Street, Martinborough** are more precisely identified as outlined in a plan date received by the **South Wairarapa District Licensing Committee** on the **31/07/24**.

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 **6 Kitchener Street, 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.

DATED at Martinborough this 4th day of October 2024.



Janice Smith
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:

11 September 2027

Repl 44/OFF/026/2021