

Licence Number: 44/OFF/014/2021
Decision number: 2021-092
Reference number: OF1118

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 **Martinborough Grocery Limited** is authorised to sell or deliver alcohol on or from the premises situated at **14-16 Memorial Square, Martinborough**, and known as **Pain and Kershaw Four Square**, 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) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day.
- (b) No alcohol is to be sold other than:
 - i. Beer that complies with the appropriate New Zealand food standard for beer; or
 - ii. Mead that complies with the appropriate New Zealand food standard for mead; or
 - iii. Fruit or vegetable wine that complies with the appropriate New Zealand food standard for fruit or vegetable wine (however that product may be described in the standard); or
 - iv. Grape wine that complies with the appropriate New Zealand food standard for grape wine (however that product may be described in the standard); or
 - v. A food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.*Appropriate New Zealand food standard, in relation to any kind of alcohol, means the standard for alcohol of that kind that is for the time being in force under the Food Act 2014.*
- (c) Alcohol may only be sold or delivered on the following days and during the following hours:
Monday to Sunday between 7.00 am to 10.00 pm
- (d) the following steps must be taken to ensure that compulsory conditions of Sections 112, 113, and 114 of the Act relating to the display and promotion of alcohol in a single area in the premises are observed:
 - a. alcohol must only be sold and supplied on the premises in accordance with the single area plan submitted with the application.
 - b. the only area delineated on the attached plan described in shading, is the permitted single area for the display and promotion of alcohol.
 - c. the identified single area must not be reconfigured or rearranged unless a variation/change to the single area is applied for.
 - d. No display or promotion of, or advertisement for, a product of alcohol shall occur outside of the described single area of the premises.
 - e. No display or promotion of, advertisement for, a product that is not alcohol shall occur inside the described alcohol single area of the premises.
- (e) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- (f) the following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - A restriction of sale or supply of alcohol to persons under the age of 18 years of age
 - Display of 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
- (g) the following steps must be taken to ensure that the provisions of the Act relating to the management of the premises concerned are observed:
 - Alcohol must only be sold and supplied on the premises in accordance with the premises plan submitted and received on 28 February 2020.
- (h) the whole of the premises is designated as 'undesignated' area.
- (i) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
- (j) A Host Responsibility Policy must be maintained and displayed at all points of sale and the Licensee must ensure all staff receives training in their policy.

Remote Sales

- (k) A remote sale of alcohol may be made at any time on any day
- (l) No alcohol is to be delivered from the premises on Good Friday, or Christmas Day or before 1:00 pm on ANZAC Day.
- (m) 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.
- (n) 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.
- (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.

THE LICENSED PREMISES

The premises, situated at **14-16 Memorial Square, Martinborough** are more precisely identified as outlined in a plan date received by the **South Wairarapa District Licensing Committee** on the **12/03/21**.

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 **14-16 Memorial Square, 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 **12 May 2021**.


Harry Wilson
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:

1 April 2024



IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Martinborough Grocery Limited** for a renewal off-licence pursuant to s.127 of the Act in respect of premises situated at **14-16 Memorial Square, Martinborough** known as **Pain and Kershaw Four Square**.

BEFORE THE SOUTH WAIRARAPA DISTRICT LICENSING COMMITTEE

Commissioner: Angela Yeoman

DECISION

This is an application **Martinborough Grocery Limited** for a renewal off-licence in respect of premises situated at **14-16 Memorial Square, Martinborough**, known as **Pain and Kershaw Four Square**.

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.

CONDITIONS

It is recommended that the licence be issued subject to following conditions:

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day.
- (b) No alcohol is to be sold other than:
 - i. Beer that complies with the appropriate New Zealand food standard for beer; or
 - ii. Mead that complies with the appropriate New Zealand food standard for mead; or
 - iii. Fruit or vegetable wine that complies with the appropriate New Zealand food standard for fruit or vegetable wine (however that product may be described in the standard); or
 - iv. Grape wine that complies with the appropriate New Zealand food standard for grape wine (however that product may be described in the standard); or
 - v. A food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.

Appropriate New Zealand food standard, in relation to any kind of alcohol, means the standard for alcohol of that kind that is for the time being in force under the Food Act 2014.
- (c) Alcohol may only be sold or delivered on the following days and during the following hours:
Monday to Sunday between 7.00 am to 10.00 pm
- (d) The following steps must be taken to ensure that compulsory conditions of Sections 112, 113, and 114 of the Act relating to the display and promotion of alcohol in a single area in the premises are observed:
 - i. Alcohol must only be sold and supplied on the premises in accordance with the single area plan submitted with the application.

- ii. The only area delineated on the attached plan described in shading, is the permitted single area for the display and promotion of alcohol.
 - iii. The identified single area must not be reconfigured or rearranged unless a variation/change to the single area is applied for.
 - iv. No display or promotion of, or advertisement for, a product of alcohol shall occur outside of the described single area of the premises.
 - v. No display or promotion of, advertisement for, a product that is not alcohol shall occur inside the described alcohol single area of the premises.
- (e) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- (f) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
- A restriction of sale or supply of alcohol to persons under the age of 18 years of age
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- (g) The following steps must be taken to ensure that the provisions of the Act relating to the management of the premises concerned are observed:
- Alcohol must only be sold and supplied on the premises in accordance with the premises plan submitted and received on 28 February 2020.
- (h) The whole of the premises is designated as '**undesignated**' area.
- (i) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
- (j) A Host Responsibility Policy must be maintained and displayed at all points of sale and the Licensee must ensure all staff receives training in their policy.

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- (n) 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.
- (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.

REASON FOR DECISION:

I have considered this application on the basis of the reports received from the Alcohol Licensing Inspector, the Police and the Medical Officer of Health, who do not oppose the issue of the licence. In addition, the District Licensing Committee has received no objections from the community.

The District Licensing Committee Chair, acting pursuant to s127 of the Act, is satisfied all criteria has been met and therefore accordingly grants **Martinborough Grocery Limited**, known as "**Pain and Kershaw Four Square**", the renewal of the Off Licence, including for remote sales, subject to the Conditions of Licence (a) to (o).

DATED at Martinborough this 12th day of May 2021.



Angela Yeoman
Commissioner
South Wairarapa District Licensing Committee