

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Brutos Ltd** for an
off-licence pursuant to s.99 of the Act in
respect of premises situated at **10 Ohio
Street, Martinborough** known as
Martinborough Brewery

BEFORE THE SOUTH WAIRARAPA DISTRICT LICENSING COMMITTEE

Commissioner: Angela Yeoman

DECISION

This is an application by **Brutos Ltd** for an off-licence, including remote sales, in respect of premises situated **10 Ohio Street, Martinborough** known as "**Martinborough Brewery**". The application is in respect of premises in which the principal business is that of a tavern.

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.

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.

I, as the District Licensing Committee Chair,:

- a. Am satisfied as to the matters to which the Committee must have regard as set out in s.105 of the Act; and
- b. Acting pursuant to s99 of the Act, grant **Brutos Ltd** known as **Martinborough Brewery** an off-licence pursuant to sections 17 and 18 of the Act, subject to the following conditions of licence (a)-(k).

CONDITIONS OF LICENCE:

Off-Licence

- (a) Alcohol may be sold 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 8:00 am to 10:00 pm.**
- (b) Except, no alcohol is to be sold from the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, on Good Friday, Easter Sunday or Christmas Day or before 1:00 pm on ANZAC Day.
- (c) The premises are designated: **supervised.**
- (d) 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.
- (e) 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.
- (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 Off-Licence

- (g) A remote sale of alcohol may be made at any time on any day.
- (h) 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.
- (i) No alcohol is to be delivered from the premises on Good Friday, or Christmas Day or before 1:00 pm on ANZAC Day.
- (j) 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.
- (k) 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 **10 Ohio Street, Martinborough**, are more precisely identified as outlined in a plan date received by the **South Wairarapa District Licensing Committee** on **30/03/22**.

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 **10 Ohio 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 6th day of May 2022



Angela Yeoman
Commissioner
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 **Brutos Ltd** is authorised to sell or deliver alcohol on or from the premises situated at **10 Ohio Street, Martinborough**, and known as **Martinborough Brewery**, 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 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 8:00 am to 10:00 pm
- (b) No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1:00 pm on ANZAC Day.
- (c) 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.
- (d) 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.
- (e) 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

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

1. Recommendation

THE LICENSED PREMISES

The premises, situated at **10 Ohio Street, Martinborough** are more precisely identified as outlined in a plan date received by the **South Wairarapa District Licensing Committee** on the 30/03/22.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

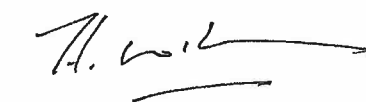
A copy of this licence must be displayed at the principal entrance to the premises. The entrance from **10 Ohio Street, Martinborough** is designated as the principal entrance.

DURATION

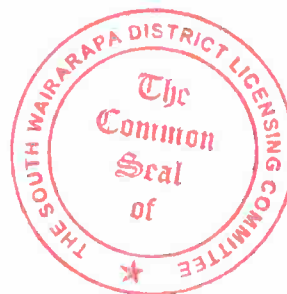
Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force -

- (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 6th day of May 2022.



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:

6 May 2023

