

IN THE MATTER of the Sale and Supply of Alcohol Act 2012 (the Act)

AND

IN THE MATTER of an application by **Ruapehu Food Warehouse Limited** for a new OFF licence pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012 in respect of the premises situated at **131 Ruapehu Street, Taupo** and known as "**Taupo Pak n Save**".

THE APPLICATION:

This is an application by Ruapehu Food Warehouse Limited for an Off Licence in respect of premises situated at 131 Ruapehu Street, Taupo, known as "Taupo Pak n Save". It was formally received by the Taupō District Licensing Committee on 22nd March 2019. The general nature of the business to be undertaken is that of Supermarket.

The application was duly advertised in the Taupo Times newspaper on the 15th and 22nd of March 2019 and no objection or notice of desire to be heard has been received. Display of the public notice has been carried out in the terms of the Sale and Supply of Alcohol Act 2012 by the licensee and no objections were lodged by any members of the public.

REASONS FOR THE DECISION:

The applicant is an experienced off-licence operator and certificated managers will oversee the sale and supply of alcohol.

The Police and Medical Officer of Health reports raise no matters in opposition but the MOoH expresses concern over the placement of 0% alcohol outside and adjacent to the SAA, and the general closeness to the checkout area.

We agree with the MOoH analysis that the SAA is technically compliant, but we also say that we expect licensees to operate within the spirit of the law (no pun intended) and not be provocative with these criteria. The SAA does not contain any area though which the main pedestrian route passes to any general point of sale, but it is adjacent to it. Similarly, we would be disappointed to see large quantities of 0% alcohol stacked in general areas as they are a visual attractor to the alcohol area.

We trust that the licensee will take these concerns on board and monitor the area closely.

THE DECISION:

We are satisfied as to the matters to which we must have regard as set out in the Act and we grant the applicant an Off Licence authorising the sale and supply of alcohol for consumption off the premises.

The licence shall be subjected to specific conditions as detailed in the attached licence.

Dated at Taupo this 15th day of July 2019



Murray Clearwater

Commissioner for Taupō District Licensing Committee

OFF LICENCE

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

Pursuant to the Sale and Supply of Alcohol Act 2012, **Ruapehu Food Warehouse Limited** is authorised to sell or deliver alcohol on or from the premises situated at 131 Ruapehu Street, Taupo, and known as **Taupo Pak n Save**, to any person for consumption off the premises and to supply alcohol free, as a sample, for consumption on the premises.

If this licence is not endorsed under section 40 of the Act, the licensee is also authorised to sell alcohol on or from the premises and deliver it somewhere else.

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

This licence is subject to the following conditions:

1. Alcohol may be sold on the premises for consumption off the premises, and supplied free as a sample for consumption on the premises, only on the following days and hours:
Monday to Sunday from 7.00am to 10.30pm.
2. No alcohol is to be sold on or delivered from the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00pm on Anzac Day.
3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
4. No alcohol may be sold other than –
 - a. beer that complies with the applicable New Zealand food standard for beer; or
 - b. mead that complies with the applicable New Zealand food standard for mead; or
 - c. fruit or vegetable wine that complies with the applicable New Zealand food standard for fruit or vegetable wine; or
 - d. grape wine that complies with the applicable New Zealand food standard for grape wine; or
 - e. a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.
5. A properly appointed certificated or Acting or Temporary Manager must be on duty, at or nearby the point of sale, at all times when the premises are open for the sale and supply of alcohol.
6. The Licensee must display signage as follows:
 - a. At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principle entrance to the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.
7. The "single alcohol area" for the premises is as described on the plan dated 16 May 2019. The licensee must ensure that:
 - a. No alcohol is displayed, promoted or advertised outside the single alcohol area; and
 - b. No products other than alcohol, low-alcohol and non-alcoholic beer, wine or mead are displayed, promoted or advertised inside the single alcohol area.

THE LICENSED PREMISES

The sale, supply or consumption of alcohol is authorised in the premises generally. The premises situated at 131 Ruapehu Street, Taupo, are more precisely identified as outlined in a plan date stamped as received by the Taupo District Licensing Committee on 16 May 2019.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE

A copy of this licence must be displayed at the principal entrance to the premises. The entrance from the carpark 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 of 3 years after the period for which it was renewed.

This licence expires on 15 July 2020 unless further renewed
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DATED at TAUPO on this 15th day of July 2019



Murray Clearwater

Commissioner for Taupō District Licensing Committee

PLEASE DISPLAY THIS LICENCE IN THE MAIN ENTRANCE OF THE PREMISES