

Decision N° **OF0010**

**In the Matter**

of the Sale and Supply of Alcohol Act 2012

**And**

**In the Matter**

of an application by **Nolas Wines and Spirits Limited** for the renewal of an Off licence pursuant to ss.100 and 127 of the Act in respect of premises situated at **126-130 Victoria Street, Dargaville, Kaipara District** known as “**Nolas Wines and Spirits**”

**Before the Kaipara District Licensing Committee**

Chair: Mr Peter Winder

In Attendance: Governance Services Manager: Sean Mahoney  
General Manager Planning and Regulatory: Fran Mikulicic  
Chief Licensing Inspector: Rachel Sheppard

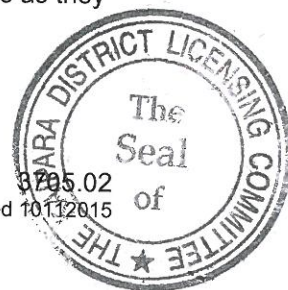
**Decision (On the Papers)**

This is for an application for the renewal of an Off licence to Nolas Wines and Spirits Limited, 126-130 Victoria Street, Dargaville, Kaipara District known as “Nolas Wines and Spirits”.

This application was made under s.127 of the Sale and Supply of Alcohol Act 2012 and determined by the District Licensing Committee under s.130 of the Act.

No objections or notice of desire to be heard have been received by the Medical Officer Health, the Licensing Inspector nor the general public. The Police report offered no objection to the application, however a recommendation was given in their report to the District Licensing Committee.

On 01 April 2015 the applicant's agent applied for the renewal of the Off Licence and advised that the applicant intended to sell alcohol under the licence Monday to Sunday 8.00am until 10.00pm with the newspaper advertisements reflecting this also. The application and adverts did not reflect internet sales. Section 208 of the Sale and Supply of Alcohol Act 2012 allows the District Licensing Committee if satisfied the neglect or omission was not wilful, to waive the same on such terms as they think equitable.



We are satisfied as to the matters to which we must have regard as set out in ss.105 and 131 of the Act and we grant the renewal of the Off licence under s.202(1).

The existing licence is deemed to be current under s.122 of the Act.

We renew the Off licence until 30 May 2018 pursuant to s.135(1) of the Act, that being the anniversary date of the licence and three years from the most current date of expiry and authorise the issue of a replacement licence and a notice of renewal.

The licensee's attention is drawn to condition (b) of replacement licence 03/OFF/015/2015 to ensure that under s.59(1) of the Act that the holder of an off licence must ensure that any alcohol sold by remote sale is not delivered to the buyer (or to any person on the buyer's behalf) at any time after 11.00pm on any day and before 6.00am on the next day.

The licensee's attention is drawn to condition (d) of replacement licence 03/OFF/015 /2015 to ensure that drinking water is readily available and free of charge to customers at all times that the licensed premises are open for business. Signage directing people to drinking water must be prominently displayed on the premises at that time.

The licensee's attention is also drawn to the two additional notes on replacement licence 03/OFF/015/2015 those being;

- Under s.59(3) of the Act the holder of an off 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.
- The licensee attention is also drawn to s.237 regarding the responsible promotion of alcohol and in particular that it is illegal to promote or advertise discounts on alcohol in a way that leads people, or is likely to lead people, to believe that the price is 25% or more below the price at which the alcohol is originally sold.

**DATED** at Dargaville this 10<sup>th</sup> day of November 2015



**Peter Winder**

**Chair**

**Kaipara District Licensing Committee**

