

Decision N° **OF0030**

**In the Matter**

of the Sale and Supply of Alcohol Act 2012

**And**

**In the Matter**

of an application by **K D Mander Holdings Limited** for an Off licence pursuant to s.100 of the Act in respect of premises situated at **3 Wood Street, Mangawhai Heads, Kaipara District** known as **"Molesworth Four Square"**.

**Before the Kaipara District Licensing Committee**

Chair: Mr Peter Winder  
Members: Mr Mark Vincent, Mr Gordon Lambeth, Mr Mark Farnsworth  
In Attendance: Governance Services Manager: Sean Mahoney  
General Manager Planning and Regulatory: Fran Mikulicic  
Regulatory Manager: Dean Nuralli  
Chief Licensing Inspector: Rachel Sheppard

**Decision (From the Hearing)**

This is an application for an Off licence by K D Mander Holdings Limited , situated at 3 Wood Street, Mangawhai Heads, Kaipara District and known as "Molesworth Four Square". The application was made under s.100 of the Sale and Supply of Alcohol Act 2012 and determined by the District Licencing Committee under s.104 of the Act.

The application was filed with the Territorial Authority on 08 March 2016 with public notification in the Kaipara Lifestyler on 22 March and 29 March 2016 which satisfies s.101(b) of the Act.

The application was referred to the Police, the Medical Officer of Health and Licencing Inspector for comment. The maximum trading hours for alcohol sales sought are Monday to Sunday from 7.00am to 8.00pm.



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No matters in opposition have been raised in respect of the application by either the Licensing Inspector or the Police. The Medical Officer of Health opposes any application that seeks trading hours for any alcohol sales that fall outside of their policy of 9.00am to 10.00pm. In line with this stance, The Medical Officer of Health advised that her opposition would be withdrawn if the applicant reduces their opening hour to 9.00am, Monday to Sunday which would then align the application within the bounds of their policy.

Kaipara District does not have a Local Alcohol Policy which would direct the District Licensing Committee to deviate from the maximum national default hours. It is recognised that the application fits within the default national hours as specified under s.43(1)(b) of the Act.

At the hearing the Licensing Committee heard from the applicant Mr Mander, from Dr Clair Mills the Medical Officer of Health, and Sgt M. Wilson of the New Zealand Police.

The only objection to this application relates to the trading hours for alcohol sales. The hearing therefore focused on that issue.

In his evidence at the hearing Mr Mander elaborated on the nature of the store's business and business policies and procedures. Mr Mander highlighted the fact that in this application he was seeking fewer trading hours than were permitted under the licence held by the previous owner. The previous licence provided for the sale of alcohol between 7am and 10pm Monday to Sunday. Mr Mander applied for a licence to sell alcohol between 7am and 8pm Monday to Sunday. Mr Mander questioned logic of the opposition from the Medical Officer of Health, noting that his application would result in a reduction in the hours in which alcohol was available for sale when compared with the current situation.

Mr Mander produced evidence relating to the nature and timing of alcohol sales at the store. The Committee requested a further breakdown of the sales data in order to understand the nature and significance of sales made before 9.00am. The data that was supplied relates to the period 18 May 2015 to 15 May 2016. Over this period there were only 67 days when alcohol was sold before 8.00am and 204 days when alcohol was sold between 8.00am and 9.00am. In total the sale of alcohol provided 8.5% of total sales revenue over the period reported. Over the same time, the sale of alcohol before 9.00am provided only 0.17% of total sales revenue. This means that less than 2% of all alcohol sales occur prior to 9.00am.



Dr Mills presented to the Committee considerable evidence relating to alcohol harm, the policy position adopted by the leadership of the Northland District Health Board and a range of research.

Sgt Wilson of the New Zealand Police presented no substantive evidence to the Committee.

Having considered the historic pattern of alcohol sales and the significant reduction in evening opening hours the Committee concluded that the application represents a significant reduction in the availability of alcohol within this community, when compared to the licence held by the previous owners. Further, given the negligible sales of alcohol that actually occur before 9.00am, the majority of the Committee concluded that the hours requested by the applicant are reasonable and that further reducing trading hours as requested by the Medical Officer of Health would have no real effect on alcohol harm within the Mangawhai area.

Having considered the evidence presented, the majority decision of the District Licensing Committee is to grant the licence with the hours sought by the applicant.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the Off licence under s.202(3).

The licence may issue immediately.

The licensee's attention is drawn to condition (c) of licence 03/OFF/005/2016 to ensure that potable drinking water is readily available and free of charge to customers at all times that the premises are offering complimentary tastings of alcohol. Signage directing people to drinking water must be prominently displayed on the premises at that time.

The licensee is reminded of their responsibilities with regard to the object of the Sale and Supply of Alcohol Act 2012.

**DATED** at **Dargaville** this 14<sup>th</sup> day of **July** 2016



**Peter Winder**  
Chair  
Kaipara District Licensing Committee

