

Decision N° **OF0057-2017**

In the Matter

of the Sale and Supply of Alcohol Act 2012

And

In the Matter

of an application by **Katie Louise Douglas** for the renewal of an Off licence pursuant to s.127 of the Act in respect of premises situated **20 Coates Avenue, Baylys Beach, Dargaville, Kaipara District** known as the **“Gift Box Boutique”**

Before the Kaipara District Licensing Committee

Chair: Mr Mark Farnsworth
On Call: Chief Licensing Inspector: Rachel Sheppard
Democratic Services Manager: Sean Mahoney
General Manager Planning and Regulatory: Fran Mikulicic
Regulatory Manager: Dean Nuralli
Licensing Inspector: Jason Sheehan

Decision (On the Papers)

This is for an application for the renewal of an Off licence to Katie Louise Douglas situated at 20 Coates Avenue, Baylys Beach, Dargaville, Kaipara District known as “Gift Box Boutique”.

The 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 to the application for renewal nor any notice of desire to be heard have been received from the Police, the Medical Officer Health or the Licensing Inspector.

Public Notification of the application featured in the Kaipara Lifestyler on 05 September and on 12 September 2017, thus satisfying the requirement of s.127 of the Act. No objection or notice of desire to be heard was received by the Territorial Authority.

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 renewal of the Off licence under s.202(1).



We renew the Off licence until 31 October 2020 pursuant to s.135(1) of the Act, that being three years from the first anniversary date of the licence and authorise the issue of a replacement licence and a notice of renewal.

The applicant's attention is drawn to s.49 of the Act which exempts remote sales from the restrictions imposed by sections 46 and 48 (sacrosanct days) of the Act. Importantly, section 43 of the Act is not overridden by section 49.

This means that whilst the default maximum trading hours for off-licence remain 7.00 am to 11.00 pm, the sale or supply of alcohol by way of remote sale may take place at any time on any day.

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| 49 | Remote sales exempted from trading hours restrictions |
| (1) | A remote sale of alcohol may be made at any time on any day. |
| (2) | Subsection (1)— |
| (a) | overrides the restrictions on sales imposed by sections 46 and 48; but |
| (b) | is subject to the restrictions on delivery imposed by sections 48 and 59(1). |

DATED at Mangawhai this 29th day of **September** 2017.



Mark Farnsworth MNZM
Chair
Kaipara District Licensing Committee

