

Decision: OF0082 - 2023

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **SSA 2021 Limited** for the renewal of an Off Licence pursuant to s.127 of the Act in respect of premises situated at **126-128 Victoria Street, Dargaville, Kaipara District.**

Before The Kaipara District Licensing Committee 15 May 2023

Chair: Mr Mark Farnsworth
Cr Gordon Lambeth
Ms Grace Le Gros

In attendance: Fiona Poyner, Licensing Inspector
Tracey Deane, Strategic Planning Advisor

Hearing by of Webex on 15 May 2023

DECISION

1. This is an application by SSA 2021 Limited for renewal of an off licence in respect of premises situated at 126 – 128 Victoria Street Dargaville, Kaipara District.
2. The application was filed on 10 February 2023 and forwarded to the agencies for reporting on 16 February 2023. The application was also duly advertised¹. One public objection, from Mr Hal Harding Chairman of the Kaipara Abuse Prevention Inc was received on 6 March 2023. No matters in opposition to the application were received from: the Licensing Inspector; Medical Officer of Health and Police.
3. Ms Fiona Poyner, the District Licensing Inspector, in her report dated 24 March 2023 recommended that the matter be heard as an opposed application and determined before the full District Licensing Committee at a hearing scheduled for 9 May 2023, subsequently rescheduled to 15 May 2023.
4. The hearing was convened by way of audio-visual means² on Monday 15 May at 1000. Prior to the hearing DLC secretary received notification from the sole objector, Mr Hal Harding, that he would not be attending the hearing. Mr Harding's main objection centred on the indicated hours of operation of the Off-Licence.

¹ Kaipara Lifestyler 21 & 23 February 2023

² By Webex

5. After reviewing all the information placed before it, the committee is satisfied as to the matters to which we must have regard as set out in section 131 of the Sale and Supply of Alcohol Act 2012 have been adequately addressed³. In particular we are of the view that the specified hours of operation will largely address the concerns of the submitter. The application raises no issues contrary to the objective of the Act.

6. The application for the renewal the licence is granted and is subject to the attached conditions.

DATED at Mangawhai this 17th day of May 2023



Mark Farnsworth MNZM

Chair

Kaipara District Licensing Committee

³ District Licensing Inspector' Report at [16]

Conditions

- a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
- b) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday - 7.00 am until 10.00 pm.
- c) Drinking water is to be freely available to customers when alcohol tastings are provided. “Freely available” to customers in relation to water means –
 - (i) supplied free in clean drinking vessels on request; or
 - (ii) available free in larger containers from which it may be easily poured or drawn by customers, together with clean drinking vessels that are also available free nearby; or
 - (iii) available free from a tap to which customers have easy access, together with clean drinking water vessels that are also available free nearby.
- d) The fees payable for the licensing of the premises concerned are the following risk rating: medium.
- e) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
 - (ii) Ensure that appropriate signs are prominently displayed detailing the statutory restrictions on the supply of alcohol to minors and intoxicated persons, at each entry and adjacent to every point of sale.
- f) There are to be no single sales of any RTDs (in effect requiring RTD’s to be sold in no less than 4 packs.).
- g) The entire premises is designated as a supervised area.
- h) With the exception of craft beers, there are to be no single sales of any beer in container under 500mls.