

Decision No. 60B [2016] 2007

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012.

AND

IN THE MATTER

of application under s. 99 of the Sale and Supply of Alcohol Act 2012 by **Belfast Liquor Limited** in respect of premises at **752 Main North Road, Christchurch**, known as **Belfast Liquor Store**.

RESERVED DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: P R Rogers

Members: Mr D Blackwell ^{QSM} and Mr A Lawn

HEARING at Christchurch on the 11 April 2016

PRESENT:

Jimi Yazdanpanah – On behalf of the applicant
Peter Egden – Counsel for applicant
Martin Ferguson – Senior Licensing Inspector – to assist
Constable Adrienne Jones – NZ Police – in opposition
Constable Genevieve Craddock – NZ Police – in opposition
Helen Barbour – On behalf of the Medical Officer of Health – in opposition
Peter Shaw – On behalf of the Medical Officer of Health – in opposition
Peter Simpson – Objector on behalf of Belfast Primary School
Iain Millar – Objector, Community Connections Co-ordinator, Salvation Army
Peivand Yazdanpanah – Co-shareholder in company
Janet Anderson – Committee Adviser

INTRODUCTION

[1] This matter concerns an application by Belfast Liquor Store Limited for a new Off-licence at 752 Main North Road, Belfast, Christchurch to be known as Belfast Liquor Store.

[2] There were a number of objections to the granting of the licence but on the day of the Hearing only the Principal of Belfast Primary School and a representative of the Salvation Army, North Christchurch, appeared as Objectors.

[3] The NZ Police and the Medical Officer of Health (MOH) were in opposition to the application with the Licensing Inspector not opposing the application and there to assist. These three organisations are to be known as The Agencies.

[4] The parties to the proceedings were identified. An explanation was given that the applicant would give his evidence in support of his application followed by the Agencies, then the Objectors. Members of the Committee could ask questions at any time and each of the witnesses could be cross-examined by the other parties.

THE HEARING

Evidence of Applicant

[5] The applicant Jimi Yazdanpanah gave evidence, being a director of Belfast Liquor Store Limited and a co-shareholder in the company with his brother.

[6] The applicant stated he had previous senior management experience working for Dynamic Controls Limited for 16 years, during that time he worked within the Human Resources Department ensuring that appropriate procedures were in place to meet international standards.

[7] Since 2006 to 2007 he had been a franchisee of a Video Ezy store firstly at New Brighton until the earthquake in February 2011, when this store closed. He subsequently opened a new store at the Belfast address. Due to a downturn in the video/DVD rental business he was no longer trading profitably and stated that his intention was to open an Off -licence business from the premises.

[8]The applicant admitted that he had no direct experience in the running of an Off-licence premise but did consider that his experience with the Video Ezy business had given him good background knowledge, particularly concerning the age restriction around movies and game hire which are strictly enforced by the Department of Internal Affairs.

[9] He went on to say that his brother would assist him in the day to day operation of the Off-licence and that his brother holds a manager's certificate and employs two other certified managers who will also assist. The applicant said his brother had a further two additional staff members who are in the process of obtaining their manager's certificate.

[10] He said that if the Off-licence is granted it is his intention to obtain a manager's certificate before the business commences trading and that his wife would also apply to obtain one. He went on to say that his brother employs the managers at his premises but they are not working enough hours and so they would be able to build up more hours by working at the applicant's store.

[11] The applicant gave evidence that he firmly believed the proposed business would succeed and at the same time would not have a negative impact on the area. He said that he was familiar with the provisions of the Sale and Supply of Alcohol Act in relation to good order and amenity. He said he had made inquiries and there were no significant issues in Belfast from noise levels, nuisance or vandalism and he did not expect this to change if the application was granted.

[12] The applicant said that because the store would be set back from the street this would minimise the exposure of alcohol and he does not intend to have any advertising on the footpath. The applicant also gave evidence as a result of issues raised by the objectors concerning the proximity to the Belfast Primary School. The applicant stated his store would be approximately 500 metres from the school and that he had kept a tally of school children passing the store each day between 3 and 4 pm. This had revealed an average of 8 children walked past the premises each day.

[13] The applicant stated his intention was to focus his sales on higher priced wines and spirits. As a result he would not be targeting the young drinker and whilst stocking pre-mixed drinks he would not have them prominently displayed in the store. To give him some flexibility around marketing he had not approached any liquor franchises as he wanted to run the business in his own way. He confirmed his intended trading hours as being from 9am to 9pm 7 days a week.

[14] He said he wished the Committee to consider that he was an experienced and responsible business owner with a good track record and a suitable person to operate an Off-licence in Belfast.

[15] In response to cross examination and the questions from the Committee the applicant gave an undertaking that he would only have the store name across the front of the building and that in the windows of the building there would only be advertising concerning beer, wine and spirits and there would be no direct advertising of a particular brand of alcohol.

[16] Under cross examination the applicant admitted that his brother operated an On-licence and even though this application concerned an Off-licence he considered the requirements would be the same. He said in relation to the age restriction requirements of a video store; controlled purchase operations had been conducted on his store and he had had a 'clean bill of health.' He said that there were currently approximately 3,500 customers per month coming into the store.

[17] The applicant said that he was aware of concerns regarding Sheldon Park and the newly established skate board park which he thought was about 500 metres down the road.

[18] Under cross examination from the Police he gave an explanation of the signs for intoxication and confirmed that he had no intention of selling individual cans or bottles of beer, as he would concentrate on "high end" sales and would prefer to sell "mixers" as a

pack not singles. He said that his brother's "nightclub" did not open until 10pm and by that time the bottle store would be closed and as a result both his brother and the other managers would be available to work in his proposed store.

[19] The applicant was asked by Mr Simpson, the Principal of the Belfast Primary School, about discounting that might take place and the applicant said that he would not be undertaking discounting but on occasions a supplier would dictate what the alcohol should be sold at but he did not think this was discounting as such.

[20] Under cross examination from Mr Millar from The Salvation Army concerning car parking, the applicant said the car parking that was available was for all three stores that were in the block of shops. In response to a question about costs of running a liquor store the applicant replied that the overheads for the video store would be the same for the liquor store and that was \$500 per day.

[21] In response to questions from the Committee the applicant confirmed that there would be limited advertising as a result of discussions with the landlord, who had his business next door. The applicant confirmed he was happy to have an alcohol management plan as a condition of the licence and to prepare training manuals. As previously stated he confirmed to the Committee that there would be no brand advertising in the front windows. He agreed to a condition within the decision for the layout of the premises to be approved by the Agencies prior to the issuing of the licence. In reply to questioning he gave an undertaking that prior to the licence being issued his brother would be made a director of the company.

Evidence of Helen Marie Barbour representing the Medical Officer of Health

[22] Ms Barbour gave evidence that she was employed by the Canterbury District Health Board (CDHB) and had delegations pursuant to s. 151 of the Sale and Supply of Alcohol Act 2012.

[23] The witness produced a map from the Community and Public Health Data Base showing the location of key sights in relation to the subject premises. The information on the map shows the immediate area around the proposed site is decile 7 on a scale of 1 to 10 where 10 is the most deprived. She gave evidence that the premises in question are sited in a small commercial area centred amongst residential properties. Currently there are 10 licensed premises within a 1.5 kilometre radius. There are 5 On-licences, 5 Off-licences and 2 club licences.

[24] The witness gave evidence that the CDHB and the Medical Officer of Health (MOH) made a combined submission on the draft Christchurch City Council local alcohol plan. The submission was produced as an exhibit and she referred to Appendix C, page 24 of the submission with the title of *'Evidence supporting the need for control over alcohol outlet density to reduce crime.'* Two studies were quoted. The first study concluded that "reducing density of alcohol outlets may reduce alcohol related harm amongst those who live nearby." The second study relating to alcohol and teenage drinking indicated that "outlet density is an aspect which is amenable to control by public policy and therefore is of considerable importance from a public health prospective."

[25] The witness made the point that the concerns of the MOH in regards to off-licence premises particularly in deprived areas is the element of control and pointed out that in relation to On-licence premises there is a required procedure to minimise alcohol related harm. On Off-licence premises however this control stops at the premise door.

[26] It is the MOH's view that to allow another Off-licence in this area would significantly increase the risk of alcohol related harm and that the amenity and good order of the area would be affected by more than a minor extent. There were concerns that the applicant had in the application form failed to give adequate regard to the likelihood or possible effects of his proposed business on the locality. It therefore followed that if this approach continued into the operation of his business then the Committee should have no confidence in the applicant's ability to operate the licence within the expectations of the object of the Act.

Evidence of Objectors

[27] Mr Simpson, Principal of Belfast Primary School, gave evidence of representing the Board of Trustees and their concerns about this application. He said that he knew of alcohol being a problem around Sheldon Park and that bottles and the like had to be cleaned up.

[28] He was cross examined by Mr Egden concerning the way the Board of Trustees contacted the parents and that this was done by email. The witness said there were approximately 350 household families that had children at the school. The witness agreed when it was put to him that out of 700 parents at the school only 6 of that number had seen fit to put in a written objection. The witness replied to this by saying people were busy as the notification was right at the time that school finished just before Christmas. The witness confirmed the chief concern would be the exposure of alcohol to the children by the location of the premises and an increase in exposure of alcohol to the children in Sheldon Park. In a question from the Committee the witness said that Sheldon Park was immediately to the east of the Primary School and in fact one of the school fields formed part of the park.

[29] Mr Millar, Community Connections Co-ordinator, Christchurch North Salvation Army gave evidence of seeing families affected by alcohol issues and this could vary between 3 to 8 family units per week in the area he was responsible for, which included the subject premises.

[30] This witness's chief concern was around an increase in drinking in the parks in the area if another Off-licence was granted.

[31] He was also concerned that there would be an increase in road traffic if this licence was to be granted. He also had concerns about the narrow entranceway in and out of the carpark to the proposed store as two vehicles could not pass side by side. He said he had other concerns that if this applicant found it was not profitable to sell high price liquor then he might change his standards and sell cheaper liquor to increase his profit margin.

[32] Replying to a question from the Committee he saw the problem being that another bottle store in the area was just adding to its availability and, for a person with an alcohol problem, the ability to purchase alcohol.

THE AGENCIES

[33] The Inspector and the Police opted not to give evidence and the only evidence given in this matter was from the representative for the MOH. However the Committee expressed the desire to ask some questions of the Police, so as a result Constable Jones took the witness box.

[34] She was asked what her concerns were and she replied the applicant's lack of experience in running an Off-Licence and the fact there were no indications that there were any systems in place from his evidence presented at the day's Hearing. Her other concern was the carrying out of the undertakings that had been made at the Hearing.

[35] Replying to a question from the Committee the Constable did not know if there were any issues at Sheldon Park and was not aware of a liquor ban being in place.

SUBMISSION on behalf of Medical Officer of Health

[36] Ms Barbour listed a number of matters which included, firstly the company Belfast Liquor was not incorporated at the time the application had been lodged, secondly the brother who was the only person involved in the enterprise who had experience in the alcohol industry was only a shareholder not a director in the company.

[37] Thirdly the applicant had no experience in the sale of alcohol and no training manuals had been produced, fourthly the brother of the applicant was in the On-licence trade with no experience of Off-licenses and did not give evidence and lastly the alcohol management plan submitted with the application was generic.

[38] No other party made a submission.

SUMMING UP by applicant

[39] Counsel summed up for the applicant by highlighting the purpose of the Act, section 3, in that it should be reasonable. He went on to say there needs to a balance between the conflicting priorities under the Act; to provide for the sale of alcohol, but to minimise the alcohol-related harm. Mr Egden contended there was nothing in the applicant's background that would show that he is unsuitable. His current business already showed that he could enforce age restrictions around the hire of movies and games.

[40] In regard to amenity and good order he pointed out that just because licensed premises are in the general area of schools and public areas, it does not follow that amenity and good order will be reduced. In his view any error in the registering of the company could be rectified under section 208 of the Act, if required.

That ended the Hearing.

DECISION

[41] All the evidence presented to the Committee was considered, and the Committee had regards to the various sections of the Act. In particular the sections listed below:

The object of this Act is that—

(a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and

(b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

(2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—

(a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and

(b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

Section 105 Criteria for issue of a licence:

(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

(a) the object of this Act:

(b) the suitability of the applicant:

(c) any relevant local alcohol policy:

(d) the days on which and the hours during which the applicant proposes to sell alcohol:

(e) the design and layout of any proposed premises:

(f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:

(g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:

(h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:

(i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—

(i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but

(ii) it is nevertheless desirable not to issue any further licences:

(j) whether the applicant has appropriate systems, staff, and training to comply with the law:

- (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.
- (2) The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.

Section 3(2) The purpose of the Act.

The characteristics of the new system are that—

- (a) it is reasonable; and
- (b) its administration helps to achieve the object of this Act.

CONSIDERATIONS

[42] In making its decision the Committee has considered the appropriate sections of the Sale and Supply of Alcohol Act 2012 and as a starting point we should look at the object of the Act. To paraphrase the object of the Act; it should be undertaken safely and responsibly and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised. Under sub section 2 it lists the types of harms that are envisaged under the Act and in particular in relation to this application, sub section 2(b), that is any harm to society generally or the community directly or indirectly caused or indirectly contributing by any crime, damage, death, disease, disorderly behaviour, illness or injury of a kind described in paragraph (a).

[43] Dealing with sub section (1)(a) the sale, supply and consumption of alcohol should be undertaken safely and responsibly and in this instance as this is an Off-licence, it is the view of the Committee that it is primarily the sale of alcohol that should be considered. The Act does not give any indication whatsoever that in relation to an Off-Licence that the licensee has any responsibility to consider the harms that may occur concerning the inappropriate consumption of alcohol in the private home or the wider community.

[44] While dealing with section 3 subparagraph 2 later in the decision, the stated intention of sub paragraph 2(a) is that the system is reasonable. The Committee does not see that to refuse to grant the application because of what may happen beyond the front door of the shop would be reasonable.

[45] Concerning the suitability of the applicant it is the opinion of this Committee that the applicant was a compelling witness and he impressed with his knowledge of the issues. While he has yet to obtain a Licence Controller Qualification (LCQ) he obviously showed some knowledge of the requirements of a manager of licensed premises and when asked what were the signs of intoxication he gave more than an adequate reply.

[46] It is therefore the view of the Committee that the suitability of the applicant is not in question despite some of the answers in his application form not being answered as clearly as they should have been.

[47] The applicant gave evidence and was cross examined on his suitability and in this regard in the submission of the MOH they referred to the *Page decision – Pankhurst J HC A84/98*.

Pankhurst J made the following statement in his judgement:

“That implies an onus upon the applicant to demonstrate suitability. Such suitability is not established in a vacuum but in the context of the particular case : for example the place, the intended business (here in a difficult central city location), the nature of the business itself the hours of operation and the intended activities, provide the basis for the assessment of the individual”.

[48] The applicant wishes to start a new business, he has been cross examined and the Committee has considered the factors mentioned in Pankhurst J's judgement, this matter has not been considered in a vacuum and as previously stated we believe the applicant has established his suitability. We disagree with the contention of the MOH in this regard and believe sufficient evidence was adduced for us to make a finding in this regard.

[49] There was no issue the Committee needed to address in relation to a Local Alcohol Policy (LAP) as at this time Christchurch City has no LAP in force. In relation to the days and the hours sought from 9am to 9pm this was not an issue that was raised by any of the parties to the Hearing.

[50] Subsection (e) of section 105 deals with the design and layout of the premises and this was an issue as the applicant has been managing these premises as a DVD/Video outlet and intends to change the interior design of the building to make it more suitable as an Off-licence. For this reason an undertaking was given by the applicant that prior to the issue of the licence he would seek the approval of the Agencies in relation to the new layout of the premises.

[51] In relation to sub section (f) the applicant stated that he would sell a range of confectionaries, nuts and similar items that were complementary to sales of alcohol. No food stuffs as such would be sold. There will be no other services other than the sale of alcohol.

[52] In relation to sub paragraph (h), which in the view of the Committee was the crux of the hearing the Committee were asked to decide on two opposing views. The applicant gave evidence on amenity and good order and said that from his understanding there were no significant issues in Belfast relating to noise, nuisance and vandalism and he did not expect the situation to change if the application was granted. He said that alcohol related harm is not prevalent in the locality and he did not expect this to change. The Committee noted that it was not exactly clear why he thought that alcohol related harm was not prevalent.

[53] The applicant said that he was going to minimise the exposure of alcohol and he gave an undertaking that there would be no advertising of branded alcohol products in the windows of his shop; likewise he would have no signage on the footpath.

[54] The representative for the MOH on the other hand said that their database indicated that the premises were situated in an area which was a decile 7 area where, in the score of 1 to 10, 10 is the most deprived. The MOH gave evidence that there were ten other licensed premises within 1.5 kilometres of these premises.

[55] The Committee did note that, of this list, two of the premises were not open for the public to drink at being clubs; two of the premises were supermarkets which are restricted to the sale of beer and wines and the remaining premises were a mixture of restaurants and taverns with one standalone bottle store. Of the ten premises two were Off-licenses one being 520 metres from the subject premises the other being 1.4 kilometres.

[56] The Committee noted that there was an apparent difference in the way the agencies measured the number of licensed premises, and in the Inspector's report he listed only two licensed premises within a kilometre of the subject premises. The Committee has concerns as all parties seemed to have a different impression as to how far away the subject premises were from other licensed premises.

[57] The MOH representative gave evidence that it was the view of the MOH that another Off-Licence in the area would significantly increase the risk of alcohol harm and that the amenity and good order of the area would be increased by more than a minor extent.

[58] After due consideration of the evidence the Committee does not support that view. There was no evidence produced that would result in a significant increase in alcohol related harm nor was there evidence that the amenity and good order would be increased by more than a minor extent.

[59] It was clear to the Committee on the evidence produced and admitted by the applicant that he has previously not had experience in the alcohol industry. He has yet to obtain a manager's certificate and he is relying on his brother to assist him in the management of the business.

[60] It was clarified at the hearing that the brother's On-licence is a late night venue with its night club style bar opening about 10.00pm, meaning that he and his staff will be free between 9am and 9pm to assist in the management of these premises. His brother also employs two certificated managers and two other persons who it was stated were in the process of obtaining their manager's certificates.

[61] Much was made by the Agencies concerning the fact that while the brother operated an On-licence this application is for an Off-licence. While there clearly are differences in the two types of premises, in relation to intoxication it is the Committee's view that the identification of intoxicated persons is far easier in the isolated surroundings of a bottle store than what it is in a crowded bar.

[62] The other major issue, for any licensed premises, is the sale of alcohol to under aged persons. The Committee have no concerns over this issue as the applicant had for a number of years successfully run a business where an age restriction was part of the regulations governing his business, namely the sale of objectionable DVD's/videos to under aged persons. He had been tested with controlled purchase operations run by the Department of Internal Affairs and had never had failed the test.

[63] To some extent it was the Committee's view that this experience controlling the sale of items to young persons can balance his inexperience in relation the other requirements around the sale of alcohol.

[64] The Committee also noted that the Licence Controller Qualification (LCQ) is for both On and Off Licences and is not a requirement once a certificate has been obtained for a person only to work in an Off-Licence or only to work in an On-Licence.

[65] The Committee therefore considered that if he successfully qualifies and obtains his certificate there is no reason why he can't adequately manage the bottle store.

[66] As previously stated his brother has the necessary experience and an undertaking has been given that the brother who is currently only a shareholder will in fact become a director of the company. This will put some responsibility for the running of the business onto the brother.

[67] Looking at section 105(1)(i) the Committee heard no evidence that the locality was already badly affected in relation to amenity and good order and put this provision to one side.

[68] There were some issues around the applicant having the appropriate systems for training to comply with the law. This is a difficult situation for him as he has yet to set this business up, but he did give undertakings to produce an alcohol management plan and training manuals to the satisfaction of the agencies before the issue of any licence.

[69] The Police had concerns that at the time the application was lodged Belfast Liquor Store Limited had not been incorporated, evidence was produced at the Hearing that it was now in fact incorporated and the Committee gave no weight to the issues.

[70] In regard to the evidence of the Principal of Belfast Primary School the Committee put considerable weight onto what Mr Simpson said and while the school could be said to be reasonably close; it is about 400 metres. The applicant gave evidence of going to the effort of monitoring the children walking past his current premises coming home from school. We do not think that an average of eight children walking past the premises in the afternoon, bearing in mind he is not open before school starts in the morning, is a figure which would cause the community and this Committee any concerns.

[71] Concerning the evidence of Mr Millar he was obviously very sincere in his concerns and the work the Salvation Army does in relation to alcohol affected families.

[72] Under subsection (2)(a) of Section 3, Purpose of the Act, the characteristics of the system is that it be reasonable. The Committee believes it is therefore required to assess whether it would be reasonable to apply the concerns of the Salvation Army to these particular premises and concluded that it would not be reasonable.

[73] The Committee unfortunately can give no weight to Mr Millar's argument concerning the traffic that would be making U turns around a nearby traffic island and turning into the driveway of the premises. The existing business, in evidence from the applicant, has 3,500 customers a month going to his video store. The Committee could not see that anything like this number would be going to the applicant's bottle store should the application be granted. For this reason this evidence concerning traffic density was discounted as something outside of the powers of this Committee to consider and is more of a Resource Management issue.

[74] The Licensing Inspector did not oppose this application and in relation to amenity and good order made the comment in his report at the bottom of page 4: "*The good order and amenity of the locality is unlikely to be reduced should a licence be granted. Most purchasers will purchase alcohol for consumption in the home.*"

[75] Concerning the question, would the granting of this licence result in an increase in alcohol harm by more than a minor amount, the Inspector wrote (top of page 4); "*For these reasons there should be no discernible increase in alcohol related harm caused by issue of a new licence.*" We agree with these two statements.

CONCLUSION

[76] The Committee, after hearing all the evidence was convinced that this application would not breach the object of the Act and that in relation to amenity and good order would not affect the locality by more than a minor extent.

[77] While clearly the MOH and the Police would prefer not to see this licence issued, it is the view of the Committee, that under section 3(2)(a), to not issue would be unreasonable.

[78] After taking into consideration the purpose and object of the Act and the criteria for the issue of licences listed in section 105 the view of this Committee was that there was no reason why this licence should not be granted.

[79] The licence can therefore be granted subject to the undertakings and conditions below.

UNDERTAKINGS

[80] During the Hearing a number of undertakings were given by the applicant and they are listed below.

- Applicant and his wife to obtain a manager's certificate, within 2 months.
- Only the store name to be across the front of the premises with no advertising of particular brands of alcohol in the front windows and to be restricted to generic advertising of beer, wine and spirits.
- Alcohol management plan to be completed and complied with, to the satisfaction of the Agencies, within 1 month.
- Training manuals be prepared and complied with, to the satisfaction of the Agencies, within 1 month.
- The interior design of the premises to be approved by the Agencies before the issue of the licence.
- The brother of the applicant, Peivand Yazdanpanah to be made a director of the company at least until next renewal, before the issue of the licence.
- The applicant to seek short term employment in an Off-licence to the satisfaction of the Agencies for a period of not more than 3 weeks, within the next 3 months.

Compulsory conditions – section 110 (2)

The following conditions are compulsory:

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day.
- (b) Alcohol may only be sold or delivered on the following days and during the following hours while the premises are operating as a bottle store:

Monday to Sunday 9.00 am to 9.00 pm
- (c) Drinking water will be freely available from the premises to customers, while alcohol is being supplied free as a sample on the premises.

Discretionary conditions – section 110 (1)

- (a) 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:

Display of appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- (b) The following steps must be taken to ensure that the provisions of the Act relating to the management of the premises concerned are observed:

Alcohol must only be sold and supplied on the premises within the area marked on the plan submitted with the application.
- (c) The Alcohol Management Plan approved by the Agencies must be complied with.
- (d) The seven undertakings agreed to at the Hearing and listed in the DLC decision, are to be read as conditions of the licence and must be adhered to.
- (e) The whole of the premises is designated as a supervised area.

Other restrictions and requirements

Section 56 – Display of signs

Section 57 – Display of licenses

Section 214 – Manager to be on duty at all times and responsible for compliance

Note : The following undertakings apply to this licence:

- Applicant and his wife to obtain a manager's certificate.
- Only the store name to be across the front of the premises with no advertising of particular brands of alcohol in the front windows and to be restricted to generic advertising of beer, wine and spirits.

A copy of the licence setting out the conditions to which it is subject is attached to this decision. The licence shall be issued for 1 year.

THE LICENSED PREMISES

The premises are identified on the plan provided with the application for a licence.

DATED at Christchurch this 9 day of May 2016.

A handwritten signature in blue ink, appearing to read 'P R Rogers', is written over a light blue grid background.

P R Rogers

Chairperson

CHRISTCHURCH DISTRICT LICENSING COMMITTEE