

Decision Number: 60F [2024] 19395

IN THE MATTER OF the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF an application by **MR LIQUOR LIMITED**
for an **Off-Licence** pursuant to section
99 of the Act in respect of premises
situated at **Spitfire Square, 544**
Memorial Avenue, Christchurch,
known as **'The Bottle-O Christchurch'**

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: **Mrs M Redstone**
Members: **Mr G Clapp**
Mr M Hossain

HEARING at CHRISTCHURCH on **Monday 8 July 2024**

APPEARANCES

Mr M Singh – representing director and shareholder of Mr Liquor Limited - Applicant
Mr P Egden – Counsel for the Applicant
Mr G Hay – Licensing Inspector – to assist
Sergeant D Robertson – NZ Police – to assist
Ms P Williams - Medical Officer of Health - to assist

RESERVED DECISION OF THE COMMITTEE

[1] This is an application by **MR LIQUOR LIMITED** ('the applicant') for a new Off-Licence pursuant to section 129 of the Sale and Supply of Alcohol Act 2012 ('the Act') in respect of premises situated at **Spitfire Square, 544 Memorial Avenue, Christchurch**, known as **'The Bottle-O Christchurch Airport'**.

[2] The general nature of the premise is that of a **Bottle Store**.

[3] The application was received by Christchurch District Licensing on 13 October 2023. The application was publicly notified and remained on the website in compliance with Statutory requirements.

[4] One public objection was received, and a hearing took place on Monday 8 July 2024. Despite early email contact, numerous attempts were made by the Inspector and the Hearing Manager to contact the Objector to obtain a Brief of Evidence but to no avail and the Objector did

not attend the hearing which was delayed by 30 minutes to allow a final attempt to contact her and an opportunity for her to appear and give oral evidence.

[5] There is no objection from the NZ Police and from the Medial Officer for Health. The Inspector's Report addresses the matters to which regard is to be had in section 105, 106 of the Act.¹

[6] There was an opportunity for the Police to question the applicant in relation to a Breach of the Act which occurred in his Hokitika Bottle Store. In addition, the District Licensing Committee ("DLC") asked questions of the applicant, particularly around items he would stock for sale and closing time for the premises. The Applicant had applied for a closing time of 11:00pm. However, following discussion he agreed to a 10:00pm closing time.

[7] The DLC is satisfied after hearing evidence and evaluating all the matters placed before it and having had regard to the criteria as set out in section 105 (and informed by section 106) of the Act that the granting the application subject to conditions achieves the purpose and objects of the Act.

[8] Accordingly, pursuant to section 104(1) of the Act the application for an off-licence is for a period of 12 months subject to the following conditions:

The Licensed Premises

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

Restricted and Supervised Areas - section 147(2)

- (b) The licensed area is designated as a supervised area.

Discretionary conditions – section 116 (1)

- (c) 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) The principal entrance for the purposes of display of signage and a copy of the licence is via the entrance from Spitfire Square.
 - (ii) 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.

¹ Inspector's Report, 31/01/2024

- (d) The following steps must be taken to ensure that the provisions of the Act relating to the management of the premises concerned are observed:
 - (i) Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application.

Compulsory conditions – section 116 (2)

- (e) No alcohol is to be sold on or from the premises on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day.
- (f) Alcohol may only be sold on the following days and during the following hours:
 - (i) Monday to Sunday, between the hours of 9:00am and 10:00pm.**
- (g) Water will be freely available to customers on the premises while the premises are open for business.

Section 117 – Other Discretionary conditions

- (h) The following steps must be taken to promote the responsible consumption of alcohol:
 - (i) The licensee must implement and maintain the steps proposed in Bottle-O Christchurch's Host Responsibility Policy² aimed at promoting the reasonable consumption of alcohol.
 - (i) The Applicant will either provide cover or close the premises during staff breaks.
 - (j) There will be no single sales of RTDs from the premises.
 - (k) There will be no external-facing advertising of alcohol products/specials.
 - (l) The Licence will not issue until the Tri-Agencies are satisfied as to the layout of the premises and that there will be sufficient certified managers in place to cover all shifts.

Conditions applying to all remote sales and supply of alcohol

- (m) The following information must be displayed on the internet site in a prominent place, in any catalogue used by the licence holder and on every receipt issued for any alcohol sold via the internet site.

² As attached to the application.

- (i) The licence holders name, the licence number, and the date on which the licence expires.
 - (ii) A copy of the licence or a clearly identified link to such image must be displayed in a prominent place on the internet site.
- (n) The following steps must be taken to verify that people are over the purchase age:
- (i) In the case of an order made using an internet site, telephone order, or physical order –The prospective buyer must declare that he or she is 18 years of age or over (and where the prospective receiver is involved that the prospective receiver is also 18 years of age or over)-
 1. Once, when the prospective buyer first commences the order process;
and
 2. Again, immediately before the sale of alcohol is completed

Other restrictions and requirements

- (o) Section 56 – Display of signs
- (p) Section 57 – Display of licences
- (q) Section 214 – Manager to be on duty at all times and responsible for compliance

[9] The licence shall be issued for 12 months following satisfaction of the matters set out in paragraph 9(l) above.

[10] The applicant’s attention is drawn to section 259 of the Act which makes it an offence not to comply with certain requirements and restrictions imposed by or under the Act. Specifically, sections 46 to 63 and 231(1). The applicant must comply with all conditions specified on a licence.

DATED at CHRISTCHURCH this 9th day of July 2024



Merelyn Redstone
Chairperson
Christchurch District Licensing Committee