

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

AND

IN THE MATTER of an application by GENERAL  
DISTRIBUTORS LTD for  
renewal of an Off Licence  
pursuant to s99 of the Act for  
premises known as  
Countdown Church Corner  
situated at 361 Riccarton  
Road, Christchurch.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

- [1] This is an application by General Distributors Ltd for renewal of an Off Licence for premises known as Countdown Church Corner situated at 361 Riccarton Road, Christchurch. The business is in the nature of a supermarket.
- [2] This application, along with a number of others relating to supermarkets, has been held by the Christchurch District Licensing Committee pending the outcome of the appeal *J&C Vaudrey Ltd v Canterbury Medical Officer of Health [2016] NZCA 539*. The Court of Appeal has now referred that matter back to the Alcohol Licensing and Regulatory Authority (ARLA) for final disposition but ARLA has yet to indicate when it will deal with it.
- [3] In the meantime the applicant's Licence is due to expire on 9<sup>th</sup> April 2017 unless the renewal application is granted before then. In the event the renewal is not granted the applicant must cease selling alcohol until a new licence application can be dealt with. It is argued by the applicant supported by the Inspector that this would be unreasonable.
- [4] The Inspector has opposed the application for a number of reasons. The issues of concern also relate to other supermarket applications and evidence in the matter will take time to prepare and present when the cases are finally scheduled. The Inspector has obtained legal advice and after discussion with the applicant has proposed that the current application before the Committee be dealt with without prejudice to his right to raise the same matters of concern when the next renewal is considered by the Committee. The effect of this would be that the applicant can continue selling alcohol while the next renewal application which is due to be lodged before 9<sup>th</sup> April 2017 is processed. This seems reasonable to me and on that basis I proceed to deal with the matter on the papers.

[5] The application was duly advertised and no public objections were received. Matters which have been raised in opposition in reports required by s103(1) of the Act will be set aside to be dealt with at the next renewal hearing.

[6] I am satisfied as to the matters to which I must have regard as set out in s105 of the Act and I grant the applicant renewal of an Off Licence pursuant to s104(1) for a period of three years. I note that the three year period is due to expire on 9<sup>th</sup> April 2017.

[7] The licence will not issue until all clearances have been received and until the required fees are paid. The licence may issue on payment of the annual fee payable in accordance with Regulation 15 of the Sale and Supply of Alcohol (Fees) Regulations 2012.

[8] The applicant's attention is drawn to s259 of the Act which makes it an offence to fail to comply with certain requirements and restrictions imposed by or under this Act specifically ss 46 to 63.

[9] The licence will be subject to the following conditions:

#### Compulsory Conditions

(a) No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1 pm on Anzac Day.

(b) Alcohol may only be sold or supplied on the following days and during the following hours:

Monday to Sunday 7 am to 11 pm

(c) Water must be freely available to customers on the premises while alcohol is being supplied free as a sample.

#### The Single Area Condition

Only the area described and delineated on the plan approved by the District Licensing Committee is the permitted area for the display and promotion of alcohol within the premises pursuant to s112 of the Act. For the avoidance of doubt the approved plan is that date stamped by the Council 15<sup>th</sup> November 2016.

No sub areas have been described.

#### Discretionary Conditions

(a) The following steps must be taken to ensure that the provisions of the Act relating to the sale and supply 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 the provisions of the Act relating to the management of the premises concerned are observed:
- Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application. For the avoidance of doubt the plan is the one bearing the date 15<sup>th</sup> November 2016 when received by the Council.
- (c) The premises are not designated.

Conditions applying to remote sales

- (a) 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 alcohol sold via the internet site:
- The licence holder's name, the licence number and the date on which the licence expires.
- (b) A copy of the licence or a clearly identified link to such an image must be displayed in a prominent place on the internet site.
- (c) The following steps must be taken to verify that people are over the purchasing age:
- In the case of an order made using an internet site, telephone order or physical order the prospective buyer must declare that he/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):
    - (i) Once when the prospective buyer first commences the order process and
    - (ii) Again immediately before the sale of alcohol is completed.

Other restrictions and requirements to be noted on the licence

s56 Display of signs.

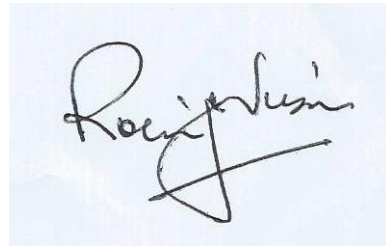
s57 Display of licences

s58 Restrictions on the kinds of alcohol sold in supermarkets and grocery stores, and premises directly accessible from supermarkets and grocery stores.

s59 Requirements relating to remote sales by holders of Off Licences

s214 Manager to be on duty at all times and responsible for compliance.

DATED at Christchurch this 17<sup>th</sup> day of February 2017.

A handwritten signature in black ink on a light blue background. The signature is cursive and appears to read 'R.J. Wilson'.

R.J. Wilson  
Chairperson  
Christchurch District Licensing Committee