

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application for an Off-licence
pursuant to s. 99 in respect of premises
situated at 102 Revell Street, Hokitika
and known as Box of Delights by
English Delights Limited.

DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON AN UNCONTESTED APPLICATION

Authority:

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 and a Council resolution dated 28 November 2013, the functions, powers and duties of the Westland District Licensing Committee are delegated to the committee chairperson where no objection has been filed, and no matters of opposition have been raised by the Police, the Medical Officer of Health or an Inspector. There is no Local Alcohol Policy in place for the District.

Summary of Evidence

I am in possession of a copy of the complete file relating to these applications.

The Inspector has reported and advises that the applicant is suitable to hold an off- licence.

The Police have no objection to the application.

The Medical Officer of Health has no opposition to the application.

Evaluation of Evidence

I have considered the application on the basis of the uncontested reports received and I have noted that there have also been no public objections. The matter can, therefore, be dealt with on the papers.

The applicant is a company and is, accordingly, permitted to hold an Off-licence.

The applicant has indicated that the licence should be endorsed under section 40 of the Act; I agree to this course of action.

The business is restricted to remote sales only. Customers will order confectionery packages accompanied by alcohol (wine in bottles) through the applicant's website. The packages will be assembled on the premises at 102 Revell Street but there will be no sales from the premises to "walk-in" customers. The applicant has indicated that alcohol will not be stored on the premises except during periods when gift baskets of confectionery are being assembled.

Section 40 of the Act applies to premises that are involved in remote sales of alcohol. In the case of Box of Delights the orders will be placed through the Company website and at the time of the placement of an order purchasers will be required to verify their age. This is a new concept in Westland but on a national view it is not a novelty.

I am quite sure that the Westland District Council would not have any objection to my wishing the applicant every success in their new venture and acknowledge the innovation and novelty associated with a new service in Westland. I wish English Delights Limited and Box of Delights best wishes in their business.

Because of the Section 40 endorsement there is no issue relating to the identification of any amenity or good order issues. Likewise, there are no designations required.

The Section 40 endorsement and remote sale procedure means that hours of operation are not required to be established although the applicant has advised that remote sales will be restricted to the hours of 7.00am to 11.00pm. Nothing more needs to be said about that as I have no intention of telling the applicant how to run her business. The essential observation from the Licensing Committee's point of view is that the Company's website for ordering alcohol is protected by an age barred confirmation that the purchaser is at least 18 years old.

Decision and reasons

I am satisfied as to those matters provided for in sections 105 and 131 of the Act.

The application for an off-licence by English Delights limited is granted on the papers pursuant to s.211 (1) of the Act as Decision Number 157-2019 and I direct that a new off-licence is to be issued and endorsed pursuant to Section 40 of the Act. The licence may be issued immediately and for a 12-month period.

Duration

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

(a) either—

- (i) until the close of the period for which it was last renewed; or
- (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

(b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—

- (i) until the close of the period of 3 years after the period for which it was last renewed; or
- (ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

Dated at Hokitika this 29th day of October 2019.



Chairman, Westland District Licensing Committee

