

Decision number:

092-2024

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012 ("the Act")

**AND**

**IN THE MATTER**

of an application by **Ross  
Retailers Limited** pursuant  
to s. 127 of the Act for the  
renewal of the OFF Licence  
in respect of premises  
situated at 9 Moorhouse  
Street, Ross known as  
**"Ross Store"**

**BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE**

**The Application**

**Ross Retailers Limited** applies for the renewal of the OFF Licence in respect of premises situated at 9 Moorhouse Street, Ross known as "**Ross Store**".

This is a remote rural general store and had been licensed as a grocery store for several years. Unfortunately, the licence does not carry 'grocery store' conditions nor have they provided audited annual sales revenue figures in the proper format.

The current days and hours are **Monday to Saturday 8.00am to 9.00pm, Sunday 8.00am to 8.00pm**. These hours are within the default national maximum trading hours.

The applicant has provided a list of the low alcohol and non-alcoholic refreshments that are also available for sale at all times when the premises is open for the sale and supply of alcohol.

The application was notified on councils' website from the 25<sup>th</sup> of March 2024 and no public objections were received by the secretariat.

Neither of the reports of the Police nor the Medical Officer of Health raises any matters in opposition although both recommend that at least one additional certificated manager be employed at the store.

## **REASONS FOR THE DECISION**

As typically found in small remote settlements like Ross, the local general store is just that, it caters for all needs of the community. The small resident population swells during the summer tourist season. The rest of the year the township is very quiet.

The Committee believes the uneconomic exception found in Section 34 of the Act is available to this business as they do not meet the true definition of grocery store requirements. As agreed, they will only sell wine, beer and mead.

The Inspector reports that the amenity and good order of the area has not been reduced by more than a minor extent.

We are also satisfied that a Section 34 exemption can be granted, and no Single Alcohol Area (SAA) is required.

We agree with the call for an additional manager to be appointed. The applicant cannot rely of family to act as acting manager on a regular basis.

Subject to the above, I am satisfied as to the matters to which we must have regard as set out in s. 127 of the Act.

Accordingly, I deal with the matter on the papers.

## **DECISION**

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Ross Retailers Limited** for the renewal of the OFF Licence in respect of premises situated at 9 Moorhouse Street, Ross known as the “**Ross Store**” subject to conditions.

**We refresh the conditions to reflect best practice and the requirements of a Section 34 exception.**

### **Conditions:**

The licence is subject to the conditions listed as follows:

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours: **Monday to Saturday 8.00am to 9.00pm, Sunday 8.00am to 8.00pm;**

2. No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day.
- 3. Only beer, wine and mead can be sold under this licence.**
4. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
5. The Licensee must have available for consumption off the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages;
- 6. A properly appointed certificated or Acting or Temporary Manager must be on duty at all times, within the licensed area, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.**
7. The Licensee must display:
  - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
  - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
  - c. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principal entrance.

The licence is renewed for three (3) years from the expiry of the current licence and a replacement licence is to be issued.

**DATED** at HOKITIKA this 19<sup>th</sup> day of June 2024.



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Murray Clearwater  
**Chairperson/Commissioner**  
**Westland District Licensing Committee**

