

Decision for Off-licence

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

AND

IN THE MATTER of an application by **Remarkable Wines Limited** for an off-licence pursuant to Section 100 of the Act in respect of premises situated at 264 Cairnmuir Road, Cromwell known as Remarkable Wines Ltd.

BEFORE THE CENTRAL OTAGO DISTRICT LICENSING COMMITTEE

Robert B McNeil (Chairman)
Neil Gillespie
Dr Michael MacAvoy

HEARING at Alexandra on 9 September 2016

APPEARANCES

Steph Bekhuis-Pay – Health Promotion Advisor, Public Health South
Ray Applegarth – Licensing Inspector Central Otago District Council
Richard Guthrey – Applicant, Managing Director, Remarkable Wines Limited
Angela Mackie – In support of applicant
Michael Miskin – In support of applicant – Southern Lakes Limousines and Taxis

DECISION

This is an application by Remarkable Wines Limited for an off-licence in respect of premises situated at 264 Cairnmuir Road, Cromwell, and known as Remarkable Wines Ltd.

The application is in respect of premises located on a vineyard in which the principal business is the sale of alcohol. The premises are to operate pursuant to a winery cellar-door style off-licence.

The application was duly advertised and an objection was received from Mr Robert Dalziel raising concerns as to the suitability of the applicant to hold a licence to sell alcohol. No opposition to granting of the application was received from the Police, Medical Officer of Health or Licensing Inspector.

Before determining which aspects of the objection were relevant to the application the committee was required to assess whether the objector had legal status. As Mr Dalziel did not appear before the committee his status as an objector was determined solely on the evidence he provided in his letter of objection to the application. Mr Dalziel identified his address as being at Coal Pit Road, Queenstown which is not within the immediate vicinity of the applicants site of 264 Cairnmuir Road, Cromwell, being some 30km away.

The committee noted that a person is considered to have a greater interest than the public generally if they live close to the proposed premises, operate a business or organisation close to the premises, or have some other close connection with the proposed premises. A member of the public who has concerns regarding the suitability of an applicant but who lives other than in the immediate vicinity is unlikely to meet the criteria of having a 'greater interest' than the public generally.

Mr Dalziel has not demonstrated that he is likely to gain some advantage, other than upholding a principle, if his objection succeeds. Nor has he demonstrated that he is likely to suffer some disadvantage, other than a sense of grievance if his objection fails. Mr Dalziel does not acquire standing simply by reason of the fact that he holds certain beliefs and wishes to translate them into action. For these reasons the committee determined Mr Dalziel did not have legal status of having a greater interest than the general public and therefore his objection was disallowed.

In respect to the designation of the premises, the committee has allowed the applicant to amend the application such that the licensed area is to be undesignated as this will be more appropriate for the layout of the premises and the type of licence sought.

The committee is satisfied as to the matters to which they must have regard as set out in section 105 of the Act and grant the applicant an off-licence.

A copy of the licence setting out the conditions to which it is subject is attached to this decision.

Dated at Alexandra this 14th day of September 2016.



Robert B McNeil
Chairman
Central Otago District Licensing Committee



Off-licence

Sections 17, 19 and 64, Sale and Supply of Alcohol Act 2012

67/OFF/23/2016

Pursuant to the Sale and Supply of Alcohol Act 2012, **Remarkable Wines Limited**, is authorised to sell alcohol on the premises situated at 264 Cairnmuir Road, Cromwell and known as Remarkable Wines Ltd, to any person for consumption off the premises and to supply alcohol free as a sample for consumption on the premises.

As this licence is endorsed under section 40 of the Act, the licensee is also entitled to sell alcohol on or from the premises and deliver it to somewhere else.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

Conditions

This licence is subject to the following conditions:

- a) No alcohol is to be sold or delivered on Good Friday, Christmas Day or before 1.00pm on Anzac Day.
- b) No alcohol is to be sold or delivered on Easter Sunday unless the alcohol is grape wine or fruit or vegetable wine made—
 - (i) on the premises; or
 - (ii) from grapes or fruit harvested from land on which the premises are situated.
- c) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 10.00am to 8.00pm
- d) Alcohol may only be delivered Monday to Sunday between the hours of 6.00am and 11.00pm.
- e) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display 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.
- f) Order forms for mail or internet orders must require the buyer and the prospective receiver to declare that they are 18 years of age or over.
- g) A copy of this licence must be displayed at the principal entrance to the premises. The entrance from is designated as the principal entrance.

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—

Until the close of the period for which it was last renewed; or

If an application for the renewal of the licence is duly made before the licence would otherwise expire until the close of the period 3 years after the period for which it was last renewed.

Expiry date being **3 October 2017** unless renewed for a further period.

Dated at Alexandra this 14th day of September 2016

L A van der Voort
For the Secretary
Central Otago District Licensing Committee