

Notice of Decision



Decision No. 57/OFF/490/2023

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Gathering Grapes Limited for an off-licence pursuant to s.99 of the Act in respect of premises situated at 81 Willowside Place, Amberley known as "Gathering Grapes Limited"

BEFORE THE Hurunui District Licensing Committee

Commissioner: Mr M Ward

DECISION (ON THE PAPERS)

This is an application by Gathering Grapes Limited for an off-licence in respect of premises situated at 81 Willowside Place, Amberley, known as "Gathering Grapes Limited", to be endorsed under s. 40 of the Act for the remote sale of alcohol.

The general nature of the business to be undertaken is that of a remote sales via the internet website: www.gatheringgrapes.co.nz.

The applicant has advised the District Licensing Committee that the wine is awaiting export from its country of origin. Once the alcohol has arrived in New Zealand, the applicant will notify the District Licensing Committee and provide a date for commencement of sales.

The application was duly advertised and no objection or notice of desire to be heard has been received.

In their reports, the Police, Medical Officer of Health, and District Licensing Inspector have raised no matters in opposition to this application.

We are satisfied as to the matters to which we must have regard as set out in s. 105 of the Act and we grant the applicant an off-licence, endorsed under s. 40 of the Act for the remote sale of alcohol, authorising the sale and supply of alcohol, to any person for consumption off the premises.

The licence will issue once the applicant advises the District Licensing Committee of a commencement date. Note: please provide notice at least two working days before you are intending to commence alcohol sales.

The District Licensing Committee have ordered an Alcohol Licensing Inspector to complete a check of the website, within five working days of issue of the off-licence, to ensure compliance with the requirements for remote sellers under the Act and Regulations.

Requirements on relating to remote sales by holders of off-licences

The applicant's attention is drawn to s. 59 of the Act:-

- (1) The holder of an off-licence must ensure that any alcohol sold by remote sale is not delivered to the buyer (or to any other person on the buyer's behalf) at any time after 11 pm on any day and before 6 am on the next day.
- (2) Subsection (1) applies whether the alcohol is delivered by the seller or by some other person.
- (3) The holder of an off-licence must take reasonable steps to verify that the buyer of any alcohol that the holder sells by remote sale (and, if a person other than the buyer is to receive it, to verify that the receiver) is not under the purchase age.
- (4) The holder of an off-licence takes reasonable steps to verify that the buyer of any alcohol that the holder sells by remote sale is not under the purchase age if he or she complies with a procedure declared by regulations made under this Act to be a reasonable procedure for the purposes of complying with subsection (3).
- (5) The holder of an off-licence who sells alcohol by remote sale via the Internet must comply with any regulations made under this Act requiring information to be visible on the holder's website when people browse, enter, or otherwise access it.
- (6) The holder of an off-licence who sells alcohol by remote sale by mail order must comply with any regulations made under this Act requiring information to be published in the holder's catalogues.
- (7) The holder of an off-licence who sells alcohol by remote sale by telephone must comply with any regulations made under this Act requiring information to be given to callers.

Dated at Amberley this 1st day of August 2023



Secretary

Hurunui District Licensing Committee

