

Notice of Decision



Decision No. 57/OFF/467/2019

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by MAKER2U Cellar Limited for an off-licence endorsed pursuant to s.99 of the Act in respect of premises situated at 19 Mays Road, Leithfield known as "MAKER2U Cellar Limited"

BEFORE THE Hurunui District Licensing Committee

Chairperson: Councillor M Black

DECISION (ON THE PAPERS)

This is an application by MAKER2U Cellar Limited for an off-licence in respect of premises situated at 19 Mays Road, Leithfield, known as "MAKER2U Cellar Limited".

The general nature of the business to be undertaken is that of an on-line marketplace with the hours authorised for the sale of alcohol being at any time on any day as remote sales.

Maker2U Cellar Limited is a new company registered on 12 February 2019.

The applicant made enquiries regarding the setting up of an on-line farmer's style market for a wide variety of goods in the company name Maker2U Limited. During these discussions, it became apparent that alcohol was to be sold through the proposed site. Further investigations and clarifying the requirements for off-licences to make remote sales of alcohol identified that the proposed site would fail to meet the criteria in Section 32: Kinds of Premises for which off-licences may be issued.

Section 32(c): if –

- (i) The premises for which it is to be issued are not retail premises; and
- (ii) At least 85% of the annual income of the person to whom it is to be issued is (in the opinion of the licensing authority or licensing committee concerned) expected to be earned from the remote sale of alcohol

The proposal would not be for a retail premises, and the alcohol component of the sales would not meet the 85% of annual income criteria.

On this basis, the applicant established a new company, Maker2U Cellar Limited, that will only sell the alcohol products, thereby meeting the Section 32(c)(ii) criteria.

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, however, comments were made by both Police and Medical Officer of Health regarding checking the website for compliance once the licence was issued.

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 authorising the sale and supply of alcohol, to any person for consumption off the premises.

The licence may issue immediately.

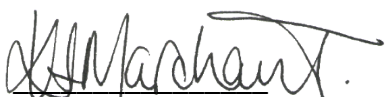
Requirements on holders of off-licences

The applicant's attention is drawn to s. 15 of the Regulations obliging the holder of an off-licence endorsed as remote sales only to display:-

The holder of an off-licence that sells alcohol by remote sale using an internet site must display on the internet site in a prominent place—

- (a) the information stated in subclause (4); and
 - (b) either a legible image of the licence, or a clearly identified link to such an image.
- (2) The holder of an off-licence that sells alcohol by remote sale using catalogues must publish in every catalogue the information stated in subclause (4).
- (3) Every holder of an off-licence that sells alcohol by remote sale must ensure that there is printed on every receipt issued for alcohol sold remotely the information stated in subclause (4).
- (4) The information is the holder's name and licence number, and the date on which the licence expires.

DATED at Amberley this 17 April 2019



Secretary

Hurunui District Licensing Committee