

Decision number: 048/2022/HCDLC/073

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

AND

IN THE MATTER of an application by Petone
Liquor Merchants Limited
pursuant to s.17 to 20 and 64 of
the Act for an Off Licence
renewal in respect of premises
situated at 33 Bouverie Street,
Petone, Lower Hutt known as
“Gilmours Wellington”

BEFORE THE HUTT CITY DISTRICT LICENSING COMMITTEE

This is an application by Petone Liquor Merchants Limited for an Off Licence renewal in respect of premises situated at 33 Bouverie Street, Petone, Lower Hutt, known as “Gilmours Wellington”.

The application was duly advertised and no objection, opposition or notice of desire to be heard has been received. Accordingly I deal with the matter on the papers.

Pursuant to the Sale and Supply of Alcohol Act 2012, the application by Petone Liquor Merchants Limited for an Off Licence renewal is **granted** subject to conditions.

I am satisfied as to the matters to which we must have regard as set out in s.105 and s.106 of the Act.

STATUTORY CRITERIA

Sale and Supply of Alcohol Act 2012

105 Criteria for issue of licences

- (1) *In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
 - (a) *the object of this Act:*

- (b) the suitability of the applicant:
- (c) any relevant local alcohol policy:
- (d) the days on which and the hours during which the applicant proposes to sell alcohol:
- (e) the design and layout of any proposed premises:
- (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:
- (g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:
- (h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:
- (i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that –
 - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
 - (ii) it is nevertheless desirable not to issue any further licences:
- (j) whether the applicant has appropriate systems, staff, and training to comply with the law:
- (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#).

(2) The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.

106 Considering effects of issue or renewal of licence on amenity and good order of locality

- (1) In forming for the purposes of [section 105\(1\)\(h\)](#) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to –
 - (a) the following matters (as they relate to the locality):
 - (i) current, and possible future, noise levels:
 - (ii) current, and possible future, levels of nuisance and vandalism:
 - (iii) the number of premises for which licences of the kind concerned are already held; and
 - (b) the extent to which the following purposes are compatible:

- (i) the purposes for which land near the premises concerned is used:
- (ii) the purposes for which those premises will be used if the licence is issued.

(2) In forming for the purposes of [section 131\(1\)\(b\)](#) an opinion on whether the amenity and good order of a locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew a licence, the licensing authority or a licensing committee must have regard to the following matters (as they relate to the locality):

- (a) current, and possible future, noise levels:
- (b) current, and possible future, levels of nuisance and vandalism.

131 Criteria for renewal

- (1) In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:
 - (a) the matters set out in paragraphs (a) to (g), (j), and (k) of [section 105\(1\)](#):
 - (b) whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:
 - (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of [section 129](#):
 - (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.
- (2) The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.

REASONS FOR THE DECISION

No objections raised by reporting agencies.

DECISION

The District Licensing Committee Chair, acting pursuant to the Sale and Supply Of Alcohol Act 2012, and under the provisions of the Hutt City Local Alcohol Policy, **grants** an application by Petone Liquor Merchants Limited for an Off Licence renewal for the premises at 33 Bouverie Street, Petone, Lower Hutt, trading as “Gilmours Wellington”, subject to conditions.

The licence is approved for renewal until 22nd November 2024.

Conditions:

The licence is subject to the conditions listed on licence no. 048/OFF/0028/21

DATED at LOWER HUTT this 2nd day of March 2022

Simon
Edwards

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Edwards
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**Granted by: Simon Edwards
Chair**

Dominic Scott-Jones

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**Approved by: Dominic Scott-Jones
Secretary**



MEMORANDUM



Our Reference 048/OFF/0028/21

TO: The Secretary, District Licensing Committee

FROM: Skye McConnell, Licensing Inspector

DATE: 18th February 2022

**SUBJECT: Sale and Supply of Alcohol Act 2012
Application for Off Licence renewal by Petone Liquor Merchants Limited trading as Gilmours Wellington**

Current licence no.: 048/OFF/0029/18 **expiry:** 22nd November 2021

Petone Liquor Merchants Limited applied for the renewal of an Off Licence endorsed under section 40 of the Sale and Supply of Alcohol Act 2012 on 19th November 2021 with respect to the premises situated at 33 Bouverie Street, Petone trading as Gilmours Wellington.

Type of Premises Weighting	Alcohol sales time weighting	Enforcement Weighting
Remote Seller = 5	Latest licensed hour N/A = 0	0
Rating: 5	Category: Low	
Application fee: \$975.20	Annual fee: \$625.60	

No variation to the conditions of the current licence has been sought.

An inspection of the premises was carried out on 2nd February 2022 and the following information was considered relevant to this application:

1. Hours of opening

The applicant does not seek a change to the current hours of operation. The sale of alcohol can occur remotely at any time of the day.

Alcohol may only be delivered during the following hours:

Monday to Sunday 6.00am to 11.00pm

These days and hours meet the requirements of section 49 of the Act, which overrides restrictions imposed by section 46 relating to the sale and supply outside of the permitted trading hours but is subject to delivery restrictions pursuant to sections 48 and 59(1)

These hours meet the requirements of the current Hutt City Local Alcohol Policy (HCLAP).

2. Premises

The premises is located at 33 Bouverie Street, Petone and is zoned General Business as per the current City of Lower Hutt District Plan.

The building is owned by Penrith Holdings. Wendy Breedon of Penrith Holdings signed a statement on 17th November 2021 giving consent for the tenant, Petone Liquor Merchants Limited, to sell and supply alcohol from the premises.

The applicant Petone Liquor Merchants Limited has the sole business of the sale of alcohol, and do not sell or supply any other products.

The premises layout consists of a computer system which is held in the premises of Wellington Wholesale Foods Limited.

The alcohol the applicant sells is delivered to buyers by another company, that being Wellington Wholesale Foods Limited, who are located in the same building where the alcohol is held as part of the storage agreement.

The applicant sells alcohol to holders of a "Gilmours card". These cards are issued to businesses and can only purchase alcohol for business purposes that is not for individual consumption.

To purchase alcohol it can be done either electronically through the internet, telephone or by entering the "cash & carry" premises and thereby taking the alcohol to the point of sales counter as an "in store purchase".

When a customer is purchasing alcohol "in store" the purchaser first produces their 'Gilmours card' (failure to produce a card means that the store cannot process any items alcohol or not).

The Gilmour card is scanned which bring up the information for this business account via a unique identification number. Then the products are scanned, if alcohol is contained within the purchase the computer system will determine whether the card holder is a licensee or if the card holder does not hold an alcohol licence.

If the card holder, holds an alcohol licence then the Gilmour computer system completes the sale.

If the card holder does not hold an alcohol licence then the Gilmour computer system completes the sale on behalf of Petone Liquor Merchants Limited as a remote seller and the alcohol is delivered to the customer by Wellington Wholesale Foods

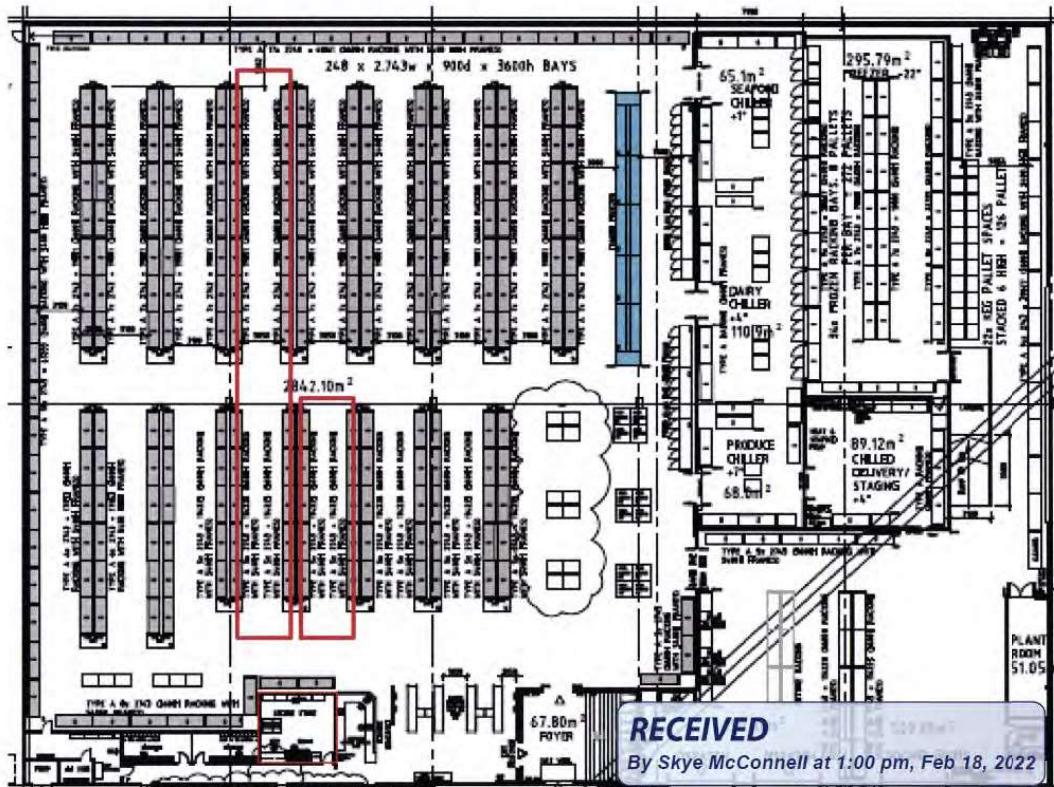
The principal entrance is accessed from 33 Bouverie Street, Petone.

An inspection of the premises with regard to CPTED principles revealed no issues or concerns regarding the design and layout of the premises.

The premises has no designation.



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The applicant signed the evacuation statement on 17th November 2021 declaring that the building in which the premises are situated has an evacuation scheme for public safety which meets the requirements of section 76 of the Fire and Emergency New Zealand Act 2017.

A copy of the statement was sent to Fire and Emergency New Zealand (FENZ) who did respond within 15 working days. There have been no changes to the building since the previous application.

A Certificate of Use is held on file pursuant to Section 100(f) of the Sale and Supply of Alcohol Act, issued on 4th September 2017, confirming that the premises met the requirements and provisions of the Resource Management Act 1991 and Section 17 of the Building Act 2004 at that time.

3. Signage

All signs as required by the Act are displayed including a copy of the licence and its conditions, ordinary hours of business, duty manager’s name, and host responsibility signage.

4. Management of premises

The overall manager for the premises is Matthew Humphery. The following persons hold Manager’s Certificates:

Name	Certificate no.	Expiry
Matthew William Humphery	49C/CERT/895/2016	23 rd October 2022
Kishore Lai	48C/CERT/723/2014	15 th September 2024
Emma Lesley Anne McCulloch-Childs	48/CERT/0168/19	5 th February 2024

An up-to-date Manager’s Register is kept on the premises.

5. Suitability of applicant

A company search was conducted online and Petone Liquor Merchants Limited was incorporated under the Companies Act 1993 on 17th August 2017.

The company directors and shareholders are:

- Matthew William Humphrey - Director
- Wellington Wholesale Foods Limited – Shareholder (100%)

An interview was carried out with Matthew Humphrey and he demonstrated an adequate understanding of host responsibility issues.

The Licensee has been involved in the hospitality industry for a number of years and has a good compliance history.

As far as I am aware Petone Liquor Merchants Limited is suitable to hold an Off Licence.

6. The systems, staff and training to comply with the Act

The business appears to have appropriate systems, staff and training to comply with the law and the HCLAP. These systems are outlined in a written alcohol management plan that has been adopted by the business. They include:

Security plan

The applicant has entered into an agency agreement with Wellington Wholesale Foods Limited and uses their staff and security systems to monitor its products. There are 65 CCTV cameras which are correctly positioned to allow staff to supervise and monitor the premises. They cover all areas including the outdoor areas. The monitor can be viewed from the office and footage is also accessible remotely.

Staff training and development plan

There are three staff who hold Manager's Certificates. All other staff have completed a formal induction by the applicant, and attend regular team training.

Monitoring systems for minors and intoxication

ID checking via internet needs to be undertaken by the purchaser entering their age verification. When purchasing 'in store' staff ask at the point of sale.

All staff are trained in identifying signs of intoxication. All incidents, including minors and intoxicated patrons that are refused service and removed from premises, are logged in the incident book.

7. The object of the Act (host responsibility policy – HRP)

The applicant has a current and effective host responsibility policy covering the following:

- Dealing with intoxicated persons and minimising the effects of intoxication
- Dealing with minors – (eg checking approved "evidence of age" documents) and preventing alcohol being supplied to minors

There is no relevant history that the Inspector is aware of which would need to be detailed in this report.

The applicant appears to have sold, displayed, advertised or promoted alcohol during the previous licensing period in a manner which is consistent with the object of the Act.

8. Environment

Introduction: The Cash 'n' Carry premises which the alcohol products are stored are located in an industrial area in Petone, Lower Hutt.

Current and potential noise levels: The premises has no history of any noise issues in the previous licensing period, and no changes to the style of operation are proposed under the current application. The noise officers detail no noise concerns and no requirement for noise conditions to be applied to the licence.

Current and potential levels of nuisance, graffiti and vandalism: There is no visible evidence of vandalism or graffiti on or near the premises and there is no reason to believe that vandalism, graffiti or the levels of nuisances have been increased by the issue of a licence to this business.

Visual amenity: The exterior of the premises appears to be clean and tidy with no evidence of rubbish or graffiti.

Impact of business on local community: It is unlikely that this premises will have any negative impact on the local community as long as staff adhere to the alcohol management plan and licence conditions, particularly relating to prevention of intoxication and no sale to minors.

There is no reason to believe that the amenity and good order of the locality would be likely to be increased by more than a minor extent, by the effects of a refusal to renew the licence.

9. Public notices

Public Notice Form (7a) was found to be attached to the principal entrance as required by the Act.

This application was publicly notified on the Hutt City Council website on 25th January 2022.

10. Objections


No objections from the general public have been received for this application.

A copy of the application was sent to the Police and Medical Officer of Health on 11th January 2022. Replies were received stating no opposition to this renewal application.

11. Recommendations

This is a straight forward Off Licence renewal application endorsed under section 40 (remote seller) for Petone Liquor Merchants Limited trading as Gilmours Wellington.

Having regard to the information supporting the application and the application meeting the relevant statutory criteria under section 105 and 131 of the Act, I support the renewal of the Off Licence for Petone Liquor Merchants Limited and forward this report to the DLC for its decision.

A handwritten signature in black ink, appearing to read "S. McConnell". The signature is stylized with a large, looped initial "S" and a vertical line through it.

Skye McConnell
Licensing Inspector

NOTICE OF RENEWAL OF OFF LICENCE

Section 135 of the Sale and Supply of Alcohol Act 2012

Petone Liquor Merchants Limited
PO Box 38891
WELLINGTON MAIL CENTRE 5045

Licence **048/OFF/0028/21** replaces licence 048/OFF/0029/18

The Off Licence (Remote Seller Endorsed) in respect of the premises situated at 33 Bouverie Street, Petone known as **Gilmours Wellington** is renewed.

The present conditions of the Off Licence continue to apply.

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, the licence continues in force-

- Until the close of the period for which it is renewed; or
- If an application for the renewal of the licence is duly made before it would otherwise expire, until the close of the period of 3 years after the period for which it is renewed.

The period for which the licence is renewed is three years expiring on **22nd November 2024**

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Dominic Scott-Jones
Secretary
Lower Hutt District Licensing Committee

2nd March 2022
Lower Hutt

Licence number
Licence number
048/OFF/0028/21
Remote Seller

Off-licence
Sections 17 to 20, and 64
Sale and Supply of Alcohol Act 2012



Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), Petone Liquor Merchants Limited (the licensee) is authorised to sell alcohol on the premises situated at 33 Bouverie Street, Petone and known as "Gilmours Wellington", to any person for consumption off the premises.

Endorsement

Section 40 of the Act applies to this licence; and the licensee is authorised to sell alcohol from (but not on) the premises and deliver it somewhere else.

Conditions

This licence is subject to the following conditions:

- (a) no alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day.
- (b) alcohol may be sold only on the following days and during the following hours:
For Sales: Monday to Sunday any time on any day
For Delivery: Between 6:00am and 11:00pm only
- (c) in the case of an order made by using an internet site the licensee must:
 - i. ask the prospective buyer to declare, by ticking an on-screen box, that they are 18 years of age or over (and when a prospective receiver is involved, that the prospective receiver is also 18 years of age or over) –
 - a. once when the prospective buyer first enter the internet site; and
 - b. again, immediately before the sale of any alcohol is completed
 - ii. refuse to sell alcohol to the prospective buyer unless, on both occasions they declare that they are of 18 years of age or over (and where a prospective receiver is involved, also declare that the prospective receiver is 18 years of age or over).
- (d) the Licensee must display on the internet site in a prominent place: the licence holders name, licence number, expiry date and either a legible image of the licence, or clearly identified link to such an image.
- (e) the Licensee must ensure that there is printed on every receipt issued for alcohol sold remotely, the holder's name and licence number, and the date on which the licence expires.

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 three years after the period for which it was last renewed; or
 - ii. if it has been renewed, until the close of the period of four years after the day it was issued.

Originally dated at Lower Hutt this 22nd day of September 2017

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Dominic Scott-Jones
Secretary

Lower Hutt District Licensing Committee



Note: This licence replaces licence number 048/OFF/0029/18

The premises situated at 33 Bouverie Street, Petone are more precisely identified as outlined in a plan date stamped as received by the Lower Hutt District Licensing Committee on 18th February 2022

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, the licence expires on:

22nd November 2024 unless again renewed

2nd March 2022

Petone Liquor Merchants Limited
PO Box 38891
WELLINGTON MAIL CENTRE 5045

Environmental Health
Environmental Consents
sol@huttcity.govt.nz
Our reference 048/OFF/0028/21

Dear Sir/Madam

Application by Petone Liquor Merchants Limited to renew licence approved

I am pleased to advise that Lower Hutt District Licensing Committee has approved your application to renew your licence at 33 Bouverie Street, Petone where you trade as Gilmours Wellington.

The notice of renewal, together with the replacement licence, the decision of the committee and the licensing inspector's report is enclosed.

The licence will expire on the date shown in the box at the bottom of the licence unless again renewed. Please note that it is your responsibility to ensure that your licence is renewed on time.

Yours sincerely



Skye McConnell
Environmental Health Officer
On behalf of Lower Hutt District Licensing Committee

Copy to: Licensing Authority; New Zealand Police, RPH