

Notice of Decision



Decision No. 57/OFF/474/2019

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Antills Estate Limited for an off-licence endorsed under s.40 for remote sales only pursuant to s.99 of the Act in respect of premises situated at Waipara Flat Road, Waipara known as “Antills Vineyard & Winery”

BEFORE THE Hurunui District Licensing Committee

Chairperson: Councillor M Black

DECISION (ON THE PAPERS)

This is an application by Antills Estate Limited for an off-licence endorsed for remote sales only in respect of premises situated at Waipara Flat Road, Waipara, known as “Antills Vineyard & Winery”.

The general nature of the business to be undertaken is that of a Winery endorsed under section 40 as remote sales only.

The hours authorised for the sale of alcohol is at any time on any day but is subject to the restrictions on delivery imposed by sections 48 and 59(1). The holder of an off-licence must ensure that any alcohol sold by remote sale is not delivered to the buyer (or any other person on the buyer’s behalf) at any time after 11pm on any day and before 6am on the next day.

Antills Estate Limited has been registered since 13 December 1999 and has operated mainly as a dry grazing farm. The property also has a 1 hectare vineyard and a two acre olive grove. Janice Antill and Julian Young are the company directors and shaerholders. Antills Estate Limited will trade as Antills Vineyard and Winery.

The winery came to the DLC Secretary’s attention and a check of the website showed alcohol was being displayed for sale and could be purchased on-line. No licence was held within the Hurunui District for this winery. The unlicensed site was referred to Police, who contacted the winery advising them it is an offence under Section 233 of the Sale and Supply of Alcohol Act 2012 for an unlicensed person to sell alcohol.

A response was received approximately an hour later advising Police the website would be taken down until an appropriate licence was held. The website was taken down to prevent the sale of alcohol. Janice and Julian were apologetic for not having the appropriate licence.

They lodged the off-licence application the following day and again were apologetic for not having sought the licence.

A letter included in the application includes an apology and explanation of how the licensees expect to operate their business.

Janice Antill has completed her LCQ, and is currently gaining additional experience and being mentored by a local hotel licensee. In the meantime, the same licensee has agreed to be the Duty Manager for any sales made through the website.

The website has been checked and is compliant subject to the correct licence details being added. This must be completed within two working days of the licence being issued.

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

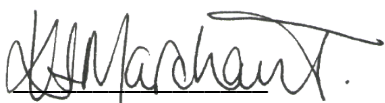
The licence may issue immediately.

Requirements on holders of off-licences

The applicant's attention is drawn to ss. 56 and 57 of the Act obliging the holder of an off-licence to display:-

- (1) A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol ; AND
- (2) A copy of the licence, together with a statement of all conditions subject to which it is issued, attached to the inside of the premises so as to be easily read by people entering each principal entrance.

DATED at Amberley this 4 November 2019



Secretary

Hurunui District Licensing Committee