



Sale and Supply of Alcohol Act 2012

Form 15

NOTICE OF RENEWAL OF OFF-LICENCE

Section 135, Sale and Supply of Alcohol Act 2012

To: RUIN DISTILLERY LIMITED

Licence 47/OFF/9978/2022 replaces licence 47/OFF/9773/021.

The OFF Licence in respect of the premises situated at 14 Garrett Place, Riverstone Terrace, Upper Hutt and known as Ruin Distillery is renewed. The present conditions of the Licence shall continue to apply.

Subject to the requirements of the Act relating to the payment of fees and 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

This Licence expires on 11th August 2025 unless again renewed.

DATED at Upper Hutt this 11th day of August 2022



Wayne Guppy
Chair
Upper Hutt District Licensing Committee



Peter Kelly
Secretary
Upper Hutt District Licensing Committee





OFF Licence

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

Licence Number:
47/OFF/9978/2022
Remote Seller

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), RUIN DISTILLERY LIMITED (the licensee) is authorised to sell alcohol from the premises situated at 14 Garrett Place, Riverstone Terraces, Upper Hutt and known as Ruin Distillery, 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) alcohol may be sold at any time on any day
- (b) no alcohol is to be delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day.
- (c) alcohol may be delivered only on the following days and during the following hours:

Monday to Sunday 6:00am to 11:00 pm

- (d) in the case of an order made using an internet site the Licensee must:
 - (i) ask the prospective buyer to declare, by ticking an on-screen box, that he or she is 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) –
 - (I) once when the prospective buyer first enters the internet site; and
 - (II) again, immediately before the sale of any alcohol is completed.
 - (ii) refuse to sell alcohol to the prospective buyer unless, on both occasions, he or she declares that he or she is 18 years of age or over (and, where a prospective receiver is involved, also declares that the prospective receiver is 18 years of age or over).
- (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.

DISPLAY OF LICENCE:

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 a clearly identifiable link to such an image.

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 Upper Hutt this 11th day of August 2021

Wayne Guppy
Chair
UH District Licensing Committee

Peter Kelly
Secretary
UH District Licensing Committee

Note:

This Licence replaces Licence No. 47/OFF/9773/021

The premises situated at 14 Garrett Place, Riverstone Terrace, Upper Hutt are more precisely identified as outlined in a plan date stamped as received by the Upper Hutt District Licensing Committee on 12th July 2021.



Subject to the requirements of the Act relation to the payment of fees, and to the provisions of the Act relation to the suspension and cancellation of licenses, the licence expires on: **11th August 2025** unless renewed again.

MEMORANDUM

**TO: THE SECRETARY
 DISTRICT LICENSING COMMITTEE**

File: 331/14/071

**SALE AND SUPPLY OF ALCOHOL REPORT
 APPLICATION FOR RENEWAL REMOTE SELLER OFF LICENCE
 RUIN DISTILLERY LIMITED**

RUIN DISTILLERY LIMITED have applied for a renewal OFF Licence with respect to premises situated at 14 Garret Place, Riverstone Terraces, Upper Hutt known as Ruin Distillery.

A remote inspection of the premises was carried out on Friday 1st July 2022 and the following information was considered relevant to this application:

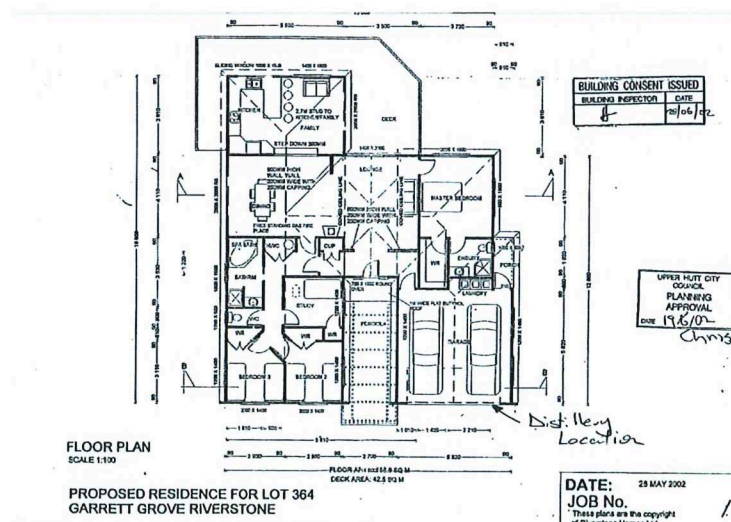
1. Hours of opening

Current hours	For Sales:	Monday to Sunday any time on any day
	For Delivery:	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).

2. Premises

- The premises are located at 14 Garrett Place, Riverstone Terrace, Upper Hutt.
- The premises layout consists of the internet site www.ruindistillery.co.nz where all sales are made, the alcohol manufactured is stored in a Customs enforced area until sold.
- No sales are made directly to the customer from the property, rather via an internet website and then delivered by courier to the customer.
- An inspection of the premises regarding CPTED principles revealed no issues or concerns regarding the design and layout of the premises.



3. Signage

All signs as required by section 59(5) of the Act and Regulations 15(1) and (4) are displayed on the internet site www.ruindistillery.co.nz including a copy of the Licence, the expiry date and the Licence holder's name. Likewise, the receipts issued for the remote sales of alcohol all contain the licence holders name and licence number and the date of expiry pursuant to regulation 15(3).

4. Management of premises

The proposed overall manager for the premises is Antony William Gordon.
The following person holds a Manager Certificate:

<u>NAME</u>	<u>CERTIFICATE NUMBER</u>	<u>EXPIRY DATE</u>
Antony William Gordon	47/CERT/9774/2021	11 th August 2025

5. Suitability of applicant

A search was conducted online, and the applicant is listed as currently registered. The company directors and shareholders are Antony William Gordon and Jacqueline Elaine Gordon. An interview was carried out with Antony Gordon and he demonstrated an adequate understanding of host responsibility issues.

As far as I am aware the applicant is suitable to hold a remote seller endorsed OFF Licence.

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

The business appeared to have appropriate systems, staff, and training to comply with the Sale and Supply of Alcohol Act 2012. These included:

- **Staff training and development plan:** The business is run solely by the owner/operator.
- **Monitoring systems for minors and intoxication:** The business has its own website which meets the requirements under the Act and regulations for a remote seller. This includes when entering the site, the customers must confirm that they are over the age of 18 years. Confirmation and entering of their date of birth is required prior to completing the purchase. In addition, a declaration is made that the receiver of the goods must be over the age of 18 years.

No deliveries are completed to anyone who is intoxicated. The applicant labels the product with an 18+ sticker and instructs the courier delivery driver that product is not to be left unattended.

7. Environment

The premises are located in a residential property with the only point of sale being from the website, no sales are made from the address and there are no issues with noise, or any potential for nuisance or vandalism.

There is no reason to believe that the amenity and good order of the locality would likely be affected by the effects of the renewal of the licence.

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

The applicant has a host responsibility policy which demonstrates that appropriate measures are undertaken with regard to responsible sale and supply of alcohol and that harm will be minimised. The premises written host responsibility policy covers the following:

- Dealing with intoxicated persons and minimising the effects of intoxication
- Dealing with minors – (e.g., checking approved “evidence of age” documents)

- Links to websites with information about creating a safe drinking environment.

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

9. Public notices

Public Notice Form 7A was found to be displayed on the applicant's website as required by the Sale and Supply of Alcohol Act 2012. Form 7A was also displayed on the exterior of the applicant's premises where it could be viewed by the public.

A public notice advertising this application was placed in the Upper Hutt Leader newspaper on 22nd June 2022.

A review of the public notices found that the applicant had mistakenly advertised the delivery hours as 7:00am to 11:00pm.

Section 208, Licensing Authority or Licensing Committee may waive certain omissions, states:

'Where any person has neglected or omitted to do any act or thing in the precise manner or within the precise time prescribed by this Act, the licensing authority or (as the case may require) the licensing committee or the chairperson, if satisfied that the neglect or omission was not wilful, may waive the same on such terms as they think equitable.'

10. Objections

This application was sent to the Medical Officer of Health and Police on 20th June 2022.

Replies were received on 27th June and 15th July 2022 stating no matters of opposition to the issue of the Licence for the applicant.

11. Licence type

The general nature of the business is that of a Remote Seller.

12. Recommendation

I do not believe the error in trading hours was wilful and deliberate, or meant to mislead the public or any potential objector and recommend that the District Licensing Committee grant a waiver pursuant to section 208.

Having regard to the information supporting the application and the application meeting the relevant statutory criteria under section 131 of the Act, I support the renewal of a section 40 (remote seller) OFF Licence to RUIN DISTILLERY LIMITED.



David Gallagher
Licensing Inspector
Upper Hutt City Council