

**IN THE MATTER** of the Sale and Supply of Alcohol Act 2012 (the Act)

**AND**

**IN THE MATTER** of an application by Krishna Enterprises Limited for the renewal of an OFF licence pursuant to Section 127 of the Sale and Supply of Alcohol Act 2012 in respect of the premises situated at 59 Rifle Range Road, Taupo and known as "Praters Supermarket".

### **THE APPLICATION**

This is an application by Krishna Enterprises Limited for the renewal of an Off Licence in respect of the licensed premises known as Praters Supermarket, situated at 59 Rifle Range Road, Taupo.

The applicant is the holder of a Off Licence, Licence Number 20/OFF/0007/2020 which was last renewed by the Taupō District Licensing Committee on 24 April 2020.

The application was duly advertised on the Taupo District Council website from 7 March 2023 for a period of 10 days and no objection or notice of desire to be heard has been received. Display of the public notice has been carried out in the terms of the Sale and Supply of Alcohol Act 2012 by the licensee and no objections were lodged by any members of the public.

The Inspector has provided a comprehensive report that outlines the safe and responsible operation of this licence for many years.

### **REASONS FOR THE DECISION**

The applicant is a proven operator and has not come to notice in an adverse manner for any of the reporting agencies. The hours are reasonable, and the host responsibility practices appear sound.

The application was sent to the Police and the MOoH on the 7<sup>th</sup> of March 2023.

Neither the Police nor the Inspector have opposed this renewal. However, it appears the MOoH opposed the renewal on 11 April 2023 saying, "*The Medical Officer of Health opposes the application under s105(1)(a)(e)(k) and further investigation must be made around 105(1)(i) - the Amenity and Good Order of the locality and there is no floor plan attached*".

This report was outside of the 15 working days permitted under the Act.

In a subsequent report dated 15 June 2023 the delegated officer for the MOoH said *Will a hearing be set for this? I haven't been able to speak with the applicant and won't be able to before I go on leave. I don't believe I've withdrawn my opposition of 11/04/23 however it will be satisfied with the following conditions (if the applicant is open to these).*

*2021 ARLA/ 123 Singh Trading (2016) Limited Pleasant Point decision is attached. A summary of this decision is:*

*Whilst the licence was granted, there are some useful conditions on alcohol signage given the location of the premises. These are:*

- 1) *Signage shall be limited to displaying the store name and logo on the existing roof display*
- 2) *No bright colours shall be used in the external decoration of the premises*

- 3) *No specific product or price specials shall be displayed externally*
- 4) *No external advertising shall be displayed by way of flags or sandwich boards outside the store*
- 5) *No single sales of beer, cider, or RTDs priced at, or less than, \$6.00 per unit are to be sold.*

*PLUS*

*the size of each single sale does not include anything 500ml and under that is less than \$6 per single serve.“*

There was no attempt to expand on the 105 matters raised on 11 April 2023.

In PAULIN v SCOTT [2013] NZARLA 489<sup>1</sup> *“the Authority accepted that the Police may not be able to express their grounds for opposition with adequate particularity within 15 working days....it would be permissible for the Police to state their grounds in opposition in more detail within a **very short period of time**. The Authority envisages that this would be within 15 working days of the initial report.” (Our emphasis)*

The initial ‘opposition’ was lodged out of time and the MOoH have failed to expand on the 105 matters in a timely fashion and they are now deemed to be unopposed.

### **THE DECISION**

We are satisfied as to the matters to which we must have regard as set out in the Act and approve the renewal of the licence for three years on the same conditions as previously granted by the Taupo District Licensing Committee.

I direct that a notice of renewal and a replacement licence be issued.

Dated at Taupō on 13 May 2024



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Murray Clearwater

**Commissioner**

**Taupō District Licensing Committee**

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<sup>1</sup> PAULIN v SCOTT [2013] NZARLA 489

## Taupō District Licensing Committee

### Notice of Renewal of Off Licence

*Section 135, Sale and Supply of Alcohol Act 2012*

To: **Krishna Enterprises Limited**

Licence **20/OFF/0007/2023** replacing licence **20/OFF/0007/2020**

The Off Licence in respect of the premises situated at 59 Rifle Range Road, Taupo known as “**Praters Supermarket**” 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 to the provisions of the Act relating to the suspension and cancellation of licenses, 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 3 years expiring on  
**6 April 2026**

Dated at Taupō on 13 May 2024



Murray Clearwater  
**Commissioner**  
**Taupō District Licensing Committee**