

Decision number: 048/2019/HCDLC/237

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

**AND**

**IN THE MATTER** of an application by Wildfern  
New Zealand Limited pursuant  
to s.17 to 20 and 64 of the Act  
for an Off Licence renewal in  
respect of premises situated at 5  
Tarras Grove, Kelson, Lower  
Hutt known as "Wildfern NZ"

**BEFORE THE HUTT CITY DISTRICT LICENSING COMMITTEE**

This is an application by Wildfern New Zealand Limited for an Off Licence renewal in respect of premises situated at 5 Tarras Grove, Kelson, Lower Hutt, known as "Wildfern NZ".

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 Wildfern New Zealand 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 Wildfern New Zealand Limited for an Off Licence renewal for the premises at 5 Tarras Grove, Kelson, Lower Hutt, trading as "Wildfern NZ", subject to conditions.

Furthermore, the District Licensing Committee Chair grants the applicant a waiver for the advertising error in accordance with section 208 of the sale and Supply of Alcohol Act 2012.

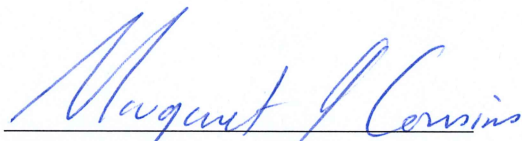
The licence is approved for renewal until 12 June 2022.

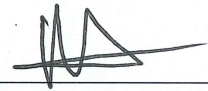
**Conditions:**

The licence is subject to the conditions listed on licence no. 048/OFF/0007/19

**DATED** at LOWER HUTT this 12<sup>th</sup> day of June 2019



  
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Granted by: Margaret Cousins  
Chair

  
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Approved by: Bradley Cato  
Secretary