

01/OFF/15043/2023
and 01/ON/15240/2023

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012 ('the Act')

AND

IN THE MATTER

of an application by **SOVRANO
WINERY LIMITED** for the renewal
of an Off-licence pursuant to s.127
of the Act in respect of premises
situated at 165a Waimate Road,
Kerikeri, known as "**Sovrano
Winery.**"

AND

IN THE MATTER

of an application by **SOVRANO
WINERY LIMITED** for the grant of
an ON-licence pursuant to s.100 of
the Act in respect of premises
situated at 165a Waimate Road,
Kerikeri, known as "**Sovrano
Winery.**"

BEFORE THE FAR NORTH DISTRICT LICENSING COMMITTEE

Chairman: Murray Clearwater
Member: John Thorne
Member: Martin Macpherson

HEARING at Kerikeri on the 23rd day of February 2023

APPEARANCES

Mr. Jeremy Browne – for the applicant company Sovrano Winery Limited (SWL)
Mr. Andrea Loggia – for the applicant
Ms. Marzia Turcato- for the applicant
Mr. John Clarke- witness for the applicant
Mr. Richard Palmer- witness for the applicant
Ms. Olesya Gan – witness for the applicant

Ms. Christina Rosenthal - Alcohol Licensing Inspector (“the Inspector”) – in opposition
Ms. Te Orakiri Patricia Graham – witness for the Inspector.

Senior Constable Roger Dephoff – Police Alcohol Harm Reduction Officer (AHRO) –
in opposition.

Ms. Wendy Antrobus- delegated officer for the Medical Officer of Health (MOoH)- to
assist.

RESERVED DECISION OF THE COMMITTEE

Introduction

1. We said at the outset of the hearing that the DLC was tasked to determine the two applications before it and that we would not allow the hearing process to be hijacked to investigate the ‘how’s and why’s’ of the significant delays that did occur in processing these applications to the point of completion, and then forwarding to the DLC for consideration.
2. However, we did see an opportunity for several ‘learnings’ for the applicant, the council Admin Team and the reporting agencies. These will be introduced, and discussed, throughout this decision.
3. By an application stamped as received on the 29th of September 2022, SOVRANO WINERY LIMITED applied for the renewal of an off-licence in respect of premises situated at 165a Waimate Road, Kerikeri, known as “Sovrano Winery.”
4. The current licensed hours are **Monday to Sunday 10.00am to 10.00pm**. No changes were sought. These hours are within the default national maximum trading hours for off licences.
5. SWL also applied for a new ON Licence as they intended to reopen the adjoining restaurant that had been operated by a third party until the licensee surrendered the licence when they left. The hours sought were **Monday to Sunday 10.00am to 11.00pm**.
6. From 29 September 2022 to 6 December 2022, a period of 9 weeks, there appears to have been many missed, or unsuccessful attempts from the applicant and the Admin team to communicate and rectify what was deemed to be an “incomplete application.”
7. This clearly was frustrating for the applicant who expressed those frustrations directly to the staff involved and through the media. As we discuss later in this decision, those displays of frustration, although partially understandable, were counter-productive and not those that we would expect from an experienced licensee.

8. By the time the applications were deemed complete and capable of being forwarded to the agencies and for public notification they ran up against the non-working day period of 20 December 2022 to the 15th of January 2023. This effectively ruled out any opportunity for Xmas trading for the on-licensed side of the business.
9. The matter was further complicated when on the 14th of December 2022 the applicant was found to be offering free samples of wine to dining customers in the renovated restaurant.
10. This prompted the Inspector, and the Police, to lodge reports in opposition as they believed the applicant had brought it's suitability into question by offering the free samples outside of the off-licensed area.
11. The applications were set down for a formal hearing as the Committee needed to examine the circumstances around the delays in processing and the alleged breach of the Act, in serving samples outside of the off-licensed area.

Applicant's Evidence

12. Andrea Paolo Loggia appeared as director of SWL and told us about his Italian heritage and his immigration to New Zealand in 2007. He advised us that English is very much his second language. In the following years he developed a successful liqueur business known as Sovrano Limoncello. The company has won many awards for this product both here in NZ and abroad.
13. In the last 15 years he has obtained more than 500 Special Licences to permit both on and off sales, and tastings of their limoncello at Home Shows and Farmers Markets around NZ. In his sworn evidence he said, "We have never been accused of breaching our conditions." When cross-examined by the Inspector he confirmed he was the duty manager at the Hamilton Field Days in 2017 when a staff member sold alcohol to a minor in a Police Controlled Purchase Operation (CPO). We stopped the Inspector progressing her cross-examination on this topic as the information had not been pre-disclosed to the applicant as evidence that was intended to be adduced.
14. Nevertheless, the incident was admitted by Mr. Loggia, and he should have thought twice before claiming "We have never been accused of breaching our conditions." He added that he was spoken to by the Police at the time and no further enforcement action was taken. We note that this was 5 years ago and appears to be their only discretion of this type.
15. Mr. Loggia went on to tell us that they purchased the vineyard and restaurant in May of 2021. In October 2022 they began to renovate the restaurant area hoping to open before Xmas 2022.

16. As we have outlined in the introduction there was a number of delays, for various reasons, and a meeting was set up on the 6th of December 2022 to try and find a resolution to the hold up and to explore if there was any interim measures that could be undertaken to get the ON Licence up and running.
17. Attendees at the meeting included council admin staff and the Inspectorate. Various options were discussed and discounted include a temporary licence and a Special licence. Neither of these option were available due to legislative restraints.
18. A third option was discussed, that being, that the business could offer small tastings from the off-licensed area, free of charge, to dining customers. Mr. Loggia was strongly of the view, as were his witnesses that appeared before us, that the Inspector 'agreed' that this could occur.
19. The Inspector denies this and there is evidence that she confirmed her recollection of the discussions in a written email some 3 hours after the meeting in which she clearly stated that free samples could NOT be consumed in the restaurant area.
20. Mr. Loggia concedes he received the email but did not read all the way down past the checklist diagrams. It perhaps would have been better to have sent a short sharp email clearly setting out that position.
21. On 14 December 2022 the Inspector called in to Sovrano and found Mr. Loggia delivering a busy lunch service during which diners were consuming free samples (what the Inspector described as half glasses of wine) at the dining tables outside of the off-licensed area. Mr. Loggia asked us to believe that the 'samples' were 20-25ml. We suspect that they were a little larger in the 40-60ml range.
22. There was an exchange of words between the Inspector and Mr. Loggia. He later apologised and confirmed that they would no longer offer free samples in the dining area. He said he was of the view that the practice had been authorised by the Inspector at the 6 December meeting. He had been providing the free samples for the seven days after the 6 December meeting.
23. He denied that he had been "rude and uncooperative" as stated in the Inspectors report. He believed that if his actions meant that the applicant company was to be deemed unsuitable he was willing to resign his directorship of the company. As we advised counsel, 'paper resignations', to 'cleanse' a company are of little value in our view.
24. He produced a number of impressive written references from business associates that spoke highly of Mr. Loggia and his family and their businesses.

25. We then heard briefly from Mr. Loggia's wife, Marzia Turcato, who was present at the 6 December meeting. It was her recollection that they were told that free samples could be offered in the restaurant and that she did not see Andrea being rude or aggressive towards the Inspector.
26. Next we heard from John Clarke who was the former owner of the vineyard who had sold it to SWL.
27. He called in to the business on the 6th of December 2022 to "see how things were going". He was told by Andrea that they still did not have their licence.
28. Mr. Clarke rang Councillor Ann Court, who is also a Chair of the District Licensing Committee. It was unwise for him to do that because for one, the file was not with the DLC, it was still with the Admin/Inspectorate team and two, it breached Chair Court's independence in this case and she sagely stood aside from any further involvement in the matter.
29. He attended the meeting later that afternoon and it was his recollection too that council officers had said it was permitted to supply free samples to diners in the restaurant. He said Inspector Rosenthal, who was attending on ZOOM confirmed that samples could be served if free of charge.
30. Rick Palmer is a solicitor and general commercial lawyer for SWL and was asked in December 2022 to assist with the difficulties around the processing of the licences.
31. He outlined his involvement including attempting to find a resolution to allow alcohol service in the restaurant but conceding that it appeared it was not possible. He expressed a view that the current off licensed area was described as "the premises generally." He suggested that perhaps that allowed the service of alcohol in a wider area than just the tasting area.
32. He noted that the current plan of that area includes a handwritten oval encompassing most of the 'off-licensed area.' None of the parties present at the hearing admitted to being the 'author' of the oval. In our experience such a demarcation is unusual. Licensed areas are normally defined by straight lines separating one area from another. This is important as some activities are permitted in certain areas but not in others.
33. As the off-licensed area was designated as a Supervised Area, as most off licensed premises are, it would be inappropriate for this to cover the dining area as this would prevent uncles and aunties, and grandparents taking their nieces and nephews, grandchildren etc. into this area.

34. We are satisfied that the licensed area for the OFF licence was only that area contained within the Wine Sales/ Tasting room.
35. Lastly counsel for the applicant called Mrs. Olesya Gan who is the Team Leader – Administration, Environmental Services for the Far North District Council. She confirmed that she was at the 6 December 2022 meeting, and she had admitted that her admin team had not progressed these applications as well as they should have. She said it was a very busy time for the team, but they should have done better.
36. During cross-examination she agreed that applying for a licence was a process and not an event and that applications, once received, are added to, as they go through the statutory processes.
37. She confirmed for the Committee that the two applications were stamped as received on 29 September 2022 but then 'rejected' as incomplete. She understood her admin person sent an email to Mr. Loggia the same day, but it appears it was not received and/or replied too.
38. Subject to closing submissions that was the case for the applicant.

Police Evidence

39. Senior Constable Roger Dephoff is the current Alcohol Harm Reduction Officer for the Far North. He was two days off relinquishing the position and appeared in opposition to the renewal of the OFF Licence and the granting of the new ON licence.
40. He told us his opposition was based on the information provided to him by the Inspectorate about the 14 December 2022 incident.
41. He had no evidence of poor performance, adverse notings or offences that had been committed by SWL and its directors.
42. During cross-examination he was asked if he had conducted any compliance inspections at the Sovrano Winery. He said no, and that he had not meet Mr. Loggia previously.
43. He was asked about his understanding of the Police Graduated Response Model that is also known as the Engage, Educate, Enforce Model. He said he understood the principles of the models and conceded that he had not applied that model to this incident.

44. He felt obliged to support his partner agencies with the opposition. As we told him at the meeting the DLC supports the provisions of section 295 of the Act in that the regulatory agencies must work together on the ongoing monitoring and enforcement of the Act, and to work together to develop and implement strategies for the reduction of alcohol related harm.
45. But they must also bring their own strengths and areas of expertise to that collaboration and not be afraid to wear their own hats when it comes to enforcement action.
46. We asked the witness if he believed the threshold had been met to refuse the renewal of the OFF licence and the granting of the ON Licence. He conceded that perhaps not.

Medical Officer of Health Evidence

47. Mrs. Wendy Antrobus is the delegated officer for the Medical Officer of Health and appeared to assist the Committee. In her report she did comment that they were concerned that the incomplete nature of the original applications and the 14 December 2022 incident may have compromised the applicant's suitability.

Inspector's Evidence

48. Ms. Christina Rosenthal appeared for the Inspectorate and presented a concise opening and confirmed that her two reports for the ON and OFF were true and correct to best of her knowledge.
49. She said that the incomplete applications lodged, the difficulty in obtaining additional information, and applicants attacks of council through the media were not her expectations of a responsible licensee.
50. She was asked about the concept of 'colour of right'. She was unfamiliar with the term so was told that it means that someone could claim a defence if they had an "honest, but mistaken belief." She understood the concept but believed Mr. Loggia should have fully read her email of 6 December where she clearly stated that no samples could be offered outside the off-licensed area.
51. She was asked by member Thorne if it had not been for the incident on 14 December 2022 there would have been no opposition offered. She agreed that most likely that would have been the case.
52. We took the Inspector through the checklists that have been developed for applicants to follow when preparing applications. It was clearly obvious that there was a blurring between the particulars and documents **prescribed** under sections 100 and 127 of the Act, and the additional documents that **may be helpful** when

considering the criteria in sections 105 and 131 of the Act. We used the terms mandatory and the 'nice to have' when discussing it with the Inspector.

53. She then called Te Orakiri Patricia Graham, known as Te O, to the stand. Ms. Graham told us she was an Environmental Technical Officer for the Environmental Services Team. She was previously the Acting Team Leader of Environmental Services from October 2022 to February 2023.
54. These applications came to her notice on 6 December 2022 when she was called into the meeting to discuss possible solutions to the stalled applications. She was strongly of the belief that she had said in the meeting that samples could not be offered in the dining room but only within the wine sales/tasting area. It was her evidence that when Inspector Rosenthal was called into the meeting electronically that her advice was the same, no samples permitted in the dining area.
55. She confirmed, as did Inspector Rosenthal, that samples **could be offered** but only within the current (off) licensed area.
56. This may be where the confusion arose.

Relevant legislation

57. Section 3 of the Sale and Supply of Alcohol Act 2012 ("the Act") states the purpose of the Act as follows:
 - (1) ***The purpose of Parts 1 and 3 and the schedules of this Act is, for the benefit of the community as a whole, –***
 - (a) ***to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and***
 - (b) ***to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.***
 - (2) ***The characteristics of the new system are that–***
 - (a) ***It is reasonable; and***
 - (b) ***Its administration helps to achieve the object of this Act.***
58. Section 4 states the object of the Act as follows:
 - (1) ***The object of this Act is that –***
 - (a) ***The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and***
 - (b) ***The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.***
 - (2) ***For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes –***
 - (a) ***Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and***

- (b) Any harm to society generally or the community, directly or indirectly caused, or directly and indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).**

59. Sections 131/132 of the Act provides the criteria that the licensing committee must have regard to in deciding whether to approve a renewal of the licence:

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.

The clauses in 105 that we must consider are:

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)
(i)
(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.

60. When we consider the ON licence application clauses (h) and (i) are also part of our consideration. They state:

(h) whether (in its [the DLC's] 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:

Closing Submissions

61. The MOoH believed that their position had been stated in evidence and offered no final words.
62. Senior Constable Dephoff said he “wished the applicant well” and that the Police believed Mr. Loggia had learnt a lot from the hearing and he was open to an alternative way forward.
63. Inspector Rosenthal prepared a written closing which she spoke to. She reminded us that the breach of conditions on the 14th of December 2022 had occurred within the probationary first year of operation and indicated that the applicant was not fully familiar with the conditions of his licence.
64. She felt that she was left with no choice but to oppose the licences. She felt her integrity was attacked by Mr. Loggia during her dealings with him. She believed that he must lift his game in the quality of his applications and his communications with council staff.
65. The Inspector recommended that if we were to consider a renewal then it should be only for 12 months to align with the new on licence, if granted, so that they could be considered together at renewal time.
66. Mr. Browne provided us with a helpful closing submission for his client. He touched on the lack of progress of the applications and emphasized the low-risk nature of the activity and that even if we found the breach of 14 December to be substantiated, it was minor in nature and no harm was generated by it.
67. He spoke of the broad assessment of suitability now recognised by higher authorities. He argued that a single ‘stain’ was not sufficient for us to find the applicant unsuitable to hold a licence.

Discussion

68. The Act requires that when deciding whether to grant or renew a licence, or not, the licensing committee **must have regard** to the matters contained in sections

105 and 131/132 of the Act respectively.

69. Section 105(1)(a) The Object of the Act

This section requires the licensing committee to have regard to the object of the Act and in particular that the sale, supply and consumption of alcohol should be undertaken safely and responsibly. **As per High Court dictum we will return to the Object of the Act once we have had regard to all the other relevant criteria..**

70. Section 105(1)(b) Suitability of the Applicant

The applicant must be a suitable entity to hold a Licence. **The Police and Inspectorate believe the applicant has put its suitability on the line by lodging incomplete applications for the licences and then has been tardy and uncooperative, and/or expectant on council officers to 'repair' his applications. Further, that Andrea Loggia took his frustrations to the media and 'abused' council officers and their internal processes on a number of occasions.**

71. Section 105(1)(c) Relevant Local Alcohol Policy

There is no Local Alcohol Policy. There is nothing for us to consider.

72. Section 105(1)(d) The days and hours of operation of the licence

The days and hours for the OFF licence are Monday to Sunday 10.00am to 10.00pm and for the ON Licence Monday to Sunday 10.00am to 11.00pm. These are within the Default National Maximum Trading hours for both types of licence.

73. Section 105(1)(e) The design and layout of any proposed premises

The Committee is aware of the design and layout of the premises. It is unremarkable for premises of this type. As we stated in our oral preamble to the hearing there are more wineries seeking ON licences to allow for paid tastings or, as in this case, a sit down class 3 restaurant offering alcohol with meals or antipasto platters and the like.

The on-licensed area should encompass the whole of the restaurant, outdoor area and the current off-licensed area as we are aware the tasting room is to be relocated elsewhere in times to come. The off-licensed area should be solely the wine sales area/tasting room as now accurately portrayed in the plan dated 20 January 2023.

74. Section 105(1)(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

No goods other than alcohol, low-alcohol beverages, non-alcoholic refreshments and food, are sold on the premises.

75. Section 105(1)(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, and food, and if so, which services.

No other services are offered.

76. Section 105(1)(h) asks whether (in its [the DLC's] 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:

This is a low risk activity, and we have no hesitation in finding that the amenity and good order of the area will not be reduced by more than a minor extent.

77. Section 105(1)(i) asks whether (in its (the DLC's) 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:

The business is in a rural part of the district and there is no obvious existing threat to the amenity and good order of the locality.

78. Section 105(1)(j) Whether the applicant has appropriate systems, staff, and training to comply with the law.

The applicant advises that there is sufficient staff with manager's certificates attached to the business and that they hold regular training sessions.

Despite the agencies suggesting Mr. Loggia does not understand the specifics around where the wine tastings can take place overall we are satisfied that SWL has the ability and skills to operate these low risk activities.

79. Section 105(1)(k) Any matters dealt with in any report of the Police, an Inspector and the Medical Officer of Health under Section 129

We have outlined, and discussed, the views of the Police and the Inspectorate elsewhere in this decision. As we intimated after our deliberation, we had found a technical breach of the Act did occur. Was it sufficient to refuse the licences? We don't believe so and explain why below.

Reasons for the Decision

80. Section 3 of the Act requires us to act reasonably in the exercise of our duties and to regulate with the aim of contributing to the Object of the Act.
81. As we have explained throughout this decision there have been identified deficiencies and matters that should have been done better. We hope there has been several learnings taken on board by the parties to avoid recurrences of the problems that occurred during the application process.
82. We outline them now. The first message is that the application for a licence is a process not an event. The **application must be fully prepared by the applicant and contain the mandatory particulars and documents as prescribed in the Act.** Once received by council, the process should begin to build the application and commence public notification and be sent off to the reporting agencies for enquiry and comment.
83. There must be **ownership** of the application once in the hands of council to ensure it does not stall at any of the action points along the way. The applicant must ensure that they know what is required of them and ask if anything further is required. The applicant should have escalated his concerns in early October and sought an appointment with a member of the Admin team or the Inspectorate to ensure they had all they needed or not. **If council does not have a process flow chart for licence applications they should develop one. There should be escalation points at critical junctions.**
84. The Admin/Inspectorate should **review their checklists** and separate off the mandatory particulars and documents required from the 'nice to haves' and ensure applications are vetted promptly for completeness and then entered into the system.
85. The Police should have adopted the **Graduated Response Model** when considering their stance on these applications. As we discussed with Senior Constable Dephoff it appears he did not consider a warning or other form of resolution before lodging the opposition and seeking the refusal of the renewal and the non-granting of the ON Licence.
86. The Inspector reported thoroughly and comprehensively on the applications and on some occasions was maybe more verbose than what was required. A 3-line email setting out that samples **could not** be served in the restaurant area probably

would have generated the required response.

87. **However, we do not diminish the responsibility that is on the applicant to ensure a complete application is lodged, and then followed through with regular, civil communications with the agencies.**

The Decision

Overall, we are satisfied that the OFF Licence can be renewed, and the ON Licence can be granted and that to do so would not offend against the Object of the Act.

The Far North District Licensing Committee approves the renewal of the OFF Licence but for a slightly truncated period of 30 months. We grant the ON Licence for 12 months from the date of issue.

This is not to be punitive but to bring home to the applicant their responsibilities to produce quality applications and to foster cooperative and professional relationships with members of the regulatory agencies.

We remind the applicant that pursuant to Section 201(4) the Committee has the power at any time if it thinks fit to rehear any matter that it has determined.

The current Section 40 endorsement is removed as it is not required. All off licences are permitted to sell remotely on-line if they so wish. Section 40 endorsements are designed for businesses that operate solely on-line. Sovrano Winery does not do so.

The OFF Licence is renewed for two and one half years (30 months) from the expiry of the current licence (12 November 2022) on the following refreshed conditions.

The OFF Licence will expire on the 12th of May 2025 if not further renewed.

The following conditions are to apply:

1. Subject to condition 3, alcohol may be sold on, and delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours: **Monday to Sunday 10.00am to 10.00pm**
2. No alcohol is to be sold on or delivered from the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day.

3. A remote sale of alcohol may be made at any time, on any day. Any alcohol sold by remote sale must not be delivered at any time between 11.00pm and 6.00am the next day.
4. For any remote sale, the licensee must comply with the requirements in the Sale and Supply of Alcohol Regulations 2013 for signage and to ensure that the purchaser is not a minor.
5. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
6. The whole of the wine sales area/tasting room as depicted on the plan date 20 January 2023 is designated as a **Supervised Area**;
7. A properly appointed certificated or Acting or Temporary Manager must be on duty at all times, within the licensed area, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.
8. The Licensee must display at the premises:
 - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
 - c. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principal entrance.

The premises are as defined in the plan submitted with the application and date stamped 20 January 2023. A note to this effect is to be made on the licence.


The ON licence is granted for 12 months from the date of issue on the following conditions:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:

Monday to Sunday 10.00am to 11.00pm;

2. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to dine;
3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
4. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages.
5. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted;
6. A properly appointed certificated, or Acting or Temporary, manager must be on duty at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;
7. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises;
8. The Licensee must display:
 - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
 - c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises;

DATED at Kerikeri this 27th day of February 2023

A handwritten signature in black ink, appearing to be 'A. J. Smith', written over a horizontal line.

Murray Clearwater
Commissioner
For the Far North District Licensing Committee

NOTE

Sections 152 to 155 relating to the right to appeal this decision are in effect.

This decision is suspended until 10 working days after the date on which notice of this decision is given to the parties.