

OFF-LICENCE
(Remote Seller)

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

Section 40 of the Act applies to this licence

PURSUANT to the Sale and Supply of Alcohol Act 2012, the partnership of Michael Tshering John Wilson and Julien Philippe Jean Delavoie (the "Licensee") is authorised to sell alcohol from the premises situated at 20 Chamberlain Street, Dunedin, and known as "No.8 Distillery", and to deliver it to any person for consumption off the premises.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

CONDITIONS

This licence is subject to the following conditions:

- (a) No alcohol shall be delivered on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day.
- (b) Alcohol may be sold from the premises at any time on any day, and delivered somewhere else for consumption off the premises, only on the following days and during the following hours:
Monday to Sunday 6.00 am to 11.00 pm
- (c) The licensee shall ensure that the provisions of regulation 14 of the Sale and Supply of Alcohol Regulations 2013 relating to the sale and supply of liquor to prohibited persons are observed and shall display appropriate signs on the Internet web page detailing the statutory restriction on the supply of alcohol to minors.
- (d) The Licensee must display on its website and in its catalogue and on every receipt issued for alcohol sold remotely:
 - (i) The licence holder's name and licence number;
 - (ii) The date on which the licence expires;
 - (iii) A legible image of the licence, or a clearly identified link to such image, to be displayed in a prominent place on the website.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

A copy of this licence must be displayed on the website for the company.

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 certificate is duly made before the certificate would otherwise expire, either –
 - (i) until the close of the period of 3 years after the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period 4 years after the day it was issued.

DATED at Dunedin this 2nd day of November 2020



Kevin Mechen
Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

NOTE: **This licence expires on the 2nd day of November 2021**

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by the partnership of Michael Tshering John Wilson and Julien Philippe Jean Delavoie (the "Applicant") for an off-licence pursuant to s.99 of the Act, endorsed pursuant to section 40 of the Act (remote seller), in respect of premises situated at 20 Chamberlain Street, Dunedin, and known as "No.8 Distillery"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by the partnership of Michael Tshering John Wilson and Julien Philippe Jean Delavoie (the "Applicant") for an off-licence, endorsed as a remote seller, in respect of premises situated at 20 Chamberlain Street, Dunedin, and known as the "No.8 Distillery".

The application is in respect of premises in which the principal business is the sale of alcohol.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The premises is for a remote seller therefore there will be no pick-ups from the abovementioned address.

Although sales are made remotely, the licensee must ensure a certified manager is appointed to the business at all times.

Remote sellers have different requirements to other premises. The first is a response to the fact the buyer is not confronted at the time of purchase and to this end, regulation 14 of the Sale and Supply of Alcohol Regulations 2013 details the requirements imposed on licensees to ensure prohibited people do not purchase alcohol. This regulation is reproduced here for clarity:

14 Reasonable steps to verify that people not under purchase age

(1) The procedures described in subclauses (2) to (4) are reasonable procedures for the purposes of complying with [section 59\(3\)](#) of the Act (which requires the holder of an off-licence to take reasonable steps to verify that the buyer of any alcohol that the holder sells by remote sale (and, if a person other than the buyer is to receive it, to verify that the receiver) is not under the purchase age).

(2) In the case of an order made using an internet site, the procedure is to—

- (a) ask the prospective buyer to declare, by ticking an on-screen box, that he or she is 18 years of age or over (and, where 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; and*
- (b) 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).*

(3) In the case of a telephone order, the procedure is to—

- (a) ask the prospective buyer to declare, orally, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—*
 - (i) once when the conversation concerned begins; and*
 - (ii) again, immediately before the conversation is completed; and*
- (a) 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).*

(4) In the case of an order made on a physical order form, the procedure is to—

- (a) ensure that the form—*
 - (i) requires the prospective buyer to sign the form at a place at or near its end; and*
 - (ii) contains 2 requests for the prospective buyer to declare, by ticking a box, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—*
 - (A) one at the beginning of the form; and*
 - (B) the other, immediately before the place on the form where the prospective buyer is required to sign it; and*
- (b) refuse to sell alcohol to the prospective buyer unless he or she has ticked both boxes and signed the form.*

Regulation 15 describes the information to be provided by remote sellers. When using an internet website, the licence holder must display prominently on the website, any catalogue produced and every receipt issued for alcohol sold remotely:

- (a) The licence holder's name and licence number
- (b) The date the licence expires.
- (c) And in addition to this either a legible image of the licence, or a clearly identified link to such image, must be clearly displayed on the website.

The licence will be subject to the following conditions:

- (a) No alcohol shall be delivered on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day.
- (b) Alcohol may be sold from the premises at any time on any day, and delivered somewhere else for consumption off the premises, only on the following days and during the following hours:

Monday to Sunday 6.00 am to 11.00 pm

- (c) The licensee shall ensure that the provisions of regulation 14 of the Sale and Supply of Alcohol Regulations 2013 relating to the sale and supply of liquor to prohibited persons are observed and shall display appropriate signs on the Internet web page detailing the statutory restriction on the supply of alcohol to minors.
- (d) The Licensee must display on its website and in its catalogue and on every receipt issued for alcohol sold remotely:
 - (i) The licence holder's name and licence number;
 - (ii) The date on which the licence expires;
 - (iii) A legible image of the licence, or a clearly identified link to such image, to be displayed in a prominent place on the website.

DISPLAY OF LICENCE

A copy of this licence must be displayed in a prominent position on the website or, as an alternative, a clearly identified link to such an image to be displayed.

DATED at Dunedin this 2nd day of November 2020


Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COMMITTEE

