

**IN THE MATTER**

**AND**

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of the Sale and Supply of Alcohol Act  
2012

of an application by **General Distributors Limited** for 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 100 Taupo Quay, Whanganui and known as "Woolworths Whanganui".

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for renewal of Off-Licence was advertised in the Whanganui Chronicle on the 5 and 12 December 2024 with no objections received. No matters of opposition were raised under section 128 and 129 reports; therefore the matter was considered by the Whanganui District Licensing Commissioner on the papers contained in the full file provided by the secretary in accordance with the provisions of s.202 (1) and 191(2) of the Sale and Supply of Alcohol Act 2012.

**Commissioner: Stuart Hylton**

**DECISION OF THE WHANGANUI DISTRICT LICENSING COMMITTEE**

***Application***

(1) The premises at 100 Taupo Quay, Whanganui is currently operating as an off licence 'Supermarket' (036/OFF/001/2016) and this application is to renew the licence. This is the fourth renewal of the licence and there are no changes sought to conditions..

(2) The application to renew was made on 4 December 2024 on the prescribed form. The general nature of the business will continue to be that of a 'Supermarket'.

(3) The Woolworths Whanganui Supermarket is a long established Whanganui supermarket that has been run by General Distributors Limited for a number of years as part of their significant chain of supermarkets both around New Zealand and Australia. The premise is 'undesignated' and has not come to the notice of enforcement agencies in an adverse manner during the renewal period.

- (4) The complete file that I received included –
- The application
  - Supplementary Information in support of the application by the company
  - Copy of Certificate of Incorporation
  - Responsible Service of Alcohol Policy
  - CPTED assessment
  - Alcohol, tobacco and age-restricted items policy and training
  - Copy of current licence
  - Floor plan received that included a demarcated single alcohol area
  - Copy of draft renewal public notices
  - Copy of fire evacuation scheme statement
  - Reports from Police, Medical Officer of Health and Inspector

***Decision Making***

(5) In considering this application for renewal of Off-Licence the District Licensing Committee (here in after referred to as "the Committee") had regard to the criteria specified under s. 131 of the Act.

(6) The Committee must also have regard to the stores display and promotion of alcohol and set a condition in relation to 'single alcohol area/s' in accordance with s. 112 of the Act. That section is copied for clarity:

**s. 112 Compulsory conditions relating to display and promotion of alcohol in single area in supermarkets and grocery stores**

*(1)The purpose of this section and [sections 113](#) and [114](#) is to limit (so far as is reasonably practicable) the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol, and advertisements for alcohol.*

*(2)The licensing authority or licensing committee concerned must ensure that, when it issues or renews an off-licence for premises that are a supermarket or grocery store, it imposes on the licence a condition describing one area within the premises as a permitted area for the display and promotion of alcohol.*

*(3)On the renewal of an off-licence for premises that are a supermarket or grocery store, any single-area condition imposed when the licence was issued (or was last renewed) expires.*

*(4)Subsection (3) is subject to [section 115\(4\)](#).*

(7) Sections 113 to 115 go on to further describe the requirements when determining 'single alcohol area/s'.

(8) The purpose of a single alcohol area under the Act is to limit, so far as is reasonably practicable, the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol.

(9) The application contained the following information to assist the Committee to make its decision on the s.112 - 114 matters:

- A copy of a premise floor plan indicating the area where alcohol is to be displayed, and
- Inspectors report that discusses the proposed 'single alcohol area', and
- Medical Officer of Health's report.

Additionally the Committee undertook its own inspection of the premise to view the current single alcohol area.

(10) The Inspector in his report has viewed the current single alcohol area and comments – *"This premises situates their single alcohol area to the rear (North) of aisle 1 (Eastern side) of the premises entrance area. This provides the best available location for the single alcohol area and the limiting of general public access to this area. There are no known concerns recorded and management and oversight of the licensed area impresses as effective. There is no change noted to the design and layout of the premise as previously licensed and this appears to function well."*

(11) The Committee in considering the aspect of single alcohol area made a site visit to the premises in question. The premise is a large sized supermarket store for the City catering for all the needs of a person on a grocery-shopping trip. The premise forms part of a larger retail complex known as Trafalgar Store. The store is spacious with a natural entrance through a fruit and vegetable section prior to entering into long aisles of foodstuffs, cleaning products etc.

(12) The single alcohol area is on the immediate left hand side of the premises to the left of the fruit and vegetable stands. Although shoppers entering the store can see and some would pass by the proposed single alcohol area, as a matter of normal shopping experience they do not enter into the single alcohol area from when they enter the store through to the check outs unless they consciously decide to.

(13) Compared with the store as a whole, the display is not large or unnecessarily extravagant and little or no alcohol advertising was seen in this area during the site visit.

(14) This single alcohol area, in my view, is outside –

- the most direct pedestrian route between the entrance to the premises and the general point of sale.
- the most direct pedestrian route between the main body of the premises and the general point of sale.

This is a requirement of s.113 (5)(b). This being my finding and with all agency reports not offering any opposition the single alcohol area as proposed on the renewal application is deemed compliant.

### **Sections 105/131 Analyses:**

**(15) the object of this Act:**

Both the Inspector and Medical Officer of Health inquired into the application seeking evidence that the object of the Act will be complied with under this licence. It is noted that the premise has not come to the notice of the authorities in an adverse way during the renewal period. Provided the supplied Responsible Service Policy provided by the applicant is followed, the object of the Act should be complied with.

**(16) the suitability of the applicant:**

The applicant is a private company incorporated in 1987. The applicant is a wholly owned subsidiary of Progressive Enterprises Limited who also operate a significant number of other outlets in New Zealand. The applicant supplied nine names of certified managers to be employed on the premises, which is seen as generous.

The inspector and reporting agencies do not challenge suitability of the applicant and neither does the Committee.

**(17) any relevant local alcohol policy:**

Accords with LAP.

**(18) the days on which and the hours during which the applicant proposes to sell alcohol:**

Applicant has applied for the existing trading hours i.e.

**Monday to Sunday 7.00 am to 10.00 pm.**

These proposed trading hours fall within the default national maximum trading hours allowable and those supported by the LAP.

These are considered reasonable.

**(19) the design and layout of any proposed premises:**

The application included a detailed CPTED assessment received with the application. No issues raised by reporting agencies and I see no issue with design and layout. There is no change noted to the design and layout of the premise as previously licensed and this appears to function well.

Single Alcohol Area layout is discussed earlier in this report.

**(20) 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 renewal of the licence:**

I accept the inspectors assessment that there have been no complaints about nuisance type offences in the area in the past and that if managed well this should continue.

**(21) whether the applicant has appropriate systems, staff, and training to comply with the law:**

The applicant has nominated nine managers of varied experience and skills. The inspectors report notes – *"Within the application 'schedule 2' provides supporting evidence at to their level and sufficiency of ongoing manager numbers, training systems, records of training, staff meetings etc. These guidelines/directions appear to have been followed throughout the previous licensed period and no issue or concern is noted in regard to staff support related to training and compliance education and management"*.

### **Reporting Agencies**

(22) The following reports were received under section 103/129 of the Act.

(23) **Police** – Report received on 7 January 2025, of **no opposition**.

(24) **Medical Officer of Health** - Report received on 3 February 2025, of **no opposition**.

(25) **Licensing Inspector** - Full report dated 10 February 2025. The inspector provided, amongst other things, his assessment of the application in relation to the Act. He also assessed the application against s105 criteria. This assessment has been referred to in this report.

The inspector concluded that the application is complete and will likely meet the criteria for renewal with existing conditions.

***Committees Decision and Reasons***

(26) Based on the evidence provided to me within the complete file, lack of opposition from the relevant agencies, my site inspection and my assessment above, I conclude that the application meets the s. 105/131 criteria under the Act to be granted renewal of an off-licence for the premise situated at 100 Taupo Quay, Whanganui, known as 'Woolworths Whanganui'.

(27) Accordingly the application is **approved** for **renewal for three years** subject to the existing conditions and payment of any outstanding fees, if any.

**Dated at Whanganui District this 11th day of February 2025.**

**Signed**



**Stuart Hylton**  
**Whanganui District Licensing Commissioner**

