

OFF-LICENCE

Sections 17 to 20, 40 and 64, Sale and Supply of Alcohol Act 2012

Artigiano Imports Limited Licence Number 45/OFF/035/2022

Pursuant to the Sale and Supply of Alcohol Act 2012 (the **Act**), Artigiano Imports Limited (the licensee) is authorised to sell alcohol from the premises situated at 53 Puriri Road, Waikanae and known as Artigiano Imports, to any person for consumption off the premises.

Endorsement

Section 40 of the Act applies to this licence; and the licensee is authorised to sell alcohol from (but not on) the premises and deliver it somewhere else.

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:

1. The remote sale of alcohol may be made at any time on any day.
2. Alcohol may only be delivered Monday to Sunday between the hours of 6am and 11pm.
3. No alcohol is to be delivered on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day.
4. All deliveries of alcohol must be signed for by a person aged 18 years or over.
5. Internet ordering of alcohol must require the buyer to declare in two places that they and the recipient of the alcohol are both over 18 years of age.
6. The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed.
7. The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the safe and responsible consumption of alcohol, and minimising alcohol related harm.
8. A copy of, or a link to, the licence must be prominently displayed on the website.

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 licence is duly made before the licence 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 of 4 years after the day it was issued.

Dated at Paraparaumu on 12 October 2022



Secretary
Kapiti Coast District Licensing Committee

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, the licence expires on:

9 March 2025

Note: This Licence replaces licence number 45/OFF/019/2021 issued by Kapiti Coast District Licensing Committee

Decision No: 45/035/2022

IN THE MATTER

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

AND

IN THE MATTER

of an application by Artigiano Imports Limited
for renewal of an Off Licence pursuant to
section 127 of the Act in respect of premises
situated at 53 Puriri Road, Waikanae known
as Artigiano Imports.

BEFORE THE KAPITI COAST DISTRICT LICENSING COMMITTEE

Chairperson: Rob McCann

DECISION (ON THE PAPERS)

This is an application by Artigiano Imports Limited for the renewal of an Off Licence endorsed under section 40 of the Act in respect of premises situated at 53 Puriri Road, Waikanae, known as Artigiano Imports.

The general nature of the business to be undertaken is that of a remote seller. This application relates to the renewal of the licence first issued on 9 March 2021.

The application was duly advertised and no objection or notice of desire to be heard has been received. The application was duly forwarded to the Police, Medical Officer of Health and the Inspector and no opposition to the application was received.

I am satisfied as to the matters to which we must have regard as set out in section 131 of the Sale and Supply of Alcohol Act 2012. Accordingly I deal with the matter on the papers.

DECISION

The District Licensing Committee Chairperson, acting pursuant to the Sale and Supply of Alcohol Act 2012, approves the application by Artigiano Imports Limited for the renewal of the Off Licence endorsed under section 40 of the Act for premises situated at 53 Puriri Road, Waikanae, trading as Artigiano Imports. This licence will issue for the period of three years from the date of expiry of the last issue or renewal of this licence and is subject to standard conditions.

The licence may issue immediately.

DATED at Paraparaumu on 10 October 2022.



Rob McCann
Chairperson
Kapiti Coast District Licensing Committee

Sale and Supply of Alcohol Act 2012

INSPECTOR'S REPORT

File Reference: OFF878

INSPECTOR: Antoinette Bliss
DATE: 2 October 2022

Application Type:	OFF Licence
Section of Act:	Section 100, Sale and Supply of Alcohol Act 2012
Date of Application:	12th January 2021
Applicant:	Artigiano Imports Limited
Address:	53 Puriri Road, Waikanae
Premises Trading Name:	Artigiano Imports Limited
Principal Purpose:	Remote Sales

APPLICATION

Artigiano Imports Limited has made an application under section 100 of the Sale and Supply of Alcohol Act 2012 (the Act), for an Off Licence pursuant to section 100 of the Act, to sell alcohol for consumption off the premises, situated at 53 Puriri Road, Waikanae, and known as Artigiano Imports.

The applicant proposes to undertake remote sales only and, therefore, seeks an endorsement of the licence under section 40 of the Act.

PREMISES DESCRIPTION/BACKGROUND

The applicant imports Italian wines directly from the winegrowers in Italy, which will be sold direct to the public via online ordering. The applicant currently supplies wholesale to restaurants and fine wine stores.

The premises meet the criteria under sections 32 to 36 of the Act for the kinds of premises that can hold an Off Licence, as the general nature of the premises is that of a non-retail premises where a minimum of 85% of the revenue is from remote sales of alcohol, the principal business being the sale of wine.

The premises are owned by the director/shareholder of the applicant company and no alcohol will be stored on the premises. The wine is imported from Europe, stored in a

warehouse in Seaview, Lower Hutt and will be distributed direct to customers who have placed an order through the website www.artigianoimports.co.nz.

The application falls within the low cost/risk rating under sections 5 to 7 of the Sale and Supply of Alcohol (Fees) Regulations 2013, in that it is an Off licence for remote sales. The corresponding fee for the application was \$609.50 and the annual fee payable before issue of the licence is \$391.00.

BUILDING AND PLANNING MATTERS

Pursuant to section 100(d) of the Act, the application is accompanied by a statement by the applicant (dated 21 December 2020 and confirmed by an Authorised Fire Safety officer) that because of the nature of the building, its owner is exempt from the requirement to provide and maintain such a scheme as per section 76 of the Fire and Emergency New Zealand Act 2017.

Pursuant to section 100(f) of the Act, a certificate is attached to the application, dated 9 November 2020, stating that the proposed use of the premises meets the requirements of the Resource Management Act 1991.

Pursuant to section 100(f) of the Act, a certificate is attached to the application, dated 8 September 2020, stating that the proposed use of the premises meets the requirements of the Building Code.

NOTIFICATION

The application was publicly notified twice in the Kapiti Observer on 4 February 2021 and 11 February 2021 respectively.

Copies of these notices have been perused, are accurate, and are held on file. A notice of application was placed on the site in accordance with section 101(a) of the Act.

OBJECTIONS

The District Licensing Committee Secretariat did not receive any objections to the application in accordance with section 102 of the Sale and Supply of Alcohol Act 2012.

STATUTORY CRITERIA

THE OBJECT OF THE ACT

- *The sale, supply and consumption of alcohol should be undertaken safely and responsibly*
- *The harm caused by the excessive or inappropriate consumption of alcohol should be minimised*

HOST RESPONSIBILITY

The premises have a comprehensive host responsibility policy (a copy is attached to the application).

Signage

- The requirement to display the licence and prohibited persons signage on the premises (sections 56 and 57) does not apply to Off licences endorsed under section 40.
- The requirements to display the licence under Sale and Supply of Alcohol Regulations 2013 15(1) will be met when the internet site is live.

Alcohol to be sold

- The applicant imports Italian Wines, the intention of the online sales is not to undercut current trade customers.
- Tastings of alcohol are not offered on the premises.

Promotion

- Promotion will be done through social media, internet and word of mouth.
- The applicant advises the premises will not engage in unacceptable promotions.

Mechanism of selling alcohol

- The applicant will conduct online sales in accordance with the requirements for remote sales.
- Phone enquiries are handled in accordance with the requirements for remote sales.
- Mail orders are handled in accordance with the requirements for remote sales.

Delivery

- Via a courier company during hours outlined.
- Signature required from a person 18+ and the courier company are under instruction not to not leave packages.

Conditions and Undertakings

- The applicant agreed to the following condition be added to their licence and undertaking in an email dated 22 February 2022 (held on file)

Additional condition

- All deliveries of alcohol must be signed for by a person aged 18 years or over.

Undertaking

- That you have read and understood The Sale and Supply of Alcohol Act 2012 and The Sale and Supply of Alcohol Regulations 2013 requirements that need to be met to sell alcohol remotely. Remote sellers use the internet (includes social media), telephone, mail or other means to sell and deliver alcohol to a person who is not at the premises.
- That you will undertake to implement the systems required for remote sellers as outlined below in regards to the "internet" and advise Alcohol Licensing Inspector when complete, prior to undertaking any sale of alcohol by this method. The Alcohol Licensing Inspector will complete a check.

Inspection:

While an inspection of the premises was not considered necessary as no direct sales take place on the premises, an inspection of the website and social media was conducted and ongoing discussions have been held with the applicant around the following:

- **Internet site**
 - *Reasonable steps to verify that minors are not purchasing alcohol*
 - Section 14(a) and (b) comply (refer attachments with application material).
 - *Information to be provided by remote sellers*
 - Section 15(1) and (3) comply (refer attachments with application material).
- **Telephone order**
 - The applicant confirmed that procedure in section 14(3) is complied with.
- **Physical order form**
 - The Applicant advised they do not use physical order form for ordering, customers are directed to website.

Given the nature and price of the products available for sale, in my opinion, the risk of minors attempting to make a purchase is low.

Conclusion:

The applicant has provided adequate information and documentation to demonstrate that suitable measures are being undertaken to ensure the responsible sale of alcohol, and that harm will be minimised.

SUITABILITY OF THE APPLICANT

The applicant is a private company, duly incorporated under the Companies Act 1993 on 1 February 2001 (reference no. 1111916).

The company has one director and shareholder, Richard Evan Klein.

Richard Klein has a long experience in hospitality, he co-owned and ran Maria Pia's Trattoria in Wellington from 2001 through to 2011, during which time he held a General Managers Certificate from the Wellington City Council. Artigiano Imports was founded in 2004 by Mr Klein. He initially began importing Italian wine for his restaurant. Since he sold the restaurant he has continued to build the business and now has customers across New Zealand. The majority of the customers are restaurants and wine bars. Artigiano Imports has become the leading importer for high quality Italian wines with a speciality in organic & natural wines.

Artigiano Imports is a team of just two people. In 2020 Richard hired Blair Fryer as Operations Manager. Richard is the owner and director of Artigiano Imports. His day to day role is sales management, marketing and directing the strategic development of the company. Blair Fryer's role as Operations Manager is administration, accounts, sales support and logistics.

Based on my discussions with the applicant, my inspection of the premises, the supplementary documentation accompanying the application, and the reports filed, it is my

opinion that the applicant is aware of their responsibilities under the Act, and is suitable to operate under the licence.

LOCAL ALCOHOL POLICY

The Kapiti Coast District does not have an adopted and operative Local Alcohol Policy at the present time.

DAYS AND HOURS DURING WHICH THE APPLICANT PROPOSES TO SELL ALCOHOL

Holders of licences endorsed under section 40 are exempt from the restrictions as to trading hours contained in sections 46 and 48 of the Act. Therefore, the applicant proposes to sell alcohol on the following days and during the following hours:

- At any time on any day

However, in relation to delivery of alcohol by holders of licences endorsed under this section, delivery is subject to the restrictions contained in section 48 which relate to the sacrosanct days and those set out in section 59 with regard to times.

Therefore, deliveries must not be made:

- Between 11pm and 6am
- Anytime on Good Friday, Easter Sunday, Christmas Day
- Before 1pm on Anzac Day

The premises are zoned Residential and rules and standards around 'home occupation' under the Kapiti Coast Proposed District Plan Appeals Version 2018 apply. The applicant advises that all deliveries take place from a warehouse in Seaview, Lower Hutt.

DESIGN AND LAYOUT OF THE PREMISES

The premises are a residential dwelling, owned and inhabited by Mr Klein who conducts the online sales business.

No Crime Prevention through Environmental Design (CPTED) assessment of the premises has been undertaken by the applicant. Such an assessment is not considered necessary as no alcohol is kept on the premises and no customers visit the premises.

DESIGNATIONS

No designation is required as customers do not visit the premises.

THE SALE OF GOODS AND THE PROVISION OF OTHER SERVICES

The applicant is not engaged in, and does not propose to engage in, the sale of goods or the provision of services other than those directly related to the sale of alcohol.

AMENITY AND GOOD ORDER OF THE LOCALITY

The following areas have been considered with respect to the amenity and good order of the locality and the effect of the licensed premises:

Current and possible future levels of noise, nuisance and vandalism:

Customers do not visit the premises as no alcohol is kept on the premises. Therefore, there is no potential for noise, nuisance or vandalism issues to arise.

Sensitive uses/activities:

There are no sensitive uses or activities located within 500 metres of the premises which could be impacted by the granting of the licence.

The number of premises for which the same kind of licences are already held:

There are no other licensed premises within 500 metres of the premises.

Conclusion:

Considering all of the above, in my opinion, the amenity and good order of the locality would not be likely to be reduced, by more than a minor extent, by the granting of this licence.

SYSTEMS, STAFF AND TRAINING

The applicant has provided the following supporting information:

Staff training and development plan:

Under section 212 of the Act, every holder of an Off licence must appoint a manager. However, under section 215(1)(c), the requirement to have a manager on duty at all times when alcohol is being sold does not apply to premises for which an Off licence endorsed under section 40 is held.

One employee has formal manager's qualifications and training:

Manager's Name	Certificate Number	Expiry Date
Cameron Blair Fryer	45/CERT/902/2021	16 February 2022

There are no additional staff involved in the sale of alcohol.

Monitoring systems:

To comply with section 59 and regulation 14 of the Act, the applicant is taking reasonable steps to verify that the buyer of any alcohol via the site, and the receiver of the alcohol, is at least 18 years of age (as discussed earlier in this report).

Sections 56 and 57 of the Act regarding the display of licence and signage on the premises do not apply to Off licences endorsed under section 40.

A review of the supporting information demonstrates that the applicant has appropriate systems, staff and training to meet the requirements of the Act.

REPORTS FROM OTHER AGENCIES

The NZ Police have inquired into the application, and do not oppose the granting of the licence. A copy of the report, dated 4 February 2021, is attached to the application.

The reporting Officer for the Medical Officer of Health has inquired into the application, and does not oppose the granting of the licence. A copy of the report, dated 18 February 2021, is attached to the application.

RECOMMENDATION

Having regard to the particulars of the application and the relevant statutory criteria under the Act, I do not oppose the application, and recommend that the licence be renewed for a period of three years.

I do not recommend any additional discretionary conditions be imposed on the licence.



Antoinette Bliss
Licensing Inspector
Kāpiti Coast District Council

Attachment 1: Plan of licensed area

Attachment 1: Plan of licensed area

