

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of five applications by
BEAVER LIQUOR LIMITED
pursuant to s.127 of the Act
for the renewal of off-
licences in respect of
premises situated in
Queenstown, Frankton,
Arrowtown and Wanaka, and
known generally as “Bettys
Liquor Store”

BEFORE THE QUEENSTOWN DISTRICT LICENSING COMMITTEE

Chairman: Mr E W Unwin
Members: Mr L A Cocks
Mr J M Mann

FURTHER HEARING at QUEENSTOWN on 1st December 2016

APPEARANCES

Messrs R W K Gray and F D Spary – representing the Applicant
Sergeant T D Haggart – NZ Police – to assist
Dr D W Bell – Medical Officer of Health – in opposition
Ms S H Swinney – Licensing Inspector – to assist

MEMORANDUM OF THE COMMITTEE

[1] This memorandum is issued following the resumption of the public hearing which was held on 29th August 2016 and which resulted in an interim decision dated 22nd September 2016 (QLDC 0031/16). In the interim decision we called for a new business plan from the applicant. The new plan and accompanying spreadsheet was duly presented on 26th October 2016. Because there were some misgivings about the plan, a second hearing was scheduled.

[2] At the hearing we received further evidence from Mr R W K Gray as well as submissions from Dr D W Bell (Medical Officer of Health) and Ms S H Swinney (Licensing Inspector). In brief the Company has a new plan to ensure that all five businesses achieve the 85% threshold for sales of alcohol. The strategy is to return to the previous model of how “Betty's” was operated. That is to position the Cow Lane store as the flagship distributor to other “Betty's” outlets as well as other trade

customers, in particular those owned and/or operated by the Good Group Limited. There will be a drive to increase customer trade sales via the internet as well as normal trade. In addition there will be a reduction of a third of the range of cigarettes on offer. The company is confident that by driving trade sales up and reducing cigarette sales, it can achieve the legal target set by the Act.

[3] The plan resulted in some disquiet from the Medical Officer of Health who submitted that it was “flawed”. The Inspector was content to wait and see what the new plan produced, but was concerned that the annual increase of tobacco tax could impact on the new plan. It is fair to say that the members of the Committee were somewhat sceptical about whether the new plan had sufficient merit. However, the company has received legal advice that the proposal is not in any way contrary to the Act. A copy of that opinion is to be sent to all parties either in its present form (an e mail) or in a new document.

[4] We were satisfied that the company is taking the matter seriously, and it seems to us that if the new proposal is legal, and if it works, then that is the end of the matter. It is entitled to have its licences renewed, although some form of monitoring may be added to the conditions of the licence.

[5] The company has six months to establish that it can meet its legal obligation (the 85% threshold) in all five outlets. We suggest from 1st December 2016 to 31st May 2017. At the hearing the end of June was mentioned but we are anxious for the new plan to take effect immediately. As soon as possible after 31st May 2017 we expect to receive figures from each store showing annual sales revenue of alcohol products for the six month period, as well as the percentage of such sales to total. These figures will be audited or verified by McCulloch and Partners. We will then decide whether to make the interim decision final or whether to schedule a further public hearing.

DATED at QUEENSTOWN this 5th day of December 2016



Mr E W Unwin
Chairman