

# MEETING – AGENDA –

Ngā Take



# REGULATORY HEARINGS COMMITTEE

Komiti Whakariterite Kōrero

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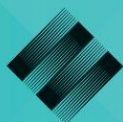
**RH21-1**

**Thursday, 23 September 2021**

**Council Chambers**

**Barkes Corner, Tauranga**

**1.00pm**



***Western Bay of Plenty  
District Council***

# Regulatory Hearings Committee

## Membership

<b>Chairperson</b>	Deputy Mayor John Scrimgeour
<b>Deputy Chairperson</b>	Cr Mark Dean
<b>Members</b>	Cr Grant Dally Cr James Denyer Cr Murray Grainger Cr Monique Gray Cr Anne Henry Cr Margaret Murray-Benge
<b>Quorum</b>	2
<b>Frequency</b>	As required

## Role:

- To conduct hearings and make decisions of a quasi-judicial nature on statutory and regulatory matters that fall within the scope of the Committee.

## Scope:

- To conduct hearings and make decisions of a quasi-judicial nature on any statutory and regulatory matters that Council is legally:
  - empowered or obligated to hear and determine;
  - permitted to delegate to this Committee under the Local Government Act 2002; and
- To exercise this function in accordance with:
  - the applicable legislation;
  - the Council's strategies, policies and plans; and
  - the principles of administrative law and natural justice.
- Regulatory matters include (but are not limited to) dog control matters and matters arising from the exercise of Council's enforcement functions.

## Power to Act:

- All powers, duties and discretions necessary to conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any statutory and regulatory matters that are within the scope of the Committee, and that the Council is legally empowered or obligated to hear and determine, including but not limited to:
  - all powers, duties, and discretions necessary to hear and make decisions on behalf of the Council in respect of any matter that the Council is empowered or obligated to hear and determine under the Dog Control Act 1996, Gambling Act 2002, Food Act 2014, Litter Act 1979, Local Government Act 1974, Local Government Act 2002 or any other Act, or under any bylaw, as required.
- The power to establish and amend hearings protocols relating to the general conduct of hearings and hearings-related matters in accordance with the applicable legislation and the principles of administrative law and natural justice.
- The power to co-opt expert advice on an 'as required' basis.

- The power to consider, hear and make decisions on any matter relating to temporary road closures under the Transport (Vehicular Traffic Road Closure) Regulations 1965 and clause 11 Schedule 10 Local Government Act 1974.

## Chairpersons Delegations:

- Pursuant to the provisions of the Sale and Supply of Alcohol Act 2012, the power to appoint from the District Licensing Committee list of members, a quorum of appropriately qualified members to hear and decide on specific applications.

For the avoidance of doubt, the Regulatory Committee does not have the power to hear matters relating to the Sale and Supply of Alcohol Act 2012 or Resource Management Act 1991 (including plan changes, private plan changes or notified resource consent applications).

Notice is hereby given that a Regulatory Hearings Committee Meeting will be held in the Council Chambers, Barks Corner, Tauranga on:  
Thursday, 23 September 2021 at 1.00pm

## Order Of Business

<b>1</b>	<b>Present .....</b>	<b>5</b>
<b>2</b>	<b>In Attendance .....</b>	<b>5</b>
<b>3</b>	<b>Apologies .....</b>	<b>5</b>
<b>4</b>	<b>Declarations of Interest .....</b>	<b>5</b>
<b>5</b>	<b>Public Excluded Items .....</b>	<b>5</b>
<b>6</b>	<b>Hearings .....</b>	<b>5</b>
<b>7</b>	<b>Reports .....</b>	<b>6</b>
7.1	Annual Report on Dog Control Policy and Practices 2020-2021 .....	6
7.2	Annual Report on Western Bay of Plenty District Licensing Committee 2020-2021 .....	16

- 1      PRESENT**
- 2      IN ATTENDANCE**
- 3      APOLOGIES**
- 4      DECLARATIONS OF INTEREST**
- 5      PUBLIC EXCLUDED ITEMS**
- 6      HEARINGS**

## 7 REPORTS

### 7.1 ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2020-2021

**File Number:** A4101468

**Author:** Alison Curtis, Compliance and Monitoring Manager

**Authoriser:** Rachael Davie, Group Manager Policy Planning And Regulatory Services

#### EXECUTIVE SUMMARY

1. Section 10A of the Dog Control Act 1996 requires Council to publicly report, each financial year, on the administration of our Dog Control Policy and practices along with specified dog control related statistics.

The content of the attached report is based on the requirements of the Dog Control Act 1996.

The format of this report is as required by the Ministry of Internal affairs and only includes incidents involving dogs.

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#### RECOMMENDATION

1. That the Compliance and Monitoring Manager's report dated 18 August 2021 and titled 'Annual Report on Dog Control Policy and Practices 2020-2021' be received.
2. That pursuant to Section 10A of the Dog Control Act 1996, the Western Bay of Plenty District Council annual report on Dog Control Policy and Practices for 2020-2021 be adopted and publicly notified.

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#### BACKGROUND

2. Council, as a territorial authority, is required to manage and enforce provisions pursuant to the Dog Control Act 1996 (the Act). Section 10A of the Act requires the Council to report on its Dog Control Policy and practices.
3. The attached report details Council's activities under the Dog Control Act 1996 and fulfils this statutory requirement for the dog registration year 1 July 2020 to 30 June 2021.

#### SIGNIFICANCE AND ENGAGEMENT

4. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy to guide decision on approaches to engagement and degree of options analysis. In making this formal assessment it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
5. In terms of the Significance and Engagement Policy this decision is considered of low significance.

**ENGAGEMENT, CONSULTATION AND COMMUNICATION**

<b>Interested/Affected Parties</b>	<b>Planned Communication</b>		
Secretary for Local Government	Dog Control and Policy Report for 2020-21 copy sent within 1 month of adoption by Council, in accordance with legislative requirements.	Planned	Completed
Tangata Whenua	As per general public		
General Public	Dog Control and Policy Report for 2020-21 notified in the newspaper and report copy available on Council's website pages.		

**ISSUES AND OPTIONS ASSESSMENT**

<b>Council adoption of the Dog Control and Activities report</b>	
<b>Reasons why no options are available Section 79 (2) (c) and (3) Local Government Act 2002</b>	<b>Legislative or other reference</b>
This report is required to be produced by Council annually, the content of which is prescribed by the Dog Control Act 1996. Council decision-making is only in relation to adoption of the report.	Dog Control Act 1996. Section 10A. Territorial authority must report on dog control policy and practices.

**STATUTORY COMPLIANCE**

The report and recommendation have been prepared to ensure that Council meets the statutory requirements under the Dog Control Act 1996.

**ATTACHMENTS**

- 1. Annual report on Dog Control Activities 2020-2021** [!\[\]\(2cbb40928a34ecf5ce700a63c52aa374\_img.jpg\)](#) 

Date 21 July 2021  
Subject Annual Report on Dog Control Policy and Practices – 2020-2021

**Open Session**

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## **Western Bay of Plenty District Council: Dog Control Policy and Practices Report 2020-2021**

The Western Bay of Plenty District Council, as a territorial authority, is required to manage and enforce provisions pursuant to the Dog Control Act 1996 (the Act). Section 10A of the Act requires the Council to report annually on its Dog Control Policy and practices.

This report fulfils this statutory requirement for the dog registration year:  
1 July 2020 to 30 June 2021.

### **1. Dog Control Policy and Dog Control Bylaw 2016**

Council reviewed the existing 2011 Dog Control Policy and Dog Control Bylaw, in accordance with the requirements of the Local Government Act 2002 during the 2015-16 year, with introduction of the Bylaw taking effect on 14 October 2016.

The objectives of the policy are:

- To provide adequate opportunities to fulfil the exercise and recreational needs of dogs and their owners, including off leash exercise.
- To minimise the danger, distress and nuisance (of dogs) to the community generally.
- To minimise the likelihood for conflict between dogs and the public or environment, by restricting access for dogs to public places where appropriate.
- To avoid danger from uncontrolled dogs having access to public places which are frequented by children whether or not the children are accompanied by adults.
- To minimise, to the extent that is practicable, the public fear of attack or intimidation by dogs.
- To actively promote the responsible ownership of dogs.
- To actively promote public safety and education.

Council promotes the Policy and Bylaw through communications with residents and dogs owners through:

- Dogs of the Western Bay newsletter
- Council webpage and Facebook page
- One on one contact with dog owners
- Council dog events
- Puppy training classes



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## 2. Dog exercise areas

The current policy provides for all public spaces including reserves to be used for dog exercise areas, with dogs under control. A number of reserves are restricted to dogs on leash only, to ensure that conflict between other users and wildlife is avoided.

Council has approved the introduction of dedicated dog parks which will be created in the 4 town centres, Waihi Beach, Katikati, Ōmokoroa and Te Puke over the coming 4 year period (2021-2025). Work will commence in the coming 2021-22 year for the dog park in Te Puke.

## 3. Restricted Areas

Geographical Area	Timeframe
TECT All Terrain Park (excluding the designated dog exercise area)	Year round
Huharua Park	Mixed approach
Ōmokoroa to Bethlehem cycleway, including associated berms and verges	Year round
<b>Scenic Reserves</b>	
Kaiate Falls Scenic Reserve	Year round
Ongaonga Scenic Reserve	Year round
Puketoki Scenic Reserve	Year round
<b>Ōmokoroa Point</b>	
Ōmokoroa Golf Course: Walkway adjacent to sandspit	Year round
Ōmokoroa to Bethlehem cycleway, including the associated berms and verges, except the area at Cooney's Reserve where no restrictions apply (dog under control). For the avoidance of doubt, the area at the end of Beach Grove is a Dogs on Leash Area	Year round
<b>Katikati</b>	
Uretara Walkway between the point where the Riverside Place walkway links onto the Uretara walkway and Park Road Reserve.	Year round
In the town centre area on Main Street (between the Uretara Stream and Fairview road) and Talisman Drive	Year round
<b>Waihi Beach</b>	
Island View Reserve	Seasonal (October to March) The Island View Reserve is restricted to dogs on a leash area between the months of October to March as a result of birds nesting within the reserve during this period.
In the town centre area on Seaforth Road (between Dillon Street and Citrus Avenue)	Year round
<b>Te Puke</b>	
In the town centre area bounded by Queen Street, Boucher Avenue, Commerce Lane, Jocelyn Street, the railway line, King Street, Tom Blaikie Lane and Oxford	Year round

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Street. This includes all areas open to the public within this area.	
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#### 4. Prohibited dog areas

The Council restricts or prohibits dogs in places that have a high potential for conflict between other users and dogs, and are used frequently by the public. Areas that are prohibited include children's playgrounds, areas of intense public use and areas of ecological sensitivity.

Geographical Area	Timeframe
<b>District Wide</b>	
All children's playgrounds (soft play area)	Year round
<b>Plummers Point</b>	
Huharua Park (Ongarahu Pa) The Park comprises some areas which are prohibited to dogs and some which are dogs on leash	Year round
<b>Ōmokoroa Point</b>	
Ōmokoroa Domain – the area between the playground and toilet block	Year round
Sandbars off Cooneys Reserve Ōmokoroa	Year round
Ōmokoroa Esplanade The Ōmokoroa Esplanade is prohibited in Summer Months. However, dogs may pass through the area on leash, using the footpath opposite the Esplanade, as part of the Ōmokoroa to Bethlehem cycleway	Summer months- third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm
The foreshore area between Cooneys Reserve and Lynley Park, adjoining the Ōmokoroa to Bethlehem cycleway	Year round
Ōmokoroa Domain Foreshore	Spring to Autumn -the period between Labour weekend and Easter Monday (inclusive)
<b>Waihi Beach</b>	
Waihi Beach except for year round dog zone The area which is available to dogs year round is the area formed between a line 100m south of Albacore Avenue and a line 100m north of Pio Road	Summer months- third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm
<b>Maketu</b>	
Area between (and including) Park Road Reserve to Maketu Surf Lifesaving Club	Summer months- third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm
Maketu Historic and Local Purpose Reserve	Summer months- third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm
Maketu Spit (stretching as far as the cut)	Year round
<b>Pukehina</b>	
Pukehina Spit (Dotterel Point Reserve)	Year round

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## 5. Fees

The Council policy seeks to recover 80% of the total cost associated with dog control through registration and control fees and enforcement. General rates funding is used to meet the remaining 20% of dog related costs, reflecting the wider community benefits of effective dog control. Dog registration fees are set by Council resolution.

## 6. Policy monitoring and compliance

Council has consistently applied the Dog Control Policy and Council's Compliance, Monitoring and Enforcement Strategy when dealing with all matters of dog control over the period 1 July 2020 to 30 June 2021.

This has continued to ensure a fair, unbiased and consistent approach when dealing with either offending dog owners or other interested parties.

Animal Services Officers have continued strategies for the compliance with dog registration within the District which has resulted in achieving 98% registered known dogs.

## 7. Dog Control Statistics

### Section 10A (2) information

The following information is required under section 10A (2) clauses a – g.

The statistical component of this report for the 12 months to 30 June 2019 is as follows:

### Number of registered dogs in Western Bay of Plenty District

Category	2018-19	2019-20	2020-21
Number of known dogs in District	9389	9652	9751
Number of registered dogs in District	9145	9551	9578

### Number of Probationary and Disqualified owners

Category	2018-19	2019-20	2020-21
Number of probationary owners in District	0	2	3
Number of disqualified owners in District	14	17	18

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### Number of Dogs classified as Dangerous (section 31)

Category	2018-19	2019-20	2020-21
Dangerous by owner conviction 31 (1)(a)	2	2	1
Dangerous by sworn evidence 31(1)(b)	15	14	14
Dangerous by owner admittance in writing 31(1)(c)	1	1	1
<b>Total</b>	<b>18</b>	<b>17</b>	<b>16</b>

### Number of dogs classified as menacing (section 33A & 33C)

Category	2018-19	2019-20	2020-21
Menacing by behaviour s.33A(1)(b)(i)	45	37	46
Menacing by breed or type characteristics s.33A(1)(b)(ii)	32	27	13
Menacing by schedule breed or type s.33C(1)	86	77	77
<b>Total</b>	<b>163</b>	<b>141</b>	<b>136</b>

### Number of Infringement notices issued

Category	2018-19	2019-20	2020-21
Failure to register dog	68	53	100*
Other offences	126	104	74
<b>Total</b>	<b>194</b>	<b>157</b>	<b>174</b>

\*The dog infringement numbers for failure to register were higher in the issue numbers due to change in process. Officers have issued infringements with the opportunity for the fine to be waived where dog owners made full payment of the registration (including the registration penalty of 50%) by the end of the next working day. This has resulted in increased compliance with the registration requirement. Of the infringements issued for non-registration 42 have been waived or cancelled. The number of infringements for other offences has decreased with changes in infringement practices, it is anticipated that this will increase as practices become imbedded.

### Number of dog related complaints

Category	2018-19	2019-20	2020-21
Barking	280	257	224
Roaming	413	374	320
Attacked Person	36	37	30
Attacked Animal	103	102	93
Rush at Person	59	73	61
Rush at Animal	47	33	54
Welfare Concern	32	25	40
Other	153	148	172
<b>Total</b>	<b>1123</b>	<b>1049</b>	<b>994</b>

Attack numbers against persons and animals are slightly lower than previous years, this may be due to a number of factors including under reporting by the public.

### Other dog service requests:

Category	2018-19	2019-20	2020-21
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Adoption queries	119	125	75
Education requests	35	19	19
Lost and found	461	409	440
Microchipping request	50	53	81
<b>Total</b>	<b>665</b>	<b>606</b>	<b>615</b>

Dog requests for lost and found has increased in the past year. This is despite the increased use of social media by members of the public to reunite dogs with their owners. The 2019-20 reduction in lost and found calls was due to COVID-19 level 4 lockdown period.

#### **Number of Prosecutions taken**

Category	2018-19	2019-20	2020-21
	0	1	0

No prosecutions were undertaken during the year.

#### **Other initiatives**

##### **Dog owner education and dog events**

Council has undertaken the following events in the community to educate dog owners on dog behaviour and encourage responsible dog ownership.

##### **Dogs' day out event**

This event was held in Katikati at Uretara Domain in February and following on from previous years has been an opportunity for dog owners to engage with staff, and see dog behaviour displays and dog stalls. Council's dog microchipping, registration and dog fostering and adoption services are promoted.



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### **Wander Dog walks**

Council undertook a series of dog walks promoting responsible dog ownership and positive community socialisation of dogs. These were well attended and are a great opportunity for dog owners to engage with Council Animal Services staff and other dogs and their owners.



### **Wander Dogs of Western Bay Dog Owner Newsletter**

One dog newsletter was sent to dog owners during the year. The newsletter highlights Council requirements in the Policy and Bylaw, promotes dog events, responsible dog ownership, key registration dates and has dog training tips. Dog communications have also included Facebook information and information on Council's webpages.

### **TECT Park- Dogs Mud Run**

TECT Park 10<sup>th</sup> birthday celebrations 28 November 2020 included a mud dog run event. This event was very popular with families, provided good opportunities for dog socialisation and promoted the dog exercise spaces at TECT Park.

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### **Dog Owner Education**

Community dog education was also undertaken by staff with workplace groups, and to dog owners in conjunction with Te Puke Vets & Tauranga, Katikati and Te Puna Vets.



## **7.2 ANNUAL REPORT ON WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE 2020-2021**

**File Number:** A4101501

**Author:** Alison Curtis, Compliance and Monitoring Manager

**Authoriser:** Rachael Davie, Group Manager Policy Planning And Regulatory Services

### **EXECUTIVE SUMMARY**

1. This report provides information on the Western Bay of Plenty District Licensing Committee activities for the twelve-month period 1 July 2020 to 30 June 2021. This information is also provided to the Alcohol Regulatory Licensing Authority in Wellington as required under the Sale and Supply of Alcohol Act 2012.
2. The information listed in this report is in direct response to the reporting requirements of the Alcohol Regulatory Licensing Authority.

### **RECOMMENDATION**

That the Compliance and Monitoring Manager's report dated 18 August 2021 titled 'Annual Report on Western Bay of Plenty District Licensing Committee 2020-2021' be received and the information noted.

### **BACKGROUND**

3. The annual report provides a summary of activities for the Western Bay of Plenty District Licensing Committee. The information is required under the Sale and Supply of Alcohol Act 2012.
4. The statistical information is provided to the Alcohol Regulatory Licensing Authority through an online survey. The financial information for the financial year 1 July 2020 to 30 June 2021 is reported separately.

### **OVERVIEW OF DISTRICT LICENSING COMMITTEE WORKLOAD**

5. The District Licensing Committee (DLC) has had no formal meetings or hearings during the period 1 July 2020 to 30 June 2021. There have been no public objections or matters in opposition that have required the District Licensing Committee to determine the licence outcome through a public hearing.

### **DISTRICT LICENSING COMMITTEE INITIATIVES**

6. On-line applications through Council's website for special licences, manager's certificate and on licence applications can be received through Council's website. Further licence application types are to be introduced online in the 2021- 2022 year.
7. Public advertising of licence applications via Council's website is to be introduced in 2021-22.

### **LOCAL ALCOHOL POLICY AND BYLAW**

8. The combined Tauranga City Council and Western Bay of Plenty District Council Local Alcohol Policy (LAP) came into force on 16 November 2015. The LAP is required to be reviewed every six years. The review is currently underway.
9. The Local Alcohol Policy reduced the trading hours for premises with later trading licences that were operating within the Western Bay of Plenty District since its adoption in 2015. The reduced premises trading hours apply across the District (maximum trading to 1am for on-licences and 10pm for off-licences).



10. The Liquor Control Bylaw 2016 applies in the District and the areas controlled include Katikati Township, Waihi Beach and Te Puke Township.

### IMPACT OF COVID-19 ON DLC OPERATIONS

11. Covid-19 has impacted on DLC operations. There initially was a reduction in the number of applications lodged, specifically Manager's Certificates and special licence applications during levels 4 and 3 (total applications for 2019-20 was 231). The number of applications (post lockdown) for 2020-21 (365) represents a 5 year high.
12. The only direct manner in which it has impacted operations is through the introduction of the pandemic provisions through the Immediate Modification Order (IMO) that provide for reporting agencies reporting deadlines to be extended. This has negatively impacted on turnaround times for businesses to obtain new licences and licence renewal processing
13. The DLC considers that the IMO allowed too much provision for time extension. There was no consultation directly with DLC's as to what was, or wasn't possible during lock down. There should have been the opportunity for DLCs to consider and determine licences in certain circumstances without the input from Police and Medical Officer of Health.
14. This has directly impacted premises who have applications for NEW licences and are waiting to have their licences determined.
15. One of the tasks DLCs have is to administer the Act in a reasonable manner. The delays caused by the IMO for some new applicants has been unreasonable.

### DLC COMMENTARY - HOW THE ACT IS ACHIEVING ITS OBJECT

16. The Alcohol Regulatory Licensing Authority in this year's annual report survey has requested comment on how the Sale and Supply of Alcohol Act 2012 is achieving its object. Note: the object of the Sale and Supply of Alcohol Act 2012 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.
17. The following feedback was provided to the survey in the 2019-20 year and there are no changes or additions to the feedback previously provided.
18. Actions have been taken locally that have contributed to the overall object of the Act.
  - Sales and supply and availability of alcohol through off licences are being addressed. There are tighter controls on alcohol display and promotion in supermarkets, with alcohol less prominently displayed and promoted to patrons.
  - Applications for off licences in town centres are being closely scrutinised in relation to single sales, and the wider impact of off-site consumption, including public place drinking and associated antisocial behaviour. Single can sales from off licensed premises have been reduced through conditions applied to licences in town centres. Conditions are being applied as licence applications (new and renewal) are received.
  - Club licences have been closely assessed and inconsistencies with Club constitutions addressed for membership types and affiliated memberships.
  - Duty Managers certificates are assessed through interviews as part of the application process as it is recognised that managers are key to ensuring compliance with the objectives of the Act.
  - The income from annual fees has been beneficial in increasing the funding for monitoring by Council of licensed outlets. Increased inspections and interactions with licensees has seen an improvement in the knowledge of requirements by licensees, and compliance with the Act.

**DLC COMMENTARY- CHANGES OR TRENDS IN LICENSING SINCE THE ACT CAME INTO FORCE**

19. That ordinary citizens making an objection to another bottle store (as an example) in their community face an extraordinary hurdle in making a compelling argument against skilled and often “lawyered up” applicants. Objectors are often unskilled in this area and the whole process can be quite daunting for them.
20. It is difficult to get public objections and for them to maintain their objections right through to the hearing. Applicants and lawyers are aware that without LAP provisions in place to limit licensed premises numbers, e.g. OFF Licences in an area, it is difficult for communities to mount an argument sufficiently strong to stop another bottle store opening in their area.
21. There is currently no requirement for proving a need when another outlet is proposed in an area that is already well served, and in many low socio-economic areas the number of outlets is high particularly.
22. Tightening of drink-drive levels has seen more premises offer more food options instead of expanding alcohol offerings. This has been a positive spin off for all parties. While not directly related to changes introduced by the Sale and Supply of Alcohol Act, it is a positive trend.
23. Craft beer options are expanding and creating a culture of their own. Even though they are generally higher in alcohol content they are also higher in price. As most beer drinkers are price sensitive, they appear to be savouring the craft beer options and going for quality over quantity, this is having a positive effect on consumption.

**DLC COMMENTARY- WHAT CHANGES TO PRACTICES AND PROCEDURES UNDER THE ACT WOULD BE BENEFICIAL**

24. The Sale and Supply of Alcohol Regulations 2013 include provisions around grocery stores. Regulation 12(1)(c) requires that a ‘chartered accountant’ verify the figures from prepared accounts.
25. There are additional organisations that have approved advisor group status from the IRD. These three organisations are The Accountants and Tax Agents Institute of NZ, the NZ Institute of Chartered Accountants, Chartered Accountants Australia and New Zealand and CPA Australia.
26. The Regulations should be amended as many grocery store operators have engaged accountancy services from non ‘chartered accountants’ and finding their renewal applications opposed by some of the agencies on the grounds that the figures are not prepared by a chartered accountant.
27. Section 102 (4A) of the Act provides that where an application for a premise is of the same kind as the licence currently in force, and in which the conditions sought are the same, then the only grounds for objection are to the suitability of the applicant.
28. Community feedback is that the application should be treated the same as a new application where the community has the opportunity to address all matters. With a new applicant there is limited knowledge by the community that can be presented in relation to suitability, with unknown applicants and history, this is a very limited scope for the community to address any concerns.
29. Notification requirements continue to be an area of community concern with DLC’s often criticised for not engaging with communities regarding applications being lodged, particularly for licences of interest. The DLC and secretariat is required to be independent and not garner public interest in applications. Further consideration of notification requirements and mechanisms for communities to be engaged in the licensing process is sought.

## FEES RECEIVED

30. Over the 12-month period 1 July 2020 – 30 June 2021 fees totalling \$157,413.18 were collected (this includes fees which have been invoiced in 2019-20, and unpaid until 2020-21) of which \$9,458.75 was apportioned to the Alcohol Regulatory Licensing Authority, as required by the Sale and Supply of Alcohol Regulations 2013.

## APPLICATION TRENDS

31. For trends and comparative purposes, the last four years licence application numbers are listed below.

TYPE	1 July 2020 to 30 June 2021	1 July 2019 to 30 June 2020	1 July 2018 to 30 June 2019	1 July 2017 to 30 June 2018
Special Licenses	120	84	122	94
On Licenses	24	20	26	32
Club Licenses	3	3	16	7
Off Licenses	15	11	14	12
Manager's Certificates	134	132	139	162
Temporary Authorities	12	2	10	17
TOTAL	308	252	327	324

Please note: the numbers for special licences and temporary authorities differ from the annual return provided to ARLA, as the ARLA return reflects applications paid. The variations in this report reflect applications lodged, and may include applications received but not paid for, applications still in process and cancelled.

## ENFORCEMENT AND INSPECTIONS

32. The Licensing Inspector undertakes inspections of premises including:
- inspections of new licensed premises,
  - premises renewing their licence,
  - regular monitoring of premises during trade.
33. 155 licensed premises inspections were undertaken during the year.
34. Controlled Purchase Operation (CPO) visits were undertaken during the year by the Agencies, the number of operations undertaken is not available at this time.

## ATTACHMENTS

1. **Western Bay of Plenty District Council Annual Return 2020-2021** [↓](#) 
2. **Western Bay of Plenty District Council Alcohol Licensed Premises Listing as at 30 June 2021** [↓](#) 

**Appendix 1: Annual return to ARLA****TERRITORIAL AUTHORITY:**WBOPDC**MONTHLY RETURN FOR YEAR ENDING:**2020-2021**On-licence, off-licence and club licence applications received:**

Application Type		Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
ON LICENCE	New	0	3	4	0	0
ON LICENCE	Variation	0	0	0	0	0
ON LICENCE	Renewal	0	6	11	0	0
OFF LICENCE	New	0	0	2	0	0
OFF LICENCE	Variation	0	0	0	0	0
OFF LICENCE	Renewal	0	2	11	0	0
CLUB LICENCE	New	0	0	0	0	0
CLUB LICENCE	Variation	0	0	0	0	0
CLUB LICENCE	Renewal	1	2	0	0	0
<b>Total number</b>		<b>1</b>	<b>13</b>	<b>28</b>	<b>0</b>	<b>0</b>
<b>Total Fee paid to ARLA</b>		<b>\$ 17.25</b>	<b>\$ 448.50</b>	<b>\$1,449.00</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Annual Fees Received - New and Renewal Applications</b>						
<b>Total number</b>		<b>1</b>	<b>13</b>	<b>28</b>	<b>0</b>	<b>0</b>
<b>Total Fee paid to ARLA</b>		<b>\$ 17.25</b>	<b>\$ 448.50</b>	<b>\$1,449.00</b>	<b>\$ -</b>	<b>\$ -</b>

**Annual fees for existing licences received:**

Licence Type		Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
On Licence		0	14	10	0	0
Off Licence		3	0	13	0	0
Club licence		3	11	1	0	0
<b>Total number</b>		<b>6</b>	<b>25</b>	<b>24</b>	<b>0</b>	<b>0</b>

<b>Total Fee paid to ARLA</b>		<b>\$ 103.50</b>	<b>\$ 862.50</b>	<b>\$1,242.00</b>	<b>\$ -</b>	<b>\$ -</b>
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**Managers' certificate applications received:**

	Number received
Manager's certificate new	50
Manager's certificate renewal	69
<b>Total number</b>	<b>119</b>
<b>Total Fee paid to ARLA</b>	<b>\$ 3,421.25</b>

**Special licence applications received:**

		Number received in category: Class 1	Number received in category: Class 2	Number received in category: Class 3
special licences		4	49	36

**Temporary authority applications received:**

	Number received
Temporary authority	9

**Permanent club charter payments received:**

	Number received
Permanent club charter payments	0

<b>Total to be paid to ARLA</b>	<b>\$ 9,458.75</b>
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**Premises Listing (Alcohol Licences) Western Bay of Plenty District Council – as at 30 June 2021**

<b>Licence Type</b>	<b>Premises name</b>	<b>Address</b>	<b>Ward</b>	<b>Applicant</b>	<b>Risk type</b>	<b>Notes</b>
Club Licence	Bay Of Plenty Clay Target Association	Te Ara-O-Raho Road, Tect All Terrain Park	Eastern	Bay Of Plenty Clay Target Association Incorporated	Very Low	
Club Licence	The Shoreline Restaurant And Cafe	26 Pio Road, Bowentown	Western	Bowentown Boating And Sport Fishing Club Incorporated	Low	
Club Licence	Eastern Districts Rugby & Sports Club	Paengaroa Domain,, Paengaroa	Eastern	Eastern Districts Rugby & Sports Club Inc	Low	
Club Licence	Katikati Bowling Club Incorporated	Park Road,, Katikati	Western	Katikati Bowling Club Inc	Very Low	
Club Licence	Katikati Rsa & Citizens Club	1 Henry Road, Katikati	Western	Katikati Rsa And Citizens Club Incorporated	Low	
Club Licence	Katikati Rugby And Sports Club	Fairview Road, Katikati	Western	Katikati Rugby And Sports Club Inc	Very Low	
Club Licence	Katikati Squash Rackets Club Incorporated	Wharawhara Road, Katikati	Katikati	Katikati Squash Rackets Club Incorporated	Low	
Club Licence	Maketu Community Fishing And Recreation Trust Incorporated	461 Wilson Road North, Maketu	Eastern	Maketu Community Fishing And Recreation Trust Incorporated	Low	
Club Licence	Matakana Island Recreation And Community Incorporated	Opureora Road, Matakana Island	Western	Matakana Island Recreation And Community Incorporated Society	Low	
Club Licence	Omokoroa Boat Club	The Esplanade, Omokoroa	Kaimai	Omokoroa Boat Club Incorporated	Low	
Club Licence	Omokoroa Golf Club	72 Links View Drive, Omokoroa	Kaimai	Omokoroa Golf Club Inc	Low	
Club Licence	Rangiuru Sports Club	1 No. 3 Road, Te Puke	Eastern	Rangiuru Sports Club Incorporated	Low	
Club Licence	Citizens Rsa Te Puke	179-185 Jellicoe Street, Te Puke	Te Puke	Te Puke Citizens Club Inc	Low	

Licence Type	Premises name	Address	Ward	Applicant	Risk type	Notes
Club Licence	Te Puke Club Inc	14 King Street, Te Puke	Eastern	Te Puke Club Inc	Low	
Club Licence	Te Puke Cricket Club	Te Puke Domain, Cameron, Road, Te Puke	Eastern	Te Puke Cricket Club Inc	Very Low	
Club Licence	Te Puke Golf Club	847 State Highway 2, Paengaroa	Eastern	Te Puke Golf Club Incorporated	Low	
Club Licence	Te Puke Sports And Recreation Club Incorporated	Atuaroa Avenue, Te Puke	Eastern	Te Puke Sports And Recreation Club Incorporated	Low	
Club Licence	Te Puke Squash Rackets Club Inc	Landscape Road, Te Puke	Eastern	Te Puke Squash Rackets Club Inc	Low	
Club Licence	Te Puke United Football Club Incorporated	Litt Park, Park Lane, Te Puke	Eastern	Te Puke United Football Club Inc	Very Low	
Club Licence	Te Puna Rugby Football Club	Te Puna Road, Te Puna	Central	Te Puna Rugby Football Club Incorporated	Very Low	
Club Licence	Te Puke Lawn Tennis Club	21 Atuaroa Avenue, Te Puke	Eastern	The Te Puke Lawn Tennis Club Incorporated	Very Low	
Club Licence	Waihi Beach Life Guard Services Incorporated	The Esplanade, Waihi Beach	Western	Waihi Beach Life Guard Services Incorporated	Low	
Club Licence	Waihi Beach Memorial Rsa Bowling Club	99 Beach Road, Waihi Beach	Western	Waihi Beach Memorial Bowling Club Inc	Low	
Club Licence	Waihi Beach Rsa (Gunners View Restaurant)	99 Beach Road, Waihi Beach	Western	Waihi Beach Rsa (Inc)	Medium	
Off Licence	Anann - Pineapple Pub	4 Palmer Place, Te Puke	Eastern	Te Puku Limited	Medium	
Off Licence	Countdown Katikati	123-127 Main Road,, Katikati	Western	General Distributors Limited	Medium	
Off Licence	Countdown Te Puke	Boucher Avenue, Te Puke	Eastern	General Distributors Limited	Medium	
Off Licence	Distillerie Deinlein	656 Minden Road, Tauranga	Central	Ditto Company Limited	Low	
Off Licence	Exceptional Flavours	620 Minden Road, Tauranga	Central	Exceptional Flavours Limited	Low	
Off Licence	Finer Wines	8 Main Road, Katikati	Western	James Bartee	Medium	

Licence Type	Premises name	Address	Ward	Applicant	Risk type	Notes
Off Licence	Fitzpatricks Brewing Company Limited	19 Keenan Road, Pyes Pa	Central	Fitzpatrick Brewing Company Limited	Very Low	1-3-21- Transferred To Tauranga Cc Area In Lg Boundary Change
Off Licence	Fresh Choice Omokoroa	160 Omokoroa Road	Central	Fresh One Limited	Medium	
Off Licence	Harbourside Macadamias	402 Matahui Road, Aongatete	Western	Harbourside Macadamias	Low	
Off Licence	Katikati Four Square	37-41 Main Road, Katikati	Western	Jones Retail Limited	Medium	
Off Licence	Kiwi Liquor Omokoroa	170 Omokoroa Beach Road,, Omokoroa	Central	KM Trading Company Limited	Medium	
Off Licence	Liquorland Katikati	37 Main Road, Katikati	Western	Jones Liquor Limited	Medium	
Off Licence	Lumberjack Brewing	90 Pukehina Beach Road, Pukehina	Eastern	Lumberjack Brewing Co Limited	Very Low	
Off Licence	Paengaroa Liquor	5 Old Coach Road, Paengaroa	Eastern	Paengaroa Liquor Ltd	Medium	
Off Licence	Super Liquor Katikati	41 Main Road,, Katikati	Western	Telfords Yard Ltd	Medium	
Off Licence	Super Liquor Te Puke	120 Jellicoe Street,, Te Puke	Eastern	Mcgregors Wholesale Liquor Limited	Medium	
Off Licence	Talisman Hotel & Landing Restaurant	7-9 Main Road, Katikati	Western	Talisman Ltd	Medium	
Off Licence	Te Puke Four Square & Lotto	137 Jellicoe Street,, Te Puke	Eastern	Jayson Holdings Limited	Medium	
Off Licence	Te Puke Liquor Spot	155a Jellicoe Street, Te Puke	Eastern	Amit Kooner Ltd	Medium	
Off Licence	Te Puke New World	12 Jocelyn Street, Te Puke	Eastern	Jjach Holdings Limited	Medium	
Off Licence	Te Puna Four Square & Lotto	626 State Highway 2, , Te Puna	Central	Pritz Pty Limited	Medium	
Off Licence	Te Puna Liquor Centre	17a Minden Road	Central	Samra Holdings Limited	Medium	
Off Licence	The Boohai	112 Main Road, Katikati	Western	JJs Enterprises Limited	Medium	
Off Licence	The Bottle O	33 Jellicoe Street,, Te Puke	Eastern	HB Enterprises Limited	Medium	
Off Licence	The Bottle-O Katikati	76 Main Road, Katikati	Western	Graduate Trading Limited	Medium	
Off Licence	The Cider Factorie	50 Oikimoke Road, Te Puna	Kaimai	SP & RK Limited	Very Low	
Off Licence	The Wine Portfolio	2389 State Highway 2,, Katikati	Katikati	The Wine Portfolio Limited	Very Low	



Licence Type	Premises name	Address	Ward	Applicant	Risk type	Notes
		Katikati,				
Off Licence	Thirsty Liquor Te Puke	161 Jellicoe Street, Te Puke	Eastern	Te Puke Wholesale Liquor Limited	Medium	
Off Licence	Waihi Beach Four Square	33 Wilson Road, Waihi Beach	Western	Graduate Enterprises Limited	Medium	
Off Licence	Waihi Beach Hotel	60 Wilson Road, Waihi Beach	Western	Vidler Investments Limited	Medium	
Off Licence	Waihi Beach Liquor Centre	18 Wilson Road, Waihi, Beach	Western	BVSS 2015 Wines & Sprits Ltd	Medium	
Off Licence	Waihi Beach Superette	211 Seaforth Road, Waihi Beach	Western	Nishit Ravji & Co Limited	Medium	
Off Licence	Whakamarama Superette	1101 State Highway 2, Tauranga	Central	Shoker Enterprises Limited	Medium	
On Licence	The Trading Post	1 Hall Road, Paengaroa	Eastern	J & N Gourmet Ltd	Low	
On Licence	Oropi Hot Pools	1 Warner Road, Oropi	Central	David Agnew	Low	
On Licence	Eagle Ridge	1004 Ohauiti Road,, Tauranga	Central	Estate Bella Vista Limited	Medium	
On Licence	Jellicoe St Bar & Eatery	110 Jellicoe Street, Te Puke	Eastern	TND Limited	Medium	
On Licence	Te Puke Hotel	110 Jellicoe Street, Te Puke	Te Puke	The Jellicoe Limited	Medium	
On Licence	The Boohai	112 Main Road, Katikati	Western	JJs Enterprises Limited	Medium	
On Licence	Olive Tree Cottage	11e Adrine Lane, Ohauiti	Central	L & P Pattillo Limited	Medium	
On Licence	The Surf Shack	123 Emerton Road, Waihi Beach	Western	The Surf Shack (Waihi Beach) Limited	Low	
On Licence	Te Puna Sports Bar	15c Minden Road, Te Puna	Central	Brandroot 2020 Limited	Medium	
On Licence	Top Shot Bar	15d Minden Road, Te Puna	Central	Top Shot 2012 Limited	Medium	
On Licence	White House Restaurant	15e Minden Road, Te Puna	Central	JP Hospitality Solutions Limited	Medium	
On Licence	Montre-Atelier Du Cafe	160 Omokoroa Road, Omokoroa	Central	Montre Group Limited	Low	
On Licence	Kaimai Cafe	1603 State Highway 29, Lower Kaimai	Central	Tiffany Clements	Low	
On Licence	The Local Bar & Eatery	168 Omokoroa Road, Omokoroa	Central	KLM Enterprises Ltd	Medium	

Licence Type	Premises name	Address	Ward	Applicant	Risk type	Notes
On Licence	The Horses Bar	17 Plummers Point Road, Omokoroa	Central	The Horses Bar Limited	Medium	New Ownership And New Licence In Process To Be Renamed The Point Alehouse
On Licence	The Presleys Ltd T/A Fountain Gardens	170 Plummers Point Road, Omokoroa	Central	The Presleys Ltd	Low	New Ownership And New Licence In Process For Omahanui Venue Limited
On Licence	Warm Earth Cottage	202b Thompsons Track, Katikati	Western	Jan Wagtendonk	Low	
On Licence	The Black Sheep Bar And Grill	21 Plummers Point Road, Omokoroa	Central	Black Sheep Restaurant And Bar Limited	Medium	
On Licence	Flat White Cafe	21 Shaw Road, Waihi Beach	Western	Hyannis Port Ltd	Low	
On Licence	Cafe Strata	22 Wilson Road, Waihi Beach	Western	Cafe Strata 2004 Limited	Low	
On Licence	La Vie En Rose Waihi Beach	22 Wilson Road, Waihi Beach	Western	Bevin Limited	Medium	
On Licence	The Porch Kitchen & Bar	23 Wilson Road, Waihi Beach	Western	Sh Kingra Nz Limited	Medium	
On Licence	Cafe Nineteen	24 Sharp Road, Katikati	Western	Fairview Estate Management Limited	Medium	
On Licence	Te Puke Diner	245 Jellicoe Street, Te Puke	Eastern	Mini Nepal Private Limited	Low	
On Licence	Forta Leza Restaurant	2656 State Highway 2 North, Katikati	Western	Forta Leza Restaurant Limited	Medium	
On Licence	Charlemagne Lodge	2a Loop Road, Te Puna	Western	Hope Funerals Limited	Medium	
On Licence	Chrome Cafe	3 Wharawhara Road, Katikati	Western	Chrome Cafe Limited	Low	
On Licence	Anann - Pineapple Pub	4 Palmer Place, Te Puke	Eastern	Te Puku Limited	Medium	
On Licence	Nourish Cafe	4 Te Puna Road, Tauranga	Central	Carmik Holdings Ltd T/A Nourish Cafe	Low	New Ownership And Licence In Process To Remain As Nourish Café
On Licence	Beached On Blue	4 The Esplanade, Omokoroa	Central	Deborah Fielding	Low	New Ownership

Licence Type	Premises name	Address	Ward	Applicant	Risk type	Notes
						Beached Limited And Licence In Process To Be Renamed Alma
On Licence	Delhi Club Indian Eatery	50 Jellicoe Street, Te Puke	Eastern	Mane's Kitchen Limited	Low	
On Licence	The Cider Factorie	50 Oikimoke Road, Te Puna	Central	SP & RK Limited	Low	
On Licence	Persimmon Lane	58 Te Puna Road, Te Puna	Central	Persimmon Lane Limited	Low	
On Licence	Waihi Beach Hotel	60 Wilson Road, Waihi Beach	Western	Vidler Investments Limited	Medium	
On Licence	The Orchard House Cafe	603 State Highway 2, Katikati	Western	Most4u Limited	Low	
On Licence	Ataahua	644 Pyes Pa Road, Tauranga	Central	Ataahua Garden Venue Limited	Medium	
On Licence	Pukehina Beach Store & Takeaway	68 Pukehina Parade, Pukehina	Eastern	Dhruvi Harish & Co Limited	Low	
On Licence	Clarke Road Kitchen	7 Clarke Road, Te Puna	Central	Sandnadlay Ltd	Low	
On Licence	Mehtab Indian Restaurant	76 Main Road, Katikati	Western	T Singh Limited	Low	
On Licence	Talisman Hotel & Landing Restaurant	7-9 Main Road, Katikati	Western	Talisman Ltd	Medium	
On Licence	Black Walnut Venue	87 Old Highway, Whakamarama	Central	The Foresighted Farmer Ltd	Medium	
On Licence	Stadium Sports Bar	91 Jellicoe Street, Te Puke	Eastern	J N Sons Enterprises Limited	Medium	
On Licence	Maketu Beachside Cafe & Restaurant	Beech Motor Camp, Ngaroma, Lane, Maketu	Eastern	Shane Beech	Low	
On Licence	The Falls Cafe	Mclaren Falls Park, 140 Mclaren Falls Road, Omanawa	Central	Harranda Ltd	Low	
On Licence	The Address Indian Kitchen	Shop 4, 168 Omokoroa Road, Omokoroa	Central	The Address Indian Kitchen Limited	Low	
On Licence	Smart India Indian Restaurant And Bar	Shop 8, Palmer Court, Te Puke	Eastern	Prithvi Foods Private Limited	Low	
On Licence	El Cartel Mexicano	23 Fairview Place, Te Puke	Eastern	El Cartel Limited	Low	