

MEETING
– AGENDA –

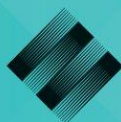
Ngā Take



DISTRICT LICENSING COMMITTEE

Komiti Raihana-ā-Rohe

DL21-1
Wednesday, 27 October 2021
Council Chambers
Barkes Corner, Tauranga
9.30am



*Western Bay of Plenty
District Council*

District Licensing Committee

Membership

Chairperson	Commissioner/Chairperson from the District Licensing Committee Members List ('the List')
Deputy Chairperson	Councillor Don Thwaites
Members	Murray Clearwater (Licensing Commissioner) James Davison (Licensing Commissioner) Beverley Edlin (Licensing Commissioner) Arthur Wilkinson (Licensing Commissioner) Steve Williams (Licensing Commissioner)
Quorum	Commissioner and two members from the List (Section 191 – Sale and Supply of Alcohol Act 2012)
Frequency	As required

Role:

As conferred under the Sale and Supply of Alcohol Act 2012:

- To consider and determine applications for licences and manager's certificates.
- To consider and determine applications for renewal of licences and manager's certificates.
- To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with [Section 136](#) of the Sale and Supply of Alcohol Act 2012.
- To consider and determine applications for the variation, suspension, or cancellation of special licences.
- To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under [section 280](#) of the Sale and Supply of Alcohol Act 2012.
- With the leave of the Chairperson for the licensing authority, to refer applications to the licensing authority.
- To conduct inquiries and to make reports as may be required of it by the licensing authority under [section 175](#) of the Sale and Supply of Alcohol Act 2012.
- Any other functions conferred on licensing committees by or under the Sale and Supply of Alcohol Act 2012 or any other enactment.

Chairperson's Delegation:

Where no objection to the application has been received within the timeframes as prescribed under the Act the authority to decide on the papers and issue decisions on such applications (Section 191 (2) Sale and Supply of Alcohol Act 2012).

Notice is hereby given that a District Licensing Committee Meeting will be held in the Council Chambers, Barks Corner, Tauranga on:
Wednesday, 27 October 2021 at 9.30am

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1 PRESENT**2 IN ATTENDANCE****3 APOLOGIES****4 DECLARATIONS OF INTEREST**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

5 PUBLIC EXCLUDED ITEMS**6 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

7 REPORTS

7.1 DISTRICT LICENSING COMMITTEE HEARING - LL8071 - TE PUNA LIQUOR - APPLICATION FOR AN OFF LICENCE

File Number: A4345277

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

EXECUTIVE SUMMARY

The District Licensing Committee Hearing, set for 27 October 2021, is to hear an application from Angelin Enterprises Limited (trading as Te Puna Liquor Store) for an Off Licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of licensed premises situated at 15 Minden Road, Te Puna, known as 'Te Puna Liquor' (**Attachment 1**).

ATTACHMENTS

1. Application for an Off Licence - Te Puna Liquor [↓](#) 

7.2 DISTRICT LICENSING COMMITTEE HEARING - LL8071 - TE PUNA LIQUOR - INSPECTOR'S REPORT

File Number: A4350182

Author: Dougal Elvin, Liquor Licensing Inspector

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

1. APPLICATION DESCRIPTION

1.1 Application and Property Details

Applicant's Name: Angelin Enterprises Limited.

Site address: 15C Minden Road, Te Puna.

Trading Name: Te Puna Liquor

Type of premises: Bottle Store

Risk Rating: Medium risk

Application Number: LL8071

Date Received by Council: 27 October 2020

2. EXECUTIVE SUMMARY

1. This is a report on an application for an off-licence in the Te Puna commercial area. The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) applies to this application.
2. The applicant is seeking an off-licence for a bottle store.
3. Based on the information provided in the application and a meeting with the applicant, I consider the applicants proposal for the sale and supply of alcohol is not consistent with the purpose of the Act and I have concerns that the proposal does not meet the criteria under section 105 of the Act.
4. Four public objections have been submitted. New Zealand Police and I have opposed this application. The Medical Officer of Health has not opposed this application.

3. APPLICANT

3.1 Background and Suitability

5. The applicant is a private limited company, incorporated on 28 July 2020.
6. The Director, Barinderpal Singh, of Angelin Enterprises Limited was invited into the Council offices on 10 November 2020 to discuss and elaborate further on the application. The premises situated at 15C Minden Road, Te Puna is an empty store, and the Director has stated he will not progress the store fit-out until such time he is granted a licence.
7. This is the first solo venture for the applicant and the Director has obtained his experience in the liquor industry from working under the wing of the companies operated by Jaspal Singh, such as the Bottle-O Te Puke and Merivale Liquor Centre, Merivale. The applicant also informed me he was responsible for turning

around the Orchard Thieves Pizza business next door to the Bottle-O Te Puke, so it was making a profit.

8. Barinderpal Singh and his wife will be the directors of the business. Both directors have General Manager's Certificates.

3.2 Eligibility

9. The premises is currently un-licensed and has been loaned out by the landlord to house a Charity Shop to raise funds through the COVID-19 pandemic. This application is for an off-licence under section 32(1)b, a retail premises where at least 85% of the sales revenue is generated through the sale of alcoholic beverages to be consumed off site. The application also states that the premises would sell tobacco products such as cigarettes.

3.3 Comments

10. No information has come to light to question the applicant's suitability. There are no concerns with the goods and/or services the applicant intends to provide at this point.

4. OBJECTIONS AND EXTERNAL REPORTS

4.1 Public Notice

11. The application was publicly notified in the following paper:

Bay of Plenty Times

- First Notice: 31 October 2020
- Second Notice: 7 November 2020
- Objection period expiry: 20 November 2020

4.2 Objections

12. There have been four public objections to the application:

1. **Kent and Birgitte Clark – received 15 November 2020.**

Local residents who do not see how another bottle store will benefit the local area and that by increasing the availability of alcohol in the local area will only lead to excessive consumption. They also have concerns with the potential risks of increasing the alcohol supply so close to State Highway 2, where there are already too many accidents.

2. **Robyn Mitchell – received 16 November 2020.**

States there is no justification for another bottle store in the local area. Robyn owns and operates a sandwich business next door to the current liquor store (Te Puna Liquor Centre). Although I cannot confirm at this point, I suspect Robyn leases her premises from a company linked to the Te Puna Liquor Centre.

3. Joanne O’Keeffe – received 16 November 2020.

Joanne states that it is ‘absolutely ridiculous’ to have another liquor outlet. Joanne and her partner own and operate the White House restaurant in Te Puna.

4. Scott Crook – received 19 November 2020.

Scott states that there is no need for another off-licence in the little village of Te Puna as there are enough already.

13. All four objectors were contacted via email with reference to Section 102 (objections to applications) and the criteria under Section 105, and asked to respond by the end of business, Friday, 20 November 2020. No objectors responded.

14. The objections were forwarded onto the applicant.

4.3 Police Report

15. New Zealand Police provided a report on the application on 19 January 2021. Their report opposes the application.

4.4 Medical Officer of Health Report

16. The Medical Officer of Health provided a report on the application on 28 June 2021. Their report does not oppose the application.

5. PREMISES**5.1 Principal Entrance**

17. The principal entrance would be accessed from allocated car parking outside the front of 15C Minden Road, Te Puna.

5.2 Kind of Premises**Main Premises**

18. The plan of the premises primarily consists of a large room with a serving counter on the left-hand side. On the right-hand side of the room is access to a chiller room. The room will contain wall shelving to house wine, spirits, and craft beer. The main floor area will be reserved for floor displays.

19. The entire premises has been planned to be designated as a supervised area.

Licensed area

20. The licensed area will be the entire premises.

21. The licensed area is more precisely defined on the plan included with the application as received by Western Bay of Plenty District Council on 27 October 2020.

Designated area

22. The entire premises is planned to be designated as supervised as the planned principal business is to be the sale of alcoholic beverages.

Identified risks

23. Without actually seeing the premises set up as a bottle store it is rather difficult to envisage what issues the design and layout may have.
24. Looking at the plans, the design is essentially open plan. Therefore, the duty manager working behind the counter should be able to oversee the entire floor.
25. Not serving or allowing intoxicated people into the premises should be managed by a good duty manager. Checking for identification should be also managed by the duty manager.
26. Should any person be identified as intoxicated I do not expect the duty manager just to ask them to leave if they are driving, but to either arrange safe transportation home or contact the Police. State Highway 2 is notorious for traffic related accidents and sending someone back to their car to drive back onto State Highway 2 in a drunken state is not benefiting the community in any way shape or form.
27. The car park out the front of the store should be visible from the serving counter for this reason alone, therefore I do not expect the windows to be covered in advertising.
28. On another note, I would suggest CCTV cameras are installed that also allow voice pick-up.

Conclusion

29. I have no concerns with the design and layout of the premises, other than ensuring the windows are clear to allow a clear field of vision into the car parking area.

5.3 Other Goods and Services

30. Apart from alcohol, the applicant intends to sell cigarettes.

5.4 Amenity and Good Order of the Locality**The locality**

31. Te Puna is regarded by the locals as a village. It is a small community that extends out into the Minden Hills and in the opposite direction, towards the harbour. The central point of Te Puna is the main roundabout where State-Highway 2 segments the village onto either side of the road.
32. The proposed bottle store would be situated within the current commercial area and sits within the building on the current tavern.
33. The commercial area has the following alcohol related business within close proximity to the proposed bottle store:
 - Te Puna Liquor Centre – bottle store (56 metres from the proposed bottle store)
 - Te Puna Tavern
 - Top Shot Bar
 - The White House restaurant

34. On the opposite side of State-Highway 2 are the following alcohol related businesses:
- Four Square grocery store
 - Nourish Café
35. Also located in and around Te Puna:
- A distillery with a remote sale off-licence
 - A specialist importer of Belgium beer with a remote sale off-licence
 - The Cider Factorie, that holds an off and on-licence
 - Persimmon Lane café
 - Te Puna Rugby Club
36. The commercial area also comprises of a veterinary practice, butcher, bakery, clothing retailers, lumber yard, Farmland's store, backpacker accommodation that forms part of the tavern, a real estate agency, motel, and an irrigation equipment supplier. The commercial area services the needs of the local community.

Visual amenity

37. I cannot provide any further information as to how it would look, aesthetically. My assumption based on where the director has worked in the past would suggest it could possibly follow a similar format to the Bottle O Te Puke or Merivale liquor, which I would describe as generic liquor stores.

Comment

38. I am concerned that the opening of another bottle store could reduce the amenity and good order of the local landscape. The potential impact of another bottle store trying to establish its presence within a small market and appropriate market share from its competitors, could have a negative impact on the local community with respect to alcohol related harm. In addition, the risk of selling to minors may increase in the face of such competition.

5.5 Planning and Building Matters

39. A Planning and Building certificate is attached, as required, under section 100(f) of the Sale and Supply of Alcohol Act 2012.
40. The certificate shows that the proposed use of the premises meets the requirements of the Resource Management Act 1991 and building code.

5.6 Previous History

41. There is no previous application / liquor store history with this application.

5.7 Site Inspection

42. The premises is not ready to be inspected. The Director was invited to the Council offices at Barkes Corner to talk through the application.
43. The application is well thought out and I believe the applicant has good intentions.
44. My expectations regarding signage and operations were communicated clearly and I have no doubt the applicant will deliver with respect to ensuring the store

complies with the requirements under the act with respect to not serving minors, intoxicated people and making sure a qualified duty manager is always on the premises to oversee the sale of alcohol.

45. What was apparent from the meeting was the Director has commercial experience. It was asked of the Director, what business strategy will the applicant be incorporating to compete against another bottle store, approximately 56 meters away?
46. The director claimed his differentiating strategy would be based on providing a better quality of customer service than his competitor. This is where I foresee a potential problem.
47. I am not convinced that customers in the local market of Te Puna will be swayed by the better customer service provided by the applicant. What I suspect will happen is that the initial pricing strategy of the applicant's offering will be like Te Puna Liquor Centre, with the hope that a smile and helpful advice will sway customers to the applicant's store.
48. What I haven't seen is any research into what the residents of Te Puna need or want from a bottle store. The need for better customer service seems to be nothing more than an assumption, which I am not entirely sure will increase the market share of the applicant.
49. This new bottle store would be selling identical products to its competitors. I am not of the opinion that customers would visit another bottle store unless they sell products of a different nature, or their prices are less than that of their competitors.
50. For customers to purchase their alcoholic beverages at the new bottle store, I believe there needs to be valid reason to do so and bearing in mind both bottle stores will be selling products that are identical. The only differentiating factor could be price.
51. Therefore, for the applicant to gain market share and be successful, I believe they will need to price their products lower than the competition.
52. I do not believe customers are loyal to their retailers, but they are loyal to their brands and if those brands can be purchased at a cheaper price, I fail to see why they wouldn't purchase elsewhere to save money.
53. I anticipate that the Te Puna Liquor Centre will retaliate, and a price war will commence with an overarching focus on commercial gain, rather than consideration for the impact on community.

Comment:

54. The applicant appears, on paper, to have the appropriate systems, staff, and training to comply with the law, but of a greater concern is where the new proposed bottle store is located.

6. ENVIRONMENTAL SCAN

6.1 Current and Potential Levels of Noise, Nuisance and Vandalism

55. There is no information to suggest the local area is affected by crime or associated with criminal activity. Although, recent unsubstantiated information has come to light to indicate some residents have reported suspicious behaviour on their properties in recent months.

7. CONCLUSION

7.1 Conclusion

56. I have inquired into the application, and based on the information provided, I have concerns on the impact of this bottle store proposal in such close proximity to the current bottle store that serves the local community.
57. I feel this matter needs to be explored further and not enough information is presented within the application to convince me that needs of the community have truly been considered.
58. Therefore, I oppose this application as I feel these matters need to be addressed in front of the committee.

7.3 DISTRICT LICENSING COMMITTEE HEARING - LL8071 - TE PUNA LIQUOR - EXTERNAL REPORTS

File Number: A4345311

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

EXECUTIVE SUMMARY

The District Licensing Committee Hearing, set for 27 October 2021, is to hear an application from Angelin Enterprises Limited (trading as Te Puna Liquor Store) for an Off Licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of licensed premises situated at 15 Minden Road, Te Puna, known as 'Te Puna Liquor'.

REPORTS

The following reports have been provided:

1. Police Report (**Attachment 1**); and
2. Ministry of Health Report (**Attachment 2**).

ATTACHMENTS

1. **Police Report** [↓](#) 
2. **Ministry of Health Report** [↓](#) 

7.4 DISTRICT LICENSING COMMITTEE HEARING - LL8071 - TE PUNA LIQUOR - OBJECTORS

File Number: A4345329

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

EXECUTIVE SUMMARY






The District Licensing Committee Hearing, set for 27 October 2021, is to hear an application from Angelin Enterprises Limited (trading as Te Puna Liquor Store) for an Off Licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of licensed premises situated at 15 Minden Road, Te Puna, known as 'Te Puna Liquor'.

OBJECTIONS

The following objections have been received:

1. Ken and Birgitte Clark (**Attachment 1**);
2. Joanne O'Keefe (**Attachment 2**);
3. Robyn Mitchell (**Attachment 3**);
4. Scott Crook (**Attachment 4**); and
5. Anonymous (**Attachment 5**).

ATTACHMENTS

1. **Objection - CLARK, Kent and Birgitte** [↓](#) 
2. **Objection - O'KEEFE, Joanne** [↓](#) 
3. **Objection - MITCHELL, Robyn** [↓](#) 
4. **Objection - CROOK, Scott** [↓](#) 
5. **Objection - Anonymous** [↓](#) 

8 INFORMATION FOR RECEIPT