

MEETING
– AGENDA –

Ngā Take



DISTRICT LICENSING COMMITTEE

Komiti Raihana-ā-Rohe

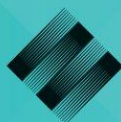
DL21-1

Tuesday, 30 November 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, Barkes Corner, Tauranga on:
Tuesday, 30 November 2021 at 9.30am

Order Of Business

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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 HEARINGS

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

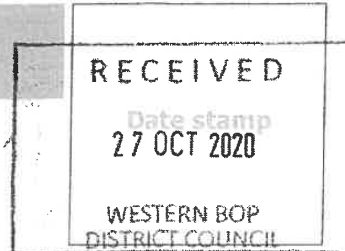
The District Licensing Committee Hearing, set for 30 November 2021, is to hear an application from Angelin Enterprises Limited (trading as Te Puna Liquor Store) for an Off Licence pursuant to section 100 of the Sale and Supply of Alcohol Act 2012, in respect of licensed premises situated at 15 Minden Road, Te Puna, known as 'Te Puna Liquor' (**Attachment 1**).

ATTACHMENTS

1. Application for an Off Licence - Te Puna Liquor



Application for New or Renewal of Off-Licence
 (Including Club Off-Licence Renewals)
 Sections 100 and 127(2), Sale and Supply of Alcohol Act 2012



Fill this form out with the assistance of the guide attached

New Off-Licence Renewal Off-Licence

1. Applicant Details

a. Applicant/Property Owner Agent Other (provide contact details below)

b. Full name of applicant (legal entity who will receive the proceeds from the sale of liquor)

ANGELIN ENTERPRISES LIMITED

Previous names or other names known by N/A

Postal address 18B APPLIN LANE, PYES PA, TAURANGA-3112

Occupation COMPANY

Date of Birth/...../.....

Phone: Business (.....)..... Private (.....)..... Mobile (022) 1763902

Email BARINDER90@GMAIL.COM

Fax (.....).....

Website address

c. Preferred means for formal correspondence Mail Email Fax

d. Status of applicant

- Natural Person Local Authority Body Corporate to which Section 28(1)(b)(f) of the Act applies
- Private Company Trustee Manager under the Protection of Personal Property Rights Act 1988
- Partnership Public Company Government Department or other instrument of the Crown
- Club Licensing Trust Board, organisation, or other body to which section 28(1)(c)(f) of the Act applies

e. Does the premises hold an existing licence? Yes No

f. Is there an existing licence held for the premises or conveyance concerned? Yes No

State type of licence..... Number 022/.....

Deposit Fee: \$350.00

Note: This is a deposit only. An invoice for the outstanding balance will be sent to the applicant once the correct weighting category has been selected. The outstanding balance is required to be paid prior to the licence being issued.

(for office use)	RECEIVED	LTQL	
	27 OCT 2020	Application <u>8071</u>	Premise No
Date received (date stamp)	WESTERN BOP DISTRICT COUNCIL	Receipt <u>21178244</u>	Contact ID <u>198356</u>

1. Applicant Details *(Continued)*

g. Have you or any business partners been convicted of any offence? Yes No

If Yes, what are the details of each offence?

(NOTE: You are entitled to protection under the Criminal Records (Clean Slate) Act. Disclose only convictions not eligible for concealment under the Clean Slate Act)

Name	Nature of Offence	Date of Conviction	Penalty Suffered
...../...../.....
...../...../.....
...../...../.....
...../...../.....

(NOTE: Continue on a separate page if necessary and attach to this application)

h. Is this the applicant's first licensed premises? Yes No
 If yes, has the applicant prepared a financial plan for the business? Yes No

Select one of the following (Numbered 2 - 5):

2. Further Details Where Applicant is a Company

a. Date of Incorporation 28 / 07 / 2020 b. Place of Incorporation TAURANGA

c. Full details of each Director and the Secretary

Name	Address	Date of Birth	Place of Birth	Position Held
BARINDERPAL SINGH	188 APPLIN LANE, PYES PA, TAURANGA-3112	30 / 12 / 1990	PUNJAB, INDIA	DIRECTOR
...../...../.....
...../...../.....
...../...../.....

3. Further Details where Applicant is a Private Company N/A

a. Authorised capital Paid-up capital

b. Full details of each person who holds any shares issued by the company

Name	Address	Date of Birth	Place of Birth	Position Held	Face value of shares (eg 100 x \$1 shares)
...../...../.....
...../...../.....
...../...../.....
...../...../.....

4. Further Details where Applicant is a Public Company N/A

a. Full details of each person who holds 20% or more of the shares, or any particular class of shares, issued by the company

Name	Address	Date of Birth	Place of Birth	Position Held
...../...../.....
...../...../.....
...../...../.....
...../...../.....
...../...../.....

5. Further Details Where Applicant is a Partnership N/A

a. Full details of each partner as follows

Name	Address	Date of Birth	Place of Birth	Signature
...../...../.....
...../...../.....
...../...../.....
...../...../.....
...../...../.....

6. Premises Details

a. Existing trading name for premises NO EXISTING NAME/LICENCE
 Proposed trading name for premises TE PUNA LIQUOR
 Address of proposed licensed premises 15C MINDEN ROAD, TE PUNA

- b. Is a licence sought conditional upon construction or completion of building work? Yes No
 c. Do you own the proposed licensed premises? Yes No

If no:

(i) Full name of the owner COMMONS HOLDINGS LIMITED
 • Full address of the owner 7B COMMONS AVE, MOUNT MAUNGANUI, TAURANGA-3116
 (ii) What form of tenure of the premises will you have? LEASE
 • What term of tenure will you have? FINAL EXPIRY 01/11/2038

- d. Type of premises
 Hotel or Tavern Supermarket Premises on which principal business is manufacture or sale of liquor
 Club Grocery store Internet based
 Other, please state

7. Designated Areas

a.. What part (if any) as indicated on the attached floor plan, of the premises do you intend should be designated as
 (i) A restricted area N/A
 (ii) A supervised area THE ENTRIRE PREMISES
 (iii) An undesignated area (specify reason) N/A

8. Business Details

a.. Is the sale of liquor intended to be the principal purpose of the business? Yes No

If no:

(i) What is intended to be the principal purpose of the business?

.....

(ii) What part of section 32 of the Sale of and Supply of Alcohol Act is applicable to this application? (Refer to copy of section 32 attached).

.....

b.. Are you engaged, or intending to be engaged, in the sale or supply of any goods other than liquor or food, or in the provision of any services other than those directly related to the sale or supply of liquor and food? Yes No

If yes, what is the nature of those other goods and services? SALE OF TOBACCO PRODUCTS

.....

c.. What days and hours do you intend to sell liquor under the licence? (The days and hours should reflect the entire hours you intend to operate your business and should be no greater than what was applied for on your Certificate of Compliance)

Days MONDAY TO SUNDAY Hours From 9AM To 10PM

.....

d.. Do you intend to provide complimentary samples of liquor on the premises? Yes No

9. Conditions

a. What experience and training has the applicant undertaken:

LCQ training completed in 2014, I am holding a current Managers Certificate since 2014. I have been working in Liquor industry since 2014. I have been working as Store Manager from 2015 to 2019 at various stores in Tauranga, Te Puke, Kalikati. I Have also completed Diploma in Business Management (Attached as 1) (Employer name is Jaspal Singh his contact number is 02102344984. Attached as 2 are my employment certificates)

b. What steps do you propose to take to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed?

Signage for prohibited person will be displayed at both entrance and checkout. Every staff will be required to complete a LCQ course and other courses (attached as 3) at start of the employment. Staff will be given on going training every month. Strict trespass policy will be implemented at the store and everyone working at the store will be required to comply with the policy. No obligation to serve to anyone and everyone working at the store will be confident at it.

c. What other steps does the applicant propose to promote the responsible consumption of alcohol?

2-drinks per day policy will be implemented at the store, Responsible drinking slogans will be displayed in the premises. Staff training on product use and knowledge will help promoting responsible and safe consumption of alcohol. Staff will be required to complete the courses (Attached as 3)

d. What other systems (including training systems), and staff in place (or to be in place) for compliance with the Act?

Minimum 3 Duty Managers will be hired. Monthly training be done by the Director (myself and training plan is attached as 4 to this application) and also everyone will be required to do online training on ServeWise. High resolution CCTV cameras will be installed both inside and outside the premises and CCTV Footage will be available for Police whenever required. Bright lighting will be installed both inside and outside the premises. Trespass policy is formulated and will be implemented strictly by everyone working at the premises.

9. Conditions *(Continued)* N/A

e. Are any changes sought to the present conditions of the licence (ie days or hours)?

- **IF NO** – Go straight to Section 11 Yes No
- **IF YES** – Continue

Changes relating to the days and hours of the liquor licence

(i) What are the days and hours shown on the licence at present? (ii) What are the changes sought?

Days	Hours	Days	Hours
.....
.....
.....

f. Changes relating to other conditions of the liquor licence

(i) What are the conditions of the licence at present? (ii) What are the changes sought?

.....
.....
.....

What are the full reasons for the changes sought?

.....

Where **changes to the days and/or hours** of the licence are sought, has the applicant:

- Contacted the Western Bay Duty Planner Consents on 571 8008 prior to submitting this application to obtain advice as to whether the changes comply with planning requirements and or any resource consents relevant to the premises? Yes No
- Filed for a Certificate of Compliance with the renewal application? The Certificate of Compliance provides the required official confirmation the changes comply with all planning requirements Yes No

10. Management of Premise

At all times when liquor is being sold or supplied to the public, a manager (appointed under Section 217 of the Sale and Supply of Alcohol Act) must be on duty (except where section 215 of the Act applies to Club's).

a. Details of **ALL** managers currently employed:

- Full name BARINDERPAL SINGH • Certificate number 21/CERT/22901/2018
- Residential address 18B APPLIN LANE • Expiry date 17 / 07 / 2021
PYES PA, TAURANGA - 3112
- Full name RAVNEET KAUR • Certificate number 21/CERT/24949/2020
- Residential address 18B APPLIN LANE • Expiry date 23 / 01 / 2021
PYES PA, TAURANGA - 3112
- Full name • Certificate number
- Residential address • Expiry date/...../.....

(Continue on separate sheet if necessary)

- b. If no managers have yet been appointed, what is your proposal relating to Section 214 of the Sale and Supply of Alcohol Act requiring a manager to be present at all times?

MORE DUTY MANAGERS WILL BE HIRED UPON APPROVAL OF THIS LICENCE APPLICATION

11. Further details where the licence is a club licence N/A

It is a requirement to have in place a written host responsibility policy outlining the establishment's commitment to providing a safe drinking environment. This policy should be prominently displayed in the premises. Examples of draft host responsibility policies are provided at the back of the attached Pacific Health questionnaire for your reference. If you have any questions concerning this, please contact Pacific Health on 571 8975.

Copy of the host responsibility policy is attached

Yes No

12. Signature of Applicant

- a. **Before signing the application, please refer to and complete the check list at the end of this form.**

b. Applicant's signature Barinderpal Singh Date 27, 10, 2020
 (must be signed by the Licensee personally)

• **Please note – If applying as a company, please indicate your relationship to the company, eg Director, Secretary**

Relationship DIRECTOR Name BARINDERPAL SINGH

"Pursuant to the Privacy Act 1993 the following is brought to your attention: The personal information contained in this form is being collected to assist Council and other agencies in processing your application and may be made available to the public as part of the process. You do have the right of access to, and correction of, this information subject to the provisions of the Privacy Act 1993"

13. Check List – Please Tick ✓

- a. **IMPORTANT** – The application will not be accepted by the District Licensing Committee until:
- **ALL questions on the application form have been answered in full.** Yes No
 - **ALL additional documentation as indicated below are attached to the application.** Yes No
- Please note that if any of the documents below have been filed with a previous application, you are required to file them again with this application.
- b. **FOR RENEWAL APPLICATIONS Have You Included:**
1. **Where changes to days/hours are being sought**, the completed 100(f) Sale and Supply of Alcohol Certificate application form? Yes No
 2. **Where the licence is an off-licence or club licence**, a copy of your host responsibility policy? Yes No
 3. **Where the licence is an off-licence or club licence**, the completed Pacific Health questionnaire? Yes No
 4. **The completed Fire Service Data Sheet** Yes No
- c. **Additional Documents Required**
1. **Original Certificate of Compliance under Section 100(f) of the Sale and Supply of Alcohol Act.** You should have already applied for and been issued this document prior to filing this application. Yes No
 2. **Photograph** or artist's impression of the exterior of the premises. Yes No
 3. **Map** indicating where the premises is located. Yes No
 4. **Scale Plan** of entire premises showing the layout of the premises including where any tables and chairs will be located and outlining:
 - The inside area for sale and supply of liquor, including any cool store areas the customer may have access to.
 - Principal entrance/s. Yes No
 5. **Host Responsibility Policy** Yes No
 6. **Where changes to days/hours are being sought, the completed Certificate of Compliance application form?** Yes No
 7. **Manager's certificate** of person/persons intending to be the manager of the premises, or if this document has not been issued at the time of filing this application, the date the manager's certificate application was filed with the District Licensing Committee Yes No
 8. **Where the applicant is not the owner of the building**, a written statement from the owner to the effect that the owner has no objection to the grant of the licence. Yes No
 9. **Where the applicant is a company**, a copy of the Certificate of Incorporation. Yes No
 10. **Where the applicant is a partnership of more than two persons**, evidence of formal partnership. Where the applicant is a Body Corporate, a copy of Certificate of Incorporation (or equivalent document). Yes No
 11. **Where the application relates to a supermarket**, particulars of the floor area, including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items. Yes No
 12. **Where the application relates to a grocery store**, certified accounts showing the annual sales revenue percentage of turnover that is derived from the sale of main order household foodstuffs as required by Regulation 12 or 13 (as the case requires) of the Sale and Supply of Alcohol Regulations 2013.. Yes No
 13. **Deposit Fee of \$350.00** (includes GST) Yes No
- d. **Have you completed the attached Toi Te Ora Public Health Questionnaire?** Yes No
- e. **Have you completed the Amenity and Good Order Questionnaire?** Yes No
- f. **Have you signed and dated the form personally?** Yes No

Sale and Supply of Alcohol Act 2012

Sections 32-36

Section 32 - Kinds of premises in respect of which off-licences may be issued:

1. An off-licence may be issued only:
 - (a) to the holder of an on-licence issued for a hotel or tavern, for the premises (or part of the premises) for which the on-licence is held; or
 - (b) for retail premises where (in the opinion of the licensing authority or licensing committee concerned) at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else; or
 - (c) if:
 - i) the premises for which it is to be issued are not retail premises; and
 - ii) at least 85% of the annual income of the person to whom it is to be issued is (in the opinion of the licensing authority or licensing committee concerned) expected to be earned from the remote sale of alcohol; or
 - (d) for premises where (in the opinion of the licensing authority or licensing committee concerned) the principal business carried on is the manufacture of alcohol; or
 - (d) for premises that (in the opinion of the licensing authority or licensing committee concerned) are a supermarket with a floor area of at least 1,000 m² (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items); or
 - (f) for premises that (in the opinion of the licensing authority or licensing committee concerned) are a grocery store.
2. Premises for which (by virtue of [Section 350\(b\)\(i\)](#)) an off-licence must not be issued except to a licensing trust can still be premises for which (by virtue of subsection(1)) an off-licence may be issued.
3. [Section 36](#) overrides subsection(1).

Section 33 - Determining whether premises are a grocery store

1. In this section:

Food product

- (a) does not include
 - i) alcohol, confectionery, ready-to-eat prepared food, or snack food; or
 - ii) a drink (other than milk) sold in a container with a capacity of 1 litre or less; but
- (b) includes delicatessen items that are not read-to-eat prepared food or snack food.

Grocery store means a shop that

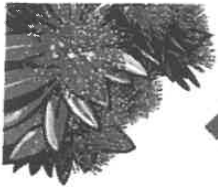
- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
- (b) comprises premises where -
 - i) a range of food products and other household items is sold; but
 - ii) the principal business carried on is or will be the sale of food products.

Ready-to-eat prepared food

- (a) includes food for the time being declared by regulations under this Act to be ready-to-eat prepared food; and
- (b) does not include food for the time being declared by regulations under this Act not to be ready-to-eat prepared food

Snack food

- (a) includes food for the time being declared by regulations under this Act to be snack food; and
- (b) does not include food for the time being declared by regulations under this Act not to be snack food.



Western Bay of Plenty
District Council

Head Office Barks Corner, 1484 Cameron Rd. Greerton, Tauranga
Private Bag 12803, Tauranga Mail Centre, Tauranga 3143
Ph 07 571 8008 (24 hours) - F 07 577 0620
Freephone 0800 WBOPDC - 0800 926 732
E customerservice@westernbay.govt.nz
www.westernbay.govt.nz

New Zealand Fire Service Data Sheet (all applications)
Section 76 of the Fire and Emergency New Zealand Act 2017

In accordance with s.100 and s.127 of the Sale and Supply of Alcohol Act 2012, an application for an On, Off, or Club Licence, respectively, must be accompanied by a statement regarding the need for, or provision of, an Evacuation Scheme as required by section 76 of the Fire and Emergency New Zealand Act 2017

If you have any questions regarding an Evacuation Scheme for your premises please contact Luke Burgess (Fire Risk Manager, NZ Fire Service) at luke.burgess@fireandemergency.nz or Jon Rewi (Te Puke area) at jon.rewi@fireandemergency.nz

Please complete and then tick which statement applies:

The building, located at:

.....15C MINDEN ROAD, TE PUNA.....

.....(address)

in which the premises known as

.....TE PUNA LIQUOR.....

.....(name of premises)

- has a current Fire Evacuation Scheme.
- does not require (by reason of its current use) an Evacuation Scheme.
- is exempt from having to meet the requirements for an Evacuation Scheme.

Signed: Barinderpal Singh Date: 27/10/2020

Name: BARINDERPAL SINGH

Please note, section 286 of the Sale and Supply of Alcohol Act 2012 outlines the provision for suspension of a licence for non-compliance with public health or fire precaution requirements.

A2622843



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 30 November 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 30 November 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**  

