

# Off-Licence Renewal Application Report

Under section 129 of the Sale and Supply of Alcohol Act 2012

**To:** Western Bay District Licensing Committee  
**From:** Micaela Turner– Alcohol Licensing Inspector  
**Date:** 23 June 2023

## 1. Application Description

Applicant's Name: BVSS 2015 Wines and Spirits Limited  
Site Address: 18 Wilson Road, Waihi Beach  
Trading Name: Waihi Beach Liquor Centre  
Type of Premises: Bottle Store  
Risk Rating: Medium Risk  
Application Number: LL8873  
Date Received by Council: 04 April 2023  
Current Licence Expiry: 12 May 2023  
Changes Being Sought? No

## 2. Executive Summary

This is a report on an application for a renewal of an off-licence. The criteria found at section 131 of the Sale and Supply of Alcohol Act 2012 (the Act) applies to this application.

The applicant seeks no changes to the current conditions of the off-licence.

No public objections have been submitted. The Medical Officer of Health (MOH) has opposed this application. The Police and I have not opposed this application.

I consider the applicant to be suitable and their proposal for the sale and supply of alcohol is consistent with the Act's purpose and meets the section 131 criteria.

### **3. The Applicant**

#### **3.1 Background & Suitability**

The applicant 'BVSS 2015 Wines and Spirits Limited' is a private limited company incorporated on 04 February 2015. This is the applicant's third renewal for this premises.

Mandeep Kaur and Gurwinder Singh are the directors and shareholders for the applicant company.

No concerns regarding the applicant's suitability or the current operation of the premise has been raised by the public or the reporting agencies.

#### **3.2 Eligibility for an Off-licence**

An off-licence may be renewed for this kind of premises because it meets the description found at section 32(1)(b) of the Act.

The most recent annual sales figures provided by the applicant indicate 85.57% of the annual sales revenue is derived from the sale of alcohol.

#### **3.3 Comment**

There are no concerns with the applicant's suitability.

### **4. Local Alcohol Policy**

#### **4.1 Days and Hours sought**

The applicant seeks no changes to the licensed days or hours, which currently are:

- Monday to Sunday: Hours: 8:00 am to 9.00 pm.

The Local Alcohol Policy stipulates the maximum hours for an off-licence are:

- 7:00 am to 9:00 pm.

#### **4.2 Comment**

The hours sought are within the hours permitted under the local alcohol policy.

## **5. External Reports and Public Objections**

### **5.1 Police**

The Police reported on the application outside of the 15 working days as stipulated in Section 103(4) of the Act on 10 May 2023. That report does not oppose the application.

### **5.2 Medical Officer of Health Report**

The MOH reported on the application on 08 May 2023. That report opposed the application based on the following:

1. Sale of single alcohol products that are 500ml and under at low prices,
2. External advertising of RTDs and bright colours promoting alcohol.

The following recommendations were proposed in that same report report:

1. Signage shall be limited to displaying the store name and logo on the existing roof display;
2. No bright colours shall be used in the external decoration of the premises;
3. No specific product or price specials shall be displayed externally;
4. No external advertising shall be displayed by way of flags or sandwich boards outside the store;
5. No single sales of beer, cider, or RTDs priced at, or less than, \$6.00 per unit are to be sold.

Harmolvir Singh is the son of the directors and is authorised to act on behalf of the applicant company. He responded to the MOH regarding the proposed recommendations. These emails have been provided to the DLC for further context.

Following further discussion between the MOH and Harmolvir Singh, the MOH provided an updated report on 21 June 2023. This report states that the MOH opposition would be satisfied if the recommendations are set as conditions on the licence.

### **5.3 Public Notices**

The application was publicly notified in the following paper:

Hauraki Coromandel Post:

- First Notice: 13 April 2023
- Second Notice: 20 April 2023
- The objection period expired on: 08 May 2023

#### **5.4 Public objections**

There have been no public objections to this application.

## **6. The Premises**

### **6.1 Principal entrance**

The principal entrance is accessed from the footpath at 18 Wilson Road, Waihi Beach.

### **6.2 Planning and Building Matters**

There have been no issues raised in regard to the building code or the Resource Management Act.

### **6.3 Design and Layout**

#### **Premises:**

The premises has a generic bottle store layout. The entryway is centralised to the front of the store, adjacent to the footpath. The service counter is situated to the left of the entrance. Spirits are located behind the service counter and the surrounding walls are lined with shelving stocked with wine. The walk-in chiller is located at the rear of the store, it is a large walk-in and can be easily seen on the licensed area map submitted with the application. This chiller stores, beer, cider and RTDs.

#### **Licensed Area:**

The licensed area is defined on the plan included with the application date stamped 04 April 2023.

#### **Designated Area:**

The entire premises is designated as supervised as the principal purpose of business is the sale of alcohol.

#### **Conclusion:**

I have no concerns with the design and layout of the premises.

## **6.4 Site Inspection**

### **Initial Inspection:**

I visited the premises on Friday 21 April 2023 at approximately 3:30 pm and met with Dulhani Hene Mudiyansele who was the named duty manager.

At the time of the inspection the premises was open, and customers were present on the premises.

Dulhani's name was prominently displayed as the manager on duty on the wall of the premises.

All required signage was displayed in the correct and prominent areas.

The applicant appears to have appropriate systems, staff, and training to comply with the law.

### **Second inspection:**

A second premises inspection was conducted on Friday 12 May 2023 at approximately 2:30 pm where I met with Harmolvir Singh and Dulhani Hene Mudiyansele.

It appeared that all conditions of the licence were complied with. Dulhani's name was prominently displayed as the manager on duty on the wall of the premises. All required signage was displayed in the correct and prominent areas.

At the time of the inspection, photographs were taken of the exterior of the premises. I present this as (**Exhibit: MAT/ 1**). This photograph was emailed to the MOH on Thursday 18 May 2023.

The applicant appears to have appropriate systems, staff, and training to comply with the law.

**Exhibit: MAT/1:**



**6.5 Other Goods and Services**

The applicant also sells tobacco products, non-alcoholic beverages, and snack/convenience food.

**7. Amenity and good order of the locality**

**7.1 The Locality**

The premises is commercially zoned and is accessed from an adjacent footpath.

There is a liquor ban in place which covers the entire town of Waihi Beach, meaning the consumption of alcohol (except in a licensed premises) is prohibited in a public place.

Being that the premises is located within the town centre there are several businesses that surround it, some including:

- Food takeaway shops
- Restaurants
- Clothing stores
- Laundromat
- Dairy/convenience stores

- Surf shops
- Chemist
- Hardware store

There are many licensed premises in close proximity, to the premises including:

- Café Strata (the neighbouring premises)
- La Vie en Rose - Restaurant
- Waihi Beach Four Square
- The Porch – Restaurant
- The Secret Garden
- Waihi Beach Hotel

## **7.2 Noise, Nuisance and Vandalism**

I am not aware of any concerns relating to noise, nuisance or vandalism relating to the store.

There are no negative reports from the police and no visual signs of crime in the local vicinity. There is no information to suggest the premises are associated with criminal behaviour.

## **7.3 Visual Amenity**

The premises are well kept and has a tidy appearance within the building and from the outside.

## **7.4 Comment**

There is no reason to believe the amenity and good order of the locality would likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence.

## 8. Conclusion and Conditions

### 8.1 Conclusion

Standing back and considering this application, there is nothing to suggest that the granting of this application would not achieve the object of the Act.

To explain further, no evidence has been brought to my attention that would support the need for any additional conditions to be placed on the licence to mitigate any local alcohol related harm or regulate how the premises is managed.

### 8.2 Conditions

I recommend the following conditions:

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours:

**Monday to Sunday – Hours: 8.00 am to 9.00 pm.**

2. No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day;
3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied;
4. The whole of the premises is designated as a **Supervised Area**;
5. The licensee must have available for consumption on the premises, at all time when the premises are open for the sale and supply of alcohol, a reasonable range on non-alcoholic and low-alcoholic beverages;
6. A properly appointed Certificated or Acting or Temporary Manager must be on duty at all times, within the licensed area, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;
7. The Licensee must display:



- a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
- b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
- c. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principal entrance.

**Prepared by**



.....  
Micaela Turner

**Alcohol Licensing Inspector**