

Off-Licence Application Report

Under section 103(2) of the Sale and Supply of Alcohol Act 2012

To: Western Bay District Licensing Committee
From: Micaela Turner – Alcohol Licensing Inspector
Date: 26 May 2023

1. Application Description

Applicant's Name: NSV 2020 Limited
Site Address: Unit 2, Building A, 97 – 137 Hamurana Road, Ōmokoroa
Trading Name: Boutique Liquor Ōmokoroa
Type of Premises: Bottle store
Risk Rating: Medium
Application Number: LL8845
Date Received by Council: 07 February 2023

2. Executive Summary

This is a report on an application for a new off-licence, which has yet to built. The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) applies to this application and has resulted from the applicant intending to open a bottle store.

Based on the information provided in the application and a meeting with the applicant, I consider the applicant's proposal for the sale and supply of alcohol is consistent with the purpose and section 105 criteria of the Act.

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.

3. The Applicant

3.1 Background & Suitability

The applicant is a private limited company and incorporated on 17 July 2020.

Sandeep Kaur is the sole director and a shareholder of the business; and Bhupinder Singh who is her husband is also a shareholder.

Sandeep Kaur currently works in the industry; she is the customer service manager at Countdown Bureta and has previous experience working at the Boutique Liquor stores in Mount Maunganui and Tauriko.

Sandeep holds a current manager's certificate issued from Tauranga City Council (TCC) (21/CERT/80008013/2022)

Bhupinder Singh holds a current manager's certificate issued from TCC (21/CERT/26742/2021). He is currently working at the Tauriko Boutique Liquor store.

The applicant intends to open a bottle store, selling alcohol from the premises.

No issues or concerns regarding the director's eligibility have come to light.

3.2 Eligibility

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

3.3 Comment

No information has come to light to question the applicant's suitability.

4. Local Alcohol Policy

4.1 Days and Hours sought

The applicant seeks the following days and hours:

- Monday to Sunday: Hours: 9:00 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 have not reported on this application. As per Section 103(4) of the Act the DLC can assume the Police have no matters in opposition.

5.2 Medical Officer of Health Report

The MOH responded in opposition to the application on 13 March 2023. The MOH are clearly opposed but have not provided a written statement detailing the reason/s in opposition.

5.3 Public notices

The application was publicly notified in the following paper:

Bay of Plenty Times:

- First Notice 20 February 2023
- Second Notice 27 February 2023
- The objection period expired on: 13 March 2023

5.4 Public objections

There have been no public objections made in the prescribed time.

6. The Premises

6.1 Principal entrance

The building will be addressed as Unit 2, Building A, 97 – 137 Hamurana Road, Ōmokoroa.

At this point in time building has not been built. Construction work is currently underway to develop the site.

6.2 Planning and Building Matters

A planning and building certificate is not attached at this time, as the building team requires a building code of compliance to be issued, which can only take place once building is finished.

6.3 Design and layout

Premises:

The premises is situated at Unit 2, Building A, 97 – 137 Hamurana Road, Ōmokoroa. The proposed layout of the bottle store is in keeping with the same design as the Tauriko Boutique bottle store.

The actual bottle store is relatively small, with shelving on either side of the store, a checkout area and a chiller room at the rear.

Licensed area:

The licensed area is more precisely defined on the plan included with the application as received by Western Bay of Plenty District Council on 07 February 2023.

Designated area:

The entire premises is planned to be designated as supervised as the intended principal purpose of business is the sale of alcohol.

6.4 Conclusion

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

6.5 Site Inspection

As premises is currently under construction, I am unable to complete a site inspection.

A meeting took place with Sandeep Kaur on 09 May 2023, to discuss the application in company with the MOH.

We discussed the management and operation of the proposed store and we also discussed strategies to minimise alcohol related harm.

Following this meeting the applicant provided a business plan and a revised social responsibility policy. She also agreed to a list of conditions aimed to address the concerns raised at the meeting. (Appendix A).

Upon reflection I have decided not to recommend the agreed conditions as mentioned above, as I have obtained no evidence relating to alcohol related harm in the local area, which would justify the need for these additional conditions.

I shall recommend the standard conditions in keeping with Fresh Choice and Kiwi Liquor Ōmokoroa, which are off-licensed premises in the local area.

6.6 Comment

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

6.7 Other goods and services

The applicant plans to sell, snack foods such as chips, non-alcoholic beverages such as soft-drink, and tobacco and vaping productions.

7. Amenity and Good Order of the Locality

7.1 The locality

The proposed premises is commercially zoned and situated in the centre of Ōmokoroa, near to the main shopping centre. Stores located near the premises include Fresh Choice (off-licensed supermarket), a sushi shop, laundromat, and pizza shop. Additional stores are situated in a shopping centre behind Fresh Choice, this centre includes a Kiwi Liquor Ōmokoroa (off-licensed bottle store).

A church is located just over 100 metres away.

I have received no complaints or concerns regarding this proposed application from members of the community.

There is no liquor ban in place for Ōmokoroa.

The area surrounding the premises is zoned residential and mainly consists of residential housing.

7.2 Noise, nuisance and vandalism

As the premises is yet to be built, I'm unable to comment on any concerns involving noise, nuisance or vandalism related to licensed premises.

Two licensed premises are situated in this local area and as of this time I have received no reports of vandalism or discarded litter from these stores.

7.3 Visual amenity

I'm unable to comment on the visual amenity as the premises is yet to be completed.

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 issue 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.

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: 9.00 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. 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.
5. 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.
6. **The licensed area is designated as supervised.**

Prepared by



Micaela Turner

Appendix 1 – Acknowledgement of Agreed Conditions

Acknowledgement of Agreed Conditions

I, Sandeep Kaur, intend to operate the premises situated at Unit 2, Building A, 97 – 137 Hamurana Road, Ōmokoroa, trading as the “Boutique Liquor Ōmokoroa” and I agree that the following conditions are suited to how we intend to operate the Licence.

I have not agreed to any other conditions.

Agreed 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: 10.00 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. 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.
5. 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.
6. The licensed area is designated as supervised.
7. There is to be no single sales of mainstream beers, ciders, shots and RTDs under 500mls and/or those not designed by the manufacturer to be sold as single serves. Single sales are to be sold at a minimum price of \$6.00.
8. No product brands or price specials are to be advertised externally on the walls, or on flags, or sandwich boards.
9. Signage shall be limited to displaying the store name and logo.
10. No bright colours shall be used in the external decoration of the premises.

Signed 

Date: 12/05/23