

Decision number: 022/ON/9055/2024

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012 (the Act)

AND

IN THE MATTER of an application
by **RCMK Limited**
pursuant to s.100 of the Act
for an ON Licence for
premises situated at 93
Jellicoe Street, Te Puke
known as “**Marigold Cafe**”

**RESERVED DECISION OF THE WESTERN BAY OF PLENTY DISTRICT
LICENSING COMMITTEE**

Chairman: Murray Clearwater
Member: Arthur Wilkinson
Member: Bev Edlin

HEARING at Tauranga on the 21st of March 2024

APPEARANCES

Mr Ravinder Singh Chahal - for the Applicant RCMK Limited (“the applicant”)
Mr Gaurav Nanda – for the Applicant
Ms Micaela Turner – Western Bay of Plenty Alcohol Licensing Inspector (“the
Inspector”) – to assist
Sergeant Dan Roser – Police Alcohol Harm Prevention Officer (AHPO) – no report
in opposition (No Appearance)
Ms. Dawn Meertens- for the Medical Officer of Health (MOoH) – no report in
opposition (no appearance)

Public Objectors:

The application was publicly notified in **The Te Puke Times** newspaper on the 20th
of October 2023 and again on the 2nd of November 2023. By the cut off time of 30
November 2023 three objections had been received from members of the public.



1. Mrs. Joan Dugmore
2. Ms. Kassie Ellis
3. Mr. Mark Simpson

RESERVED DECISION OF THE COMMITTEE

Background

1. The township of Te Puke has a residential population of around 13,000 and there are a number of residential and commercial developments underway in the district. It is expected that the population will swell by an additional 10,000 in the coming years. Infrastructure and service providers will be required for the growing population.
2. Marigold Café has been in the main street of Te Puke for many years. By all accounts it has a good reputation as a daytime café offering light meals and cabinet food.
3. Te Puke has recent history of public place drinking and alcohol related harm caused by street dwellers and other vulnerable persons. This has affected the town centre negatively and projects have been put in place to limit access to alcohol by these persons.

Applicants Evidence

4. Ravinder Singh Chahal told us that he bought Marigold Cafe in May of 2023 and in October he decided to try and extend the offering to include a dinner service with alcohol.
5. He has worked in restaurants for several years in Rotorua and has employed an experienced certificated manager to lead a staff of eight at Marigold Cafe. He does not plan to work in front of house himself but will be overseeing the running of the business.
6. He confirmed that the business would remain a low risk, class 3 restaurant with only table service of alcohol to patrons inside the premises.



7. He was questioned by the Committee and told us that his experienced manager would be in charge of training the new staff. He was aware of the issues around alcohol abuse in Te Puke and that he had had no problems so far with those that lived on the streets and in the parks.
8. He was aware that he could not allow intoxicated persons to be on the premises.
9. He was told by Kassie Ellis that they should stick to what they are currently doing i.e. a daytime alcohol free café.
10. His main certificated manager, Gaurav Nanda, then addressed the Committee. He said he had more than 10 years' experience in hospitality and had agreed to run the business for his friend. He plans to work the middle shift and oversee the staff as they settled into the new regime should a licence be granted.
11. In response to questions from the Committee, he said he already had two additional certificated managers waiting to start work. The outside tables would come inside during the afternoon and no alcohol would be permitted to be consumed outside the premises.

Evidence of the Inspector

12. The Report of the Inspector was affirmed as true and correct.
13. Inspector Turner's conclusion was that an ON Licence could be granted for this low-risk activity.

Objectors

14. First, we heard from Mrs. Joan Dugmore. She is a long time local resident and has serious concerns for the town due to the abuse of alcohol. She said Marigold Café is a family café and should stay that way. She said there are already 15 sellers of alcohol in the town, and they did not need anymore. She said parking is already at a premium and this proposal would make it worse.
15. To questions from the Committee, she agreed that if the town continued to grow as predicted then there would be a need for more facilities and shops. She said, "*The place won't cope with the influx.*"



16. She was concerned about the existing problems with homeless people living on the street and abusing alcohol. She conceded that the proposed activity with table service only of alcohol, did alleviate some of her concerns.
17. Ms. Kassie Ellis is a social worker in Te Puke and the Chair of the Te Puke Community Board. However, she appeared before us as a natural person. She held serious concerns about the current effects of excessive alcohol consumption in and around Te Puke. To the operators of Marigold Café, she said *"You are a great business, stay that way. Don't become part of the problem."*
18. The third objector, Mr. Mark Simpson, was unable to appear in person to support his objection due to work commitments. His concerns were very similar to those of the first two objectors. He believed that Te Puke did not need another outlet for alcohol.

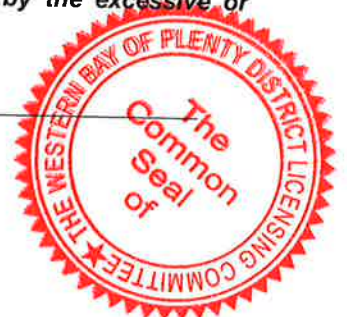
Relevant legislation

19. **Section 3 of the Act states the purpose of the Act as follows:**

- (1) *The purpose of Parts 1 and 3 and the schedules of this Act is, for the benefit of the community as a whole, –*
- (a) *to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and*
- (b) *to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.*
- (2) *The characteristics of the new system are that–*
- (a) *It is reasonable; and*
- (b) *Its administration helps to achieve the object of this Act.*

20. **Section 4 states the Object of the Act as follows:**

- (1) *The object of this Act 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.*
- (2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes –*
- (a) *Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*



(b) Any harm to society generally or the community, directly or indirectly caused, or directly and indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

21. Section 105 of the Act provides the criteria that the licensing committee must have regard to in deciding whether to grant a licence:

105 Criteria for issue of licences

(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

(a) the object of this Act:

(b) the suitability of the applicant:

(c) any relevant local alcohol policy:

(d) the days on which and the hours during which the applicant proposes to sell alcohol:

(e) the design and layout of any proposed premises:

(f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:

(g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:

(h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:

(i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—

(i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but

(ii) it is nevertheless desirable not to issue any further licences:

(j) whether the applicant has appropriate systems, staff, and training to comply with the law:

(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#).

(2) The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.

106 Considering effects of issue or renewal of licence on amenity and good order of locality

(1) In forming for the purposes of section 105(1)(h) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to—

(a) the following matters (as they relate to the locality):

(i) current, and possible future, noise levels:

(ii) current, and possible future, levels of nuisance and vandalism:



(iii) the number of premises for which licences of the kind concerned are already held; and

(b) the extent to which the following purposes are compatible:

(i) the purposes for which land near the premises concerned is used:

(ii) the purposes for which those premises will be used if the licence is issued.

(2) In forming for the purposes of section 131(1)(b) an opinion on whether the amenity and good order of a locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew a licence, the licensing authority or a licensing committee must have regard to the following matters (as they relate to the locality):

(a) current, and possible future, noise levels:

(b) current, and possible future, levels of nuisance and vandalism.

Reasons for the decision

The Act requires that when deciding whether to grant a licence or not, the licensing committee **must have regard** to the matters contained in section 105 and 106 of the Act.

Section 105(1)(a) The Object of the Act

22. Section 105(1)(a) of the Act requires the licensing committee to have regard to the object of the Act and in particular that the sale, supply and consumption of alcohol should be **undertaken safely and responsibly**. Also, the harm caused by the **excessive or inappropriate use of alcohol should be minimised**.
23. We must also read Section 3 together with Section 4 and ensure that the administration of the Act is **reasonable and benefits the community as a whole**.
24. We come back to the Object once we have considered the other clauses of 105 & 106.

Section 105(1)(b) Suitability of the Applicant

25. Section 105(1)(b) says that the applicant must be a suitable entity to hold an on-licence. In this regard the suitability of the applicant is not seriously challenged by any party. Mr. Chahal appears to be a sensible and knowledgeable individual and we find him and RCMK Limited suitable to hold an ON Licence.
26. One of the positive features of this application is the large number of current and future staff appointments that are planned. We often have to consider applications



with only skeleton crew proposals and inexperienced staff.

Section 105(1)(c) Relevant Local Alcohol Policy

27. In respect of section 105(1)(c) of the Act there is a relevant Local Alcohol Policy (LAP) in force and the application complies with the policy recommendations for ON Licences.

Section 105(1)(d) The days and hours of operation of the licence

28. The proposed maximum operating hours are **Monday to Sunday 9.00am to 10.00pm**. These days and hours are within the default national maximum trading hours for ON licences and the provisions of the Western Bay of Plenty LAP.
29. The hours sought are similar to the two other evening restaurants in the town.

Section 105(1)(e) The design and layout of any proposed premises

30. There were concerns raised about the design and layout of the premises, i.e. is the building fit for purpose. The applicant has provided a building and planning certificate that says that the proposal meets the town planning requirements and the provisions of the Building Code.
31. We cannot go behind these certificates. The applicant also advised that if the business is successful, he does intend to invest in new fittings for the Café.

Section 105(1)(f) Whether the applicant is engaged in or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods?

32. The applicant advised they will be selling a full range of meals with low and non-alcoholic beverages. The daytime café cabinet food options will still be available. They are yet to finalise their evening menu. The intimated offer of a Beer Burger and fries is what we would expect in a pub and not a class three restaurant.
33. There should be an extensive range of substantive meal options based on restaurant style dining.

Section 105(1)(g) Whether the applicant is engaged in or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, and food, and if so, which services



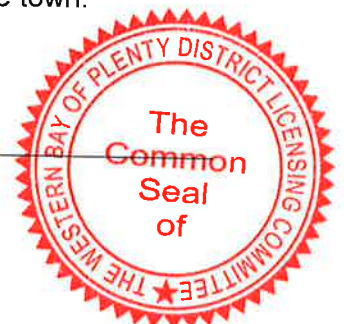
34. No other services will be offered.

Section 105(1)(h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:

35. We are directed to the parameters of s.106(1) and to have regard to a series of matters (as they relate to the locality). Firstly, we consider current and possible future noise levels.
36. There is no evidence that this proposal will introduce additional noise into the main street environment due to the low-risk class 3 status of the restaurant.
37. Regarding the current, and possible future, levels of nuisance and vandalism. We know of the current situation and that of previous years. There is no evidence to suggest that this proposal would increase levels of anti-social behaviours.
38. We are required to take into account: "the purposes for which land near the premises concerned is used." This is the business centre of the town. There are similar licensed establishments and a pub nearby.

**Section 105 (1)(i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—
(i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
(ii) it is nevertheless desirable not to issue any further licences:**

39. This section required careful consideration. As we know all alcohol comes from licensed premises. Some is consumed on premises; some is taken away to be consumed elsewhere. Some is consumed in the nearby streets and parks and other public spaces.
40. We believe the on-licensed premises have to accept their share of the cost of alcohol related harm, but we also put responsibility at the feet of off-licensed premises and those that choose to drink in public places in breach of the Alcohol Ban and/or go on to act in a disorderly manner and/or commit offences.
41. It is with this complex background that we have formed our opinion as to whether the amenity and good order of the area will be reduced by more than a minor extent and whether it is desirable, or not, to grant another alcohol licence in the town.



Section 105(1)(j) Whether the applicant has appropriate systems, staff, and training to comply with the law.

42. As we have stated elsewhere it was refreshing to see an application with adequate staffing levels already in place and an assurance to employ more if required. Mr. Chahal also has the luxury of having a 10-year veteran of the NZ hospitality scene heading his staff for training purposes and supervision.

Section 105(1)(k) Any matters dealt with in any report of the Police, an Inspector and the Medical Officer of Health under Section 129

43. The Police and the Medical Officer of Health did not report with any matters in opposition. We can only assume they have no concerns about this proposal. The Inspector has reported unopposed and advises that the application is capable of being granted.

DISCUSSION & REASONS FOR THE DECISION

44. The accepted course on how to approach our task comes from the decision of the High Court in **Otara-Papatoetoe Local Board v Joban Enterprises Ltd [2102] HCNZ 1406**¹. Applying the criteria used in that case we are expected to consider: (a) The relevant criteria in s.105 & 106; (b) Any reports presented by the Police, Medical Officer of Health and Alcohol Licensing Inspector following their respective inquiries into the application; and (c) any objections filed in accordance with the statutory requirements.
45. Having considered all this information (including the evidence for the applicant), we are required to stand back and determine whether the application should be granted (whether on conditions or not) or refused. This step requires us to form a view on whether there is evidence to suggest that granting the application would be contrary to the Object and the Purpose of the Act.
46. The application for a licence is a process not an event. On one hand we have the known issues around drinking in public spaces and the resultant harms and disorder. On the other hand, we have a businessman wanting to expand his business and offer a low risk dining and drinking opportunity for the township.
47. While acknowledging that there are alcohol related problems within the Te Puke area, it is our view that as this is a low risk class 3 restaurant licence that is being sought, the

¹ Otara-Papatoetoe Local Board v Joban Enterprises Ltd [2102] HCNZ 1406



amenity and good order of the area is unlikely to be reduced by more than a minor extent.

48. After standing back and evaluating the evidence that has been placed before us, we find that the current amenity and good order of the locality is not so badly affected by **the existing licensed premises** that we should not grant another.

THE DECISION

49. The District Licensing Committee has decided to grant the application for a low-risk Class 3 restaurant style ON Licence.
50. The licensed area will be as defined in the plan submitted excluding the outdoor area.
51. The licence is granted for 12 months, and the conditions can be reviewed if a renewal is sought. The ball is firmly in Mr Chahal's court to make this regime work and be in a position to show that he has sold, and supplied alcohol safely and responsibly in compliance with the conditions of the licence, and still has the support of the community.
52. We also clearly remind the applicant that the Committee can quickly rehear any matter it has determined at any time that it thinks fit.
53. To the objectors we thank them for their commitment to their town and we agree that the excessive and inappropriate consumption of alcohol and the resultant alcohol related harm must be minimised.
54. If operated correctly we do not believe this business will become part of the problem. If anything, it might encourage the moderate consumption of alcohol in a family friendly setting with good food, coffee, non-alcoholic refreshments along with alcohol.

The District Licensing Committee, acting pursuant to the Sale and Supply of Alcohol Act 2012, grants an application by RCMK Limited for an ON Licence in respect of premises situated at 93 Jellicoe Street, Te Puke known as " Marigold Cafe", subject to conditions.

When it issues the following conditions are to apply to this Class 3 restaurant style ON Licence:



1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:
Interior- Monday to Sunday 9.00am to 10.00pm;
2. No alcohol is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to dine;
3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises;
4. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages;
5. **Food must be available for consumption on the premises at all times when the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted;**
6. A properly appointed certificated, or Acting or Temporary, manager must be on duty at all times 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 provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
8. 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 premises so as to be easily read by persons attending the premises;

The licence is granted for 12 months from the date of issue.



DATED at TAURANGA this 25th day of March 2024



Murray Clearwater
Chairperson/Commissioner
For Western Bay of Plenty District Licensing Committee

NOTE

Sections 152 to 155 of the Act relating to the right to appeal this decision are in effect. This decision shall have no effect until 10 working days after the date on which notice of this decision is given to the applicant, and the objectors.



On Licence

Sections 14 to 16, and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the **Act**), **RCMK LIMITED** (the licensee) is authorised to sell and supply alcohol on the premises situated at **93 JELICOE STREET, TE PUKE** and known as **MARIGOLD CAFE**, to any person for consumption on the premises and to let people consume alcohol there.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with subpart 7 of Part 2 of the Act.

CONDITIONS

This licence is subject to the following conditions:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:
Interior- Monday to Sunday 9.00am to 10.00pm;
2. No alcohol is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to dine;
3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises;
4. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages;
5. **Food must be available for consumption on the premises at all times when the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted;**
6. A properly appointed certificated, or Acting or Temporary, manager must be on duty at all times 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 provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
8. 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 premises so as to be easily read by persons attending the premises;

DURATION

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

- (a) either—
 - (i) until the close of the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but
- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—
 - (i) until the close of the period of 3 years after the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

This licence continues in force until 04 June 2025 unless renewed.

Dated at Tauranga on the 4th day of June 2024


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Secretary
District Licensing Committee
Western Bay of Plenty District Council



Decision number: 22/RENOFF/9012/2024

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012 (the Act)

AND

IN THE MATTER of an application
by **Graduate Trading
Limited**
pursuant to s.127 of the Act
for the renewal of an OFF
Licence for premises situated
at 74-76 Main Road, Katikati
Street known as "Bottle-O
Katikati"

**DECISION OF THE WESTERN BAY OF PLENTY DISTRICT LICENSING
COMMITTEE**

Chairman: Murray Clearwater
Member: Bev Edlin
Member: Arthur Wilkinson

HEARING at Tauranga on the 16th of May 2024

APPEARANCES

Mr Robert Davies counsel for Graduate Trading Limited. (GTL)
Mr Jaskamal (Sunny) Singh for Graduate Trading Limited ("the applicant")
Mr Jatinder (Jassi) Singh for Graduate Trading Limited

Ms Micaela Turner – Western Bay of Plenty Alcohol Licensing Inspector ("the
Inspector") – to assist

Ms. Dawn Meertens- for the Medical Officer of Health ("MOoH") – in opposition

Sergeant Dan Roser – NZ Police Alcohol Harm Prevention Officer ("AHPO") to assist



RESERVED DECISION OF THE COMMITTEE

Introduction

1. By an application received on the 5th of October 2023, Graduate Trading Limited (GTL) applied for the renewal of an off-licence in respect of premises situated at 74-76 Main Road, Katikati known as Bottle-O Katikati.”
2. The current licensed days and hours are **Monday to Sunday 8.00am to 9.00pm** in line with the recently refreshed Western Bay of Plenty Local Alcohol Policy (LAP). These hours are also within the default national maximum trading hours for off licences.
3. The application was duly advertised and was reported on by the agencies. The delegated officer for the Medical Officer of Health opposed the renewal on the grounds that selling single serves in a “high deprivation area” would not help achieve the Object of the Act.
4. The Inspector does not oppose the renewal, nor does she support the imposition of additional discretionary conditions.
5. The Police do not oppose the renewal.
6. The application was set down for a formal hearing pursuant to Section 134 and the Committee needed to hear the arguments around single sales.

Applicant’s Evidence

7. Mr. Robert Davies, counsel for GTL, provided us with his usual helpful opening in which he referred us to relevant case law and also to the fact that his client had a single sales condition imposed by the DLC on one of their other stores and have voluntarily included it in their business practices at couple of their other stores.
8. He said that due to the demographics of their customer base in Katikati they do not believe a single sale condition is warranted. They do not dispute the raw data provided by James Scarfe, the data analyst, but do question its relevance to this application.
9. Jaskamal (Sunny) Singh spoke to us on behalf of the company. He told us that he and his extended family own and operate 8 licensed premises in Western Bay of Plenty and Tauranga.
10. He told us about their staffing and training programmes and their place in the Katikati community. The business is situated in the main street of Katikati and they are happy to be situated next door to the Police Station and are fully aware of the 24/7 Alcohol ban in Katikati township.



11. They were surprised that the MOoH has raised the issue of suitability. They have never had a compliance issue at the store, and he believed they had good systems and training at the store and around the sale and supply of alcohol.
12. He said a ban on the sale of single high strength beers under 500 ml was not necessary. They did not have 'at risk' clientele trying to buy those products.
13. They do make single sales of Diesel and Woodstock RTDs to a small number of customers who just want to purchase a couple of cold drinks to take home.
14. He was asked about local social issues, and he said that more than 90% of their customers were local people and not many young people tried to purchase alcohol. He said the clientele was very different from the Mount Maunganui store where customers are mainly young people.
15. In regard to intoxication, he said they turn away about 1-2 persons a week whom they have deemed to be intoxicated and therefore unable to be lawfully served.
16. They did not have a problem with customers opening their purchases and drinking them in the car park or on the street to their knowledge.
17. He had not seen people drinking in the park and that Katikati was their 'best' store as far as being easy to manage.

Police Evidence

18. We spoke briefly with Sergeant Dan Roser who told us that the Bottle-O Katikati was not a problem store for the Police. He said there were 2-3 'old lags' who frequent the township, but they did not come to notice in any significant way.
19. He personally vetted the application for renewal and saw no reason to oppose or seek any additional discretionary conditions.
20. He agreed with the concept that the DLC had to be satisfied that there should be a purpose and a reason for discretionary conditions to be added to a licence.

Inspectors Evidence

21. Ms. Micaela Turner is the Alcohol Licensing Inspector for Western Bay of Plenty. She confirmed her report was accurate and up to date.
22. The Inspector confirmed her non-opposition and that she saw no need for any additional discretionary conditions to be added to the licence.



Medical Officer of Health's Evidence

23. Ms. Dawn Meertens, called public health analyst, James Scarfe, to provide the DLC with an insight into the population demographics of the Katikati community.
24. Mr. Scarfe told us that Katikati had an elevated rate of hospital admissions wholly attributable to alcohol. He said the Bay of Plenty DHB area, as a whole, had a higher rate of hazardous drinking compared to the rest of New Zealand.
25. He was unable to link those factors, in other than general terms, to Katikati, or to the provision of alcohol from this store, let alone the contribution potentially made by the provision of single sales of alcoholic products.
26. We asked him about the presence and occupancy of any emergency housing in the area. He said the only evidence he had was that there were two facilities that were drawing payments from the Government agencies in 2023. He was unable to provide any current statistics on the numbers of people in emergency housing nearby.
27. He also confirmed his statistics were based on the 2018 census material that is now 6 years old. He agreed that current statistics could show a better or worse scenario.
28. Ms. Meertens then spoke on her opposition to the renewal and argued that a discretionary condition banning "cheap high strength single vessels of alcohol 500ml and under, excluding craft beers, and low alcohol beverages" would be beneficial to the amenity and good order of the area.
29. She had no direct evidence to show that an increase in the amenity and good order of the area, could be a realistic outcome of the measure.
30. In closing Ms. Meertens encouraged the Committee to adopt the recent Supreme Court dicta in that we should read Section 3 and 4 together and that our decisions should benefit the community as a whole.
31. We are also acutely aware that the imposition of discretionary conditions need to be reasonable and a proportionate response to any risk that should be abated.

Relevant legislation

32. Section 3 of the Sale and Supply of Alcohol Act 2012 ("the Act") states the purpose of the Act as follows:
 - (1) *The purpose of Parts 1 and 3 and the schedules of this Act is, for the benefit of the community as a whole, –*



- (a) *to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and*
 - (b) *to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.*
- (2) *The characteristics of the new system are that–*
- (a) *It is reasonable; and*
 - (b) *Its administration helps to achieve the object of this Act.*
33. Section 4 states the object of the Act as follows:
- (1) *The object of this Act 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.*
 - (2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes –*
 - (a) *Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
 - (b) *Any harm to society generally or the community, directly or indirectly caused, or directly and indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*
34. Sections 131 of the Act provides the criteria that the licensing committee must have regard to in deciding whether to approve a renewal of the licence:
- 131 Criteria for renewal*
- (1) *In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
 - (a) *the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):*
 - (b) *whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:*
 - (c) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*
 - (d) *the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*
35. The Act requires that when deciding whether to renew a licence, or not, the licensing committee must have regard to the matters contained in section 131 of the Act. We now consider them in greater depth.

Section 105(1)(a) The Object of the Act

36. The section requires the licensing committee must have regard to the object of the Act and in particular that the sale, supply and consumption of alcohol should be **undertaken safely and responsibly and** that the harm caused by the **excessive or inappropriate consumption of alcohol** should be minimised.



37. The evidence was that the applicant was well aware of its responsibilities and had been selling and supplying alcohol in a safe and responsible manner.
38. An example of that professionalism was the evidence that the applicants had imposed single sale restrictions voluntarily at some of their other stores.
39. As we have often said, the operators of off-licensed premises can do little to influence the moderate and appropriate consumption of alcohol as consumption occurs away from the premises.
40. We will return to the **Object and the Purpose of the Act** once we have discussed the other relevant criteria.

Section 105(1)(b) Suitability of the Applicant

41. The applicant must be a suitable entity to hold an Off-licence. No compelling evidence was presented to the Committee to the contrary.

Section 105(1)(c) Relevant Local Alcohol Policy

42. The application complies with the provisions of the recently refreshed and operative Western Bay of Plenty LAP.

Section 105(1)(d) The days and hours of operation of the licence

43. The days and hours of the current licence are within the default national maximum trading hours for off-licensed premises.

Section 105(1)(e) The design and layout of any proposed premises

44. The Committee is aware of the design and layout of the premises. It is unremarkable and there are no overt displays of single sale items in the store.

Section 105(1)(f) Whether the applicant is engaged in or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods.

45. No goods other than alcohol, low-alcohol beverages, non-alcoholic refreshments, snack items and tobacco products are sold on the premises.

Section 105(1)(g) Whether the applicant is engaged in or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, and food, and if so, which services.



46. No other services are offered.

Section 105(1)(j) Whether the applicant has appropriate systems, staff, and training to comply with the law.

47. The applicant advises that there are several staff with manager's certificates attached to the business and that they do hold regular training sessions.

48. There was no challenge made in relation to the systems, staff and training at these premises.

Section 105(1)(k) Any matters dealt with in any report of the Police, an Inspector and the Medical Officer of Health under Section 129

49. The Police have not opposed the renewal. The Medical Officer of Health opposed the renewal due to the potential harm arising from the single sales of high strength beers.

50. We discuss the issue of single sales and conditional oppositions further later in this decision.

(b)whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:

51. No evidence has been adduced to show that this premises is adversely affecting the amenity and good order of the locality. The statistical data provided does show an elevated rate of hospital admissions but as Mr. Scarfe conceded these are mainly due to admissions for conditions wholly caused by alcohol such as cirrhosis of the liver and similar afflictions.

52. There was no evidence of homeless street dwellers, or other vulnerable persons, begging or stealing coins for a quick single vessel fix from the bottle store.

(d)the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

53. We are satisfied that the applicant has not been overtly displaying or advertising alcohol products and prices. The Singhs told us they do not overtly advertise the single sales of RTDs and only make them available to their regular customers who only purchase a couple to take home 3-4 times a week.

Reasons for the Decision

54. Single sales have become a vexing issue for DLCs and the hospitality industry generally.



55. On the one hand it could be said that it is socially responsible to allow a customer to buy a single beer or a RTD if that is their wish.
56. On the other hand, some retailers have exploited the opportunity and deliberately 'broken' boxes of product so they can make single sales for at low as \$1.00 per bottle or can.
57. This is colloquially known as 'pocket money liquor.' Situations have arisen where street dwellers and beggars can beg, borrow or steal a few coins and can then repeatedly return to the bottle store and access more and more alcohol as the day goes on.
58. The immediate amenity and good order of the area is often reduced, offences are committed, and the Police end up having to deal with intoxicated persons and disorderly behaviour.
59. So how do we find the happy balance between the rights of the responsible purchaser and the need to deter the problematic singles sales that can, and do, occur in some communities?
60. The regulatory agencies have been recommending, and DLCs have been imposing a variety of restrictive conditions when circumstances support such impositions, and we have done so on a number of occasions.
61. We also believe that they should not be imposed arbitrarily and should be site specific.
62. As Gendall J so aptly stated in **J & G Vaudrey Limited CIV-2015-409-000098 [2015] NZHC 2749**¹

At [14] In particular I have found:

*(a) The role of the District Licensing Committee and the Authority (the relevant body) upon receipt of an application for licensing or re-licensing is an evaluative one, **requiring the decision maker to make a merits-based determination of the application.***

(c)...

(d)...

(e) There is no ability under ss 112–114 of the Act to impose general conditions (but that power is to be found in s 117).

(f).....

*(g) **The relevant body has a discretion to impose any further conditions which are reasonable and that are “not inconsistent” with the Act. In deciding whether to impose such conditions, the relevant considerations are these:***

¹ J & G Vaudrey Limited CIV-2015-409-000098 [2015] NZHC 2749



(i) the relevant body must have identified a risk which it seeks to abate, or a benefit which it seeks to secure.

(ii) that risk or benefit must be consistent with the purpose and object of the Act, and not inconsistent with the Act in its entirety.

(iii) the relevant body must direct itself as to all relevant circumstances.

(iv) it must then weigh the risk to be abated, or benefit to be secured, against the relevant circumstances as identified;

(v) the condition must be a proportionate response;

(b) ...

(vi) an absolute prohibition would not ordinarily be reasonable, nor a condition which secured a benefit or abated a disbenefit only marginally; equally, a condition may not be absurd, ridiculous, patently unjustifiable, extreme or excessive; and

(vii) Ultimately whether a condition is reasonable will depend on an objective assessment of whether there is a rational and proportionate connection between the identified risk or benefit, when weighed against all relevant considerations. (underlined text our emphasis)

63. It is not the role of the MOoH to try to impose a raft of generic conditions on every off licensed premises that come before them for enquiry and reporting.
64. It is the role of the DLC, and the DLC alone, to decide what is appropriate, or not, for a particular premises. We do encourage the agencies to present their views and recommendations but when they do, we expect to see evidence relating to **a risk to be abated or a benefit to be secured**.
65. Unfortunately, a number of appeals have gone to ARLA and been upheld, rejected and/or modified to a point where now some agencies are pushing for mandatory inclusion of conditions around single sales as they have been "approved by ARLA."
66. This is **not the case** as often the conditions have been consented to by the applicant, and may, or may not, have been appropriate for that location and merely rolled over by ARLA without being tested as to their appropriateness, or not.
67. While there is merit in having such conditions as part of Local Alcohol Policies and being consistent across the district, we believe that all discretionary conditions must be necessary and site specific. Applicants are entitled to a level playing field if, and when, the playing field is level!



68. However, if we were to have a bottle store in an Alcohol Ban Area, with a high deprivation vulnerable population nearby and evidence of 'at risk' persons seeking pocket money alcohol AND operators catering to those demands by breaking boxes and offering \$1, \$2, or \$3 beers and RTDs, discretionary conditions around single sales will very likely be appropriate and will be imposed either by consent or via the hearing process.
69. In this case we have a bottle store operating in a 24/7 Alcohol Ban Area but no hard evidence of localised alcohol abuse or social issues. The evidence suggest single sales are a very minor proportion of sales and no additional intervention is necessary.
70. For the reasons above, the Committee has determined that renewal should be granted with no change to the existing conditions.

The Decision

The Licence will be renewed for three (3) years from the expiry of the current licence on 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 8.00am to 9.00pm;**
 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 off the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol 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.
11. 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 and supply of alcohol.
- c. A copy of the licence is to be attached to the inside of the premises so as to be easily read by people entering each principal entrance.

DATED at TAURANGA this 22nd day of May 2024



Murray Clearwater
Commissioner
For the Western Bay of Plenty District Licensing Committee

NOTE

Sections 152 to 155 relating to the right to appeal this decision are in effect.
This decision shall have no effect until 10 working days after the date on which notice of this decision is given to the parties.

Off Licence Renewal

Sections 17 to 20, and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the **Act**), **GRADUATE TRADING LIMITED** (the licensee) is authorised to sell alcohol on the premises situated at **76 MAIN ROAD, KATIKATI** and known as **THE BOTTLE-O KATIKATI**, to any person for consumption off the premises and to supply alcohol free, as a sample, for consumption on the premises. The licensee is also authorised to sell alcohol on or from the premises and deliver it somewhere else.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

CONDITIONS

This licence is subject to 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 8.00am to 9.00pm;**
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 off the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol 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.
11. 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 and supply of alcohol.
 - c. A copy of the licence is to be attached to the inside of the premises so as to be easily read by people entering each principal entrance.

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

- (a) until the close of the period for which it was last renewed; or
- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, until the close of the period of 3 years after the period for which it was last renewed.

This licence replaces licence no. 022/RENOFF/8037/2020 and this licence continues in force until 04 November 2026 unless again renewed.

Dated at Tauranga on the 12th day of June 2024


.....
Secretary
District Licensing Committee
Western Bay of Plenty District Council



IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by **AMATIS LIMITED** for renewal of an **OFF LICENCE** pursuant to s.127 of the Act in respect of premises situated at **270 MATAHUI ROAD, AONGATETE, KATIKATI** and known as **MATAHUI DISTILLERY**.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

This is an application by **Amatis Limited** for renewal of an **Off licence** in respect of premises situated at **270 Matahui Road, Aongatete, Katikati**, known as **Matahui Distillery**.

The general nature of the business is that of a boutique manufacturer of specialist spirits and sells them from the premises, that is via a 'cellar door'. The premises is of the type that comply with s.32(1)(d) of the Act where the principal business carried out is the manufacture of alcohol. No endorsement under s.40 (remote sale) of the Act has been sought.

The applicant is a limited private company incorporated on 25 August 2016. Paul Horak is the sole director and a shareholder of the applicant company. Two other named shareholders are Christopher Railton and Angela Howard. This is the applicant's first renewal application.

Public Notification

The application was publicly notified in the Katikati Advertiser on 18 April 2024. No objections to the application were received by the secretariat. The Inspector has noted that the notice was published two days outside of the required time frame and recommends that a waiver be granted pursuant to s.208 of the Act as the error was not deliberate. I agree, the error is a small one and would have been unlikely to disadvantage the public generally.

REASONS FOR THE DECISION

The application is complete and contains all the required supporting documents as required under section 127 of the Act.



The Police and the Medical Officer of health have reported on the application and offer no matters in opposition.

Paul Horak is the holder of a general manager's certificate.

Overall, I am satisfied as to the matters to which we must have regard as set out in s.131 of the Act and that the applicant is carrying out the business as a manufacturer of alcohol with sales being carried out via a 'cellar door'.

DECISION

The District Licensing Committee Chair, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** the application by **Amatis Limited** for renewal of an Off-licence in respect of premises situated at **270 Matahui Road, Aongatete, Katikati** known as "**Matahui Distillery**", subject to conditions.

Conditions

The licence is subject to the conditions listed as follows:

1. Alcohol, subject to condition 3, may be sold on and 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 7:00 am to 9:00 pm

2. No alcohol is to be delivered from the premises on Good Friday, Easter Sunday, or Christmas Day or before 1.00 pm on Anzac Day.
3. A remote sale of alcohol may be made at any time on any day. Any alcohol sold by remote sale must not be delivered at any time after 11 pm on any day and before 6 am on the next day.
4. The on-site sale of alcohol is restricted to those alcoholic products manufactured on the property.
5. For remote sale the licensee must comply with the requirements set out in Regulations 14 & 15 of the Sale and Supply of Alcohol Regulations 2013 to ensure neither the purchaser nor the person to whom alcohol is delivered is a minor.
6. While alcohol is being provided free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
7. 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.
8. The licensee must display at the premises:



- 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 outside the premises, a sign stating the ordinary hours of business during which the premises will be open for the 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.

The premises are set out on the plan submitted with the application and date stamped 17 April 2024. A note to this effect is to be made on the licence.

The licence is renewed for three (3) years from the expiry date of the current licence and a replacement licence is to be issued.

Dated at Tauranga on the 6th day of June 2024




Arthur Wilkinson
Commissioner
Western Bay of Plenty District Licensing Committee

Application No: 9220

Off Licence Renewal

Sections 17 to 20, and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the **Act**), **AMATIS LIMITED** (the licensee) is authorised to sell alcohol on the premises situated at **270 MATAHUI ROAD, KATIKATI** and known as **MATAHUI DISTILLERY**, to any person for consumption off the premises and to supply alcohol free, as a sample, for consumption on the premises. The licensee is also authorised to sell alcohol on or from the premises and deliver it somewhere else.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

CONDITIONS

This licence is subject to the following conditions:

1. Alcohol, subject to condition 3, may be sold on and 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 7:00 am to 9:00 pm

2. No alcohol is to be delivered from the premises on Good Friday, Easter Sunday, or Christmas Day or before 1.00 pm on Anzac Day.
3. A remote sale of alcohol may be made at any time on any day. Any alcohol sold by remote sale must not be delivered at any time after 11 pm on any day and before 6 am on the next day.
4. The on-site sale of alcohol is restricted to those alcoholic products manufactured on the property.
5. For remote sale the licensee must comply with the requirements set out in Regulations 14 & 15 of the Sale and Supply of Alcohol Regulations 2013 to ensure neither the purchaser nor the person to whom alcohol is delivered is a minor.
6. While alcohol is being provided free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
7. 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.
8. The licensee must display at the premises:
 - 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 outside the premises, a sign stating the ordinary hours of business during which the premises will be open for the 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.

The premises are set out on the plan submitted with the application and date stamped 17 April 2024. A note to this effect is to be made on the licence.

The licence is renewed for three (3) years from the expiry date of the current licence and a replacement licence is to be issued.

DURATION

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

- (a) until the close of the period for which it was last renewed; or
- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, until the close of the period of 3 years after the period for which it was last renewed.

This licence replaces licence no. 022/OFF/8862/2023 and this licence continues in force until 03 May 2027 unless again renewed.

Dated at Tauranga on the 10th day of June 2024.


Secretary
District Licensing Committee
Western Bay of Plenty District Council



6. The Licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
7. 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.
8. 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.
9. The licensed premises are more precisely identified as outlined in a plan date stamped as received by the Western Bay of Plenty District Licensing Committee on **9 April 2024.**

The licence is for three (3) years from the expiry of the current licence and a replacement licence is to be issued.

Dated at Tauranga on the 6th day of June 2024



Arthur Wilkinson
Commissioner
Western Bay of Plenty District Licensing Committee



Application No: 9221



Renewal of On Licence

Sections 14 to 16, and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **CHROME CAFE & RESTAURANT LIMITED** (the licensee) is authorised to sell and supply alcohol on the premises situated at **3 WHARAWHARA ROAD, KATIKATI** and known as **CHROME CAFE**, to any person for consumption on the premises and to let people consume alcohol there.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with subpart 7 of Part 2 of the Act.

CONDITIONS

This licence is subject to the following conditions:

1. No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not present on the premises to dine.
2. Alcohol may only be sold on the following days and during the following hours:
Tuesday to Sunday **9.00 am to 4:00 pm.**
3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
4. Food must be available for consumption on the premises at all times that the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted.
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 of non-alcoholic and low-alcohol beverages.
6. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
7. 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.
8. 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.
9. The licensed premises are more precisely identified as outlined in a plan date stamped as received by the Western Bay of Plenty District Licensing Committee on **9 April 2024**.

The licence is for three (3) years from the expiry of the current licence and a replacement licence is to be issued.

DURATION

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

- (a) until the close of the period for which it was last renewed; or
- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, until the close of the period of 3 years after the period for which it was last renewed.

This licence replaces licence no. 022/ON/8863/2023 and this licence continues in force until 10 May 2027 unless again renewed.

Dated at Tauranga on the 10th day of June 2024.


Secretary
District Licensing Committee
Western Bay of Plenty District Council



IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by **CHILLTER LIMITED** for an **OFF LICENCE** pursuant to s.100 of the Act in respect of premises situated at **325C ESDAILE ROAD, WHAKAMĀRAMA 3180** trading as **THE BREWED NEST.**

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

This application, submitted by **CHILLTER LIMITED**, trading as **THE BREWED NEST** seeks the renewal of an **OFF LICENCE** in respect of premises situated at **325C ESDAILE ROAD, WHAKAMĀRAMA 3180.**

Chillter Limited, the applicant, is a private New Zealand Limited Incorporated Company (Co. No. 2173615 incorporated on 19 September 2008) seeking the following licensed days or hours for Onsite tasting and sales:

Thursday from 9:00 am to 3:00 pm and Friday from 9:00am to 6:00pm.

The applicant does not seek any change to the conditions of the current Off-licence – 022/OFF/8912/2023, with this being the applicant’s first renewal for this premises.

Maree Ellen Paynter is the sole director and shareholder of the applicant company. Primarily a bee farmer she also manufactures onsite and sells mead from the honey collected on the farm. Mead is sold remotely through online sales as well as onsite from the shop on Thursdays and Fridays. The sale of mead is complimentary to the principal purpose of the business being bee tours, the sale of honey and bees. The applicant also conducts bee experience tours and mead tastings.

Maree has also applied to renew her certificate (022/Cert/8917/2023 with a 30th June 2024 expiry date).

The general nature of the business to be undertaken is that of an OFF LICENCE PREMISES NOT OTHERWISE SPECIFIED.

REASONS FOR THE DECISION

The application was publicly notified in the Bay of Plenty Times on the 2nd of May 2024 and no objections were received.



The application was not opposed by any of the reporting agencies (the Police, MOoH, or Fire and Emergency) and no public objections were received.

The Inspector after conducting due diligence into the application, including an inspection of the premises, considers the applicant to be suitable to hold a manager's certificate and appears to have a solid understanding of her responsibilities under the Act and reports:

- There are no concerns with the design and layout of the premises or the management of the premises.
- Maree's name is prominently displayed as the 'manager on duty' at the premises and all required signage was displayed in the correct and prominent areas. The application public notice was prominently displayed at the primary entrance. The applicant appeared to have appropriate systems, staff, and training to comply with the law.
- The well-kept and tidy premises is rurally zoned where there is no alcohol ban in place. The nearest neighbouring residential property is located approximately 50 metres away from the premises and the closest town is Ōmokoroa located approximately 10 kilometres away. The closest licensed premises is an On-licence function centre; approximately two kilometres away.
- There have been no concerns relating to noise, nuisance or vandalism relating to the store nor has any negative reports been received from the police and there are no visual signs of crime in the local vicinity nor information to suggest the premises are associated with criminal behaviour.

There appears to be 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.

An off-licence may be renewed for this kind of premises because it meets the description found at Section 35 of the Act.

The Local Alcohol Policy stipulates the maximum hours for an Off-licence are 7:00am to 9:00pm. The hours sought are within the hours permitted under the local alcohol policy.

There is nothing to suggest that the granting of this application would not achieve the object of the Act. Thereby the proposal for the sale and supply of alcohol is consistent with the Act's purpose and meets the criteria in section 131.

THE DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **APPROVES** a renewal of an **OFF-LICENCE** application submitted by **CHILLTER LIMITED**, trading as **THE BREWED NEST** in respect of premises situated in respect of premises situated at **325C ESDAILE ROAD, WHAKAMĀRAMA 3180** subject to the following conditions.



The Conditions

1. Alcohol may be sold **from** the premises at any time on any day (online) and delivered somewhere else for consumption off the premises.
2. No alcohol is to be delivered from the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day.
3. No alcohol is to be delivered to the buyer (or to any other person on the buyer's behalf) at any time between 11:00pm and 6:00am the following day, on any day of the week.
4. The on-site tasting and sales of mead is permitted on:

Thursdays 9.00am to 3.00pm and Fridays 9.00am to 6.00pm

5. There must be a certificated manager properly appointed to the business by the licensee.
6. The Licensee must follow the procedures set out in Regulation 14 of the Sale and Supply of Alcohol Regulations 2013 to ensure that neither the purchaser, nor the person to whom alcohol is delivered, is a minor.
7. The Licensee must display on its website and/or in its catalogue and on every receipt issued for alcohol sold remotely:
 - a. the licence holder's name and licence number;
 - b. the date on which the licence expires; and
 - c. a legible image of the licence, or a clearly identified link to such an image.
8. The premises are as set out in the plan submitted with the application and date stamped 23 April 2024. A note to this effect is to be made on the licence.

The renewal will be for three years from the date of issue for the expiring licence and a replacement licence is to be issued.

Dated at Tauranga on the 21st of June 2024.



Commissioner
Western Bay of Plenty District Licensing Committee

Application No: 9237

Off Licence Renewal

Sections 17 to 20, and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the **Act**), **CHILLTER LIMITED** (the licensee) is authorised to sell alcohol on the premises situated at **325C ESDAILE ROAD, WHAKAMĀRAMA 3180** and known as **THE BREWED NEST**, to any person for consumption off the premises and to supply alcohol free, as a sample, for consumption on the premises. The licensee is also authorised to sell alcohol on or from the premises and deliver it somewhere else.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

CONDITIONS

This licence is subject to the following conditions:

1. Alcohol may be sold **from** the premises at any time on any day (online) and delivered somewhere else for consumption off the premises.
2. No alcohol is to be delivered from the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day.
3. No alcohol is to be delivered to the buyer (or to any other person on the buyer's behalf) at any time between 11:00pm and 6:00am the following day, on any day of the week.
4. The on-site tasting and sales of mead is permitted on:
Thursdays 9.00am to 3.00pm and Fridays 9.00am to 6.00pm
5. There must be a certificated manager properly appointed to the business by the licensee.
6. The licensee must follow the procedures set out in Regulation 14 of the Sale and Supply of Alcohol Regulations 2013 to ensure that neither the purchaser, nor the person to whom alcohol is delivered, is a minor.
7. The licensee must display on its website and/or in its catalogue and on every receipt issued for alcohol sold remotely:
 - a. the licence holder's name and licence number;
 - b. the date on which the licence expires; and
 - c. a legible image of the licence, or a clearly identified link to such an image.
8. The premises are as set out in the plan submitted with the application and date stamped 23 April 2024. A note to this effect is to be made on the licence.

DURATION

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

- (a) until the close of the period for which it was last renewed; or
- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, until the close of the period of 3 years after the period for which it was last renewed.

This licence replaces licence no. 022/OFF/8912/2023 and this licence continues in force until 30 June 2027 unless again renewed.

Dated at Tauranga on the 24th day of June 2024.



Secretary
District Licensing Committee
Western Bay of Plenty District Council



MANAGER'S CERTIFICATE

Section 217, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012

JAPLEEN KAUR

is authorised to manage any licensed premises in respect of which a licence is in force.

Subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate continues in force—

- (a) either—
 - (i) until the close of the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—
 - (i) until the close of the period of 3 years after the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

This certificate expires at the close of 14 June 2025

Dated at Tauranga on the 14th day of June 2024.



Sophie Shirley

Secretary, District Licensing Committee
Western Bay of Plenty District Council

Decision Number: **022/CERT/9266/2024**

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER of an application by
Japleen Kaur, pursuant to
s.224 of the Act for the issue
of a manager's certificate.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

The Applicant

This application, received from **Japleen Kaur**, seeks the issue of a manager's certificate. The applicant is currently employed at a Licensed premise: TE PUKE NEW WORLD, 12 Jocelyn Street, Te Puke.

Reasons for the Decision

Police have reported on the application with no matters in opposition to the issuing of this manager's certificate.

The applicant works is employed as a checkout supervisor at Te Puke New World.

The Inspector reports:

- The applicant attended an initial group interview in May 2024 and a second interview in June 2024, where she passed questions asked in the written test and engaged in a discussion, demonstrating a good understanding of the Sale and Supply of Alcohol Act. During the interview the object of the Act, intoxication, minors, host responsibility and the provisions under the Act, and drink driving were discussed.
- The applicant appears to be a suitable person to hold a manager's certificate.

Having considered the application, the supporting documentation and made enquiries where appropriate, the Inspector does not oppose this application believing the applicant is a suitable person to hold a manager's certificate.

The application and supporting information thereby satisfy the Committee that the criteria we must have regard to as set out in s.222 of the Act have been met.



The Decision

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 grants **Japleen Kaur** a Manager's Certificate.

Pursuant to the Sale and Supply of Alcohol Act 2012 **Japleen Kaur** is authorised to manage any licensed premises in respect of which a licence is in force.

Note: The certificate is valid for twelve months from the date the certificate is issued.

DATED at TAURANGA this 13th day of June 2024.




Beverley Edlin
Commissioner
Western Bay of Plenty District Licensing Committee

Application No: 9266

MANAGER'S CERTIFICATE

Section 217, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012

SARAH ELIZABETH JONES

is authorised to manage any licensed premises in respect of which a licence is in force.

Subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate continues in force—

- (a) either—
 - (i) until the close of the period for which it was last renewed;
or
 - (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—
 - (i) until the close of the period of 3 years after the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

This certificate expires at the close of 14 June 2025

Dated at Tauranga on the 14th day of June 2024.



Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision Number: **022/CERT/9271/2024**

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER of an application by **Sarah
Elizabeth Jones**, pursuant
to s224 of the Act for the
issue of a manager's
certificate.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

The applicant; **Sarah Elizabeth Jones**, seeks the issue of a Manager's Certificate.

The applicant is currently employed at a Licensed Premise: **Maketu Beachside Cafe
& Restaurant, Maketu.**

REASONS FOR THE DECISION

Police have reported on the application with no matters in opposition to the issuing of this manager's certificate.

The applicant is employed as a café manager at the Maketu Beachside Café & Restaurant.

The Inspector reports that the applicant attended an initial group interview in May 2024 and later a second interview was requested which the applicant attended and where she passed the questions asked in the written test and engaging in a discussion demonstrating a good understanding of the Sale and Supply of Alcohol Act.

In summary, the Inspector reports there is no reason to believe the applicant is not a suitable person to hold a manager's certificate and having considered the application, the supporting documentation and made enquiries where appropriate, does not oppose this application.

THE DECISION

The application and supporting information satisfy the Committee that the criteria we must have regard to as set out in s.222 of the Act have been met.



Thereby the District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 grants **Sarah Elizabeth Jones** a Manager's Certificate.

Pursuant to the Sale and Supply of Alcohol Act 2012 **Sarah Elizabeth Jones** is authorised to manage any licensed premises in respect of which a licence is in force.

Note: The certificate is valid for twelve months from the date the certificate is issued.

DATED at TAURANGA this 13th day of June 2024.

B. Edlin



Beverley Edlin
Commissioner
Western Bay of Plenty District Licensing Committee

Application No: 9271

MANAGER'S CERTIFICATE

Section 217, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012

CLAUDIA ANNE MIREE ERICKSON-ROSS

is authorised to manage any licensed premises in respect of which a licence is in force.

Subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate continues in force—

- (a) either—
 - (i) until the close of the period for which it was last renewed;
or
 - (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—
 - (i) until the close of the period of 3 years after the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

This certificate expires at the close of 20 June 2025

Dated at Tauranga on the 20th day of June 2024.



Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision Number: **022/CERT/9286/2024**

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER of an application by
**Claudia Anne Miree
ERICKSON-ROSS**, pursuant
to s.224 of the Act for the
issue of a manager's
certificate.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICANT

This application, submitted by **Claudia Anne Miree ERICKSON-ROSS**, seeks the issue of a managers certificate.

The applicant is currently employed at a Licensed premise: **VILLAGE GREEN**, 97 Hamurana Road Ōmokoroa.

REASONS FOR THE DECISION

Police have reported on the application with no matters in opposition to the issuing of this manager's certificate.

The applicant works is employed as a duty manager at Village Green, a restaurant located in Ōmokoroa.

After the applicant participated in group discussions and interviewed by the Inspector, the Inspector has no reason to believe the applicant is not a suitable person to hold a manager's certificate. After considering the application, the supporting documentation and made enquiries where appropriate, she does not oppose this application.

The application and supporting information thereby satisfy all the matters to which we must have regard as set out in s.227 of the Act.

Accordingly, the application can be determined on paper pursuant to s.19(3) and 202(1) of the Act.



THE DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 **approves** the application by **Claudia Anne Miree ERICKSON-ROSS** for a new Manager's Certificate.

Pursuant to the Sale and Supply of Alcohol Act 2012 **Claudia Anne Miree ERICKSON-ROSS** is authorised to manage any licensed premises in respect of which a licence is in force subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of manager's certificates.

This certificate is thereby valid for one year from the date of issue.

DATED at TAURANGA 19th June 2024.



Beverley Edlin

Commissioner

Western Bay of Plenty District Licensing Committee

Application No: 9286

MANAGER'S CERTIFICATE

Section 217, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012

ANGELA SARAH HOWARD

is authorised to manage any licensed premises in respect of which a licence is in force.

Subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate continues in force—

- (a) either—
 - (i) until the close of the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—
 - (i) until the close of the period of 3 years after the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

This certificate expires at the close of 19 June 2025

Dated at Tauranga on the 19th day of June 2024.



Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision Number: **022/CERT/9295/2024**

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER of an application by
Angela Sarah HOWARD,
pursuant to s224 of the Act
for the issue of a manager's
certificate.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICANT

This application, submitted by **Angela Sarah HOWARD,** seeks the issue of a Manager's certificate.

The applicant is the owner/operator of a business with a Licensed premise: Amatis Limited, trading as **Matahui Distillery, from 270 Matahui Road, Aongatete,** which holds an off-licence.

REASONS FOR THE DECISION

Police have reported on the application with no matters in opposition to the issuing of this Manager's certificate.

After the applicant participated in group discussions and interviewed by the Inspector, the Inspector has no reason to believe the applicant is not a suitable person to hold a manager's certificate. After considering the application, the supporting documentation and made enquiries where appropriate, she does not oppose this application.

The application and supporting information thereby satisfy all the matters to which we must have regard as set out in s.227 of the Act.

Accordingly, the application can be determined on paper pursuant to s.19(3) and 202(1) of the Act.



THE DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 **approves** the application by **Angela Sarah Howard** for a new Manager's Certificate.

Pursuant to the Sale and Supply of Alcohol Act 2012 **Angela Sarah Howard** is authorised to manage any licensed premises in respect of which a licence is in force subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of manager's certificates.

This certificate is thereby valid for one year from the date of issue.

DATED at TAURANGA 18th June 2024.



The
Common
Seal
of

Beverley Edlin

Commissioner

Western Bay of Plenty District Licensing Committee

Application No: 9295

Certificate No. 022/CERT/9296/2024

Notice of Renewal of Manager's Certificate
Section 226, Sale and Supply of Alcohol Act 2012

To: **GABRIELLE SUZANNE NIELSEN**

Your manager's certificate is renewed.

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate expires on

30 June 2027

unless again renewed.

DATED at Tauranga on the 18th day of June 2024.



Sophie

Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision Number: **022/CERT/9296/2024**

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER of an application by
Gabrielle Suzanne NIELSEN,
pursuant to s224 of the Act
for the renewal of a
manager's certificate.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

The Applicant

This application, submitted by **Gabrielle Suzanne Nielsen**, seeks the renewal of a manager's certificate. Her current Certificate 022/Cert/8927/2023 has a 30th June 2024 expiry date.

The applicant is employed as a Cellar Door Manager at a Licensed Premise: **The Wine Portfolio**, 2389 State Highway 2, Aongatete.

Reasons for the Decision

Police have reported on the application with no opposition to the renewal of the manager's certificate.

The Western Bay of Plenty District Council records indicate this is the applicant's second application and no information has come to light to question the suitability of the applicant with respect to the sale and supply of alcohol.

The Inspector reports:

- The applicant has detailed what steps they take to manage the sale and supply of alcohol. The information provided describes several knowledgeable actions that aim to reduce alcohol-related harm.
- There is no evidence that the applicant has not appropriately managed the sale and supply of alcohol with the aim of contributing to the reduction of alcohol-related harm.

Having considered the application, the supporting documentation and made enquiries where appropriate, she does not oppose this application.



No opposition to be heard has been received in respect of this application.

The application and supporting information thereby satisfy all the matters to which we must have regard as set out in s.227 of the Act. Accordingly, the application can be determined on paper pursuant to s.19(3) and 202(1) of the Act.

The Decision

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 **approves** the application by **Gabrielle Suzanne Nielson** for a renewed Manager's Certificate.

Thereby pursuant to the Sale and Supply of Alcohol Act 2012 **Gabrielle Suzanne Nielson** is authorised to manage any licensed premises in respect of which a licence is in force subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of manager's certificates.

This certificate is thereby valid for three years expiring **30 June 2027** unless again renewed.

DATED at TAURANGA 17th June 2024.

Beverley Edlin

Commissioner

Western Bay of Plenty District Licensing Committee

Application No: 9296

Certificate No. 022/CERT/9298/2024

Notice of Renewal of Manager's Certificate
Section 226, Sale and Supply of Alcohol Act 2012

To: **KELLY JILLIAN POOLEY**

Your manager's certificate is renewed.

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate expires on

12 June 2027

unless again renewed.

DATED at Tauranga on the 18th day of June 2024.



Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision Number: **022/CERT/9298/2024**

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012.

AND

IN THE MATTER of an application by **Kelly
Jillian POOLEY**, pursuant to
s.224 of the Act for the
renewal of a manager's
certificate.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

The Applicant

This application, submitted by **Kelly Jillian Pooley**, seeks the renewal of a manager's certificate. Her current Certificate; 022/Cert/8274/2021, has a 12th June 2024 expiry date.

Reasons for the Decision

The applicant is employed as a bar manager at Waihi Beach Lifeguard Services, located at 2 Beach Road, Waihi Beach; trading as '**The Deck**' a premise that holds a Club-Licence.

The Western Bay of Plenty District Council's records indicate this is the applicant's fifth application.

The Inspector reports:

- The applicant has detailed some steps she takes to manage the sale and supply of alcohol. The information provided describes several knowledgeable actions that aim to reduce alcohol-related harm.
- There is no evidence that the applicant has not appropriately managed the sale and supply of alcohol with the aim of contributing to the reduction of alcohol-related harm. Nor has any information has come to light to question the suitability of the applicant with respect to the sale and supply of alcohol.
- Having considered the application, the supporting documentation and made enquiries where appropriate, she do not oppose this application.

As neither the New Zealand Police nor the Licensing Inspector has expressed any recent concern about the suitability of the applicant or the way the applicant has managed licensed premises and no opposition or request be heard has been received in respect of this application, the application can be determined on paper pursuant to s19(3) AND 202(1) of the Act.

The application and supporting information thereby satisfy all the matters to which we must have regard as set out in s.227 of the Act.



The Decision

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 **approves** the application by **Kelly Jillian Pooley** for a renewed Manager's Certificate.

Thereby pursuant to the Sale and Supply of Alcohol Act 2012 **Kelly Jillian Pooley** is authorised to manage any licensed premises in respect of which a licence is in force subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of manager's certificates.

This certificate is thereby valid for three years expiring **12th June 2027** unless again renewed.

DATED at TAURANGA, 17th June 2024.




Beverley Edlin

Commissioner

Western Bay of Plenty District Licensing Committee

Application No: 9298

Certificate No. 022/CERT/9302/2024

Notice of Renewal of Manager's Certificate
Section 226, Sale and Supply of Alcohol Act 2012

To: **SUZANNE LEONIE PEAT**

Your manager's certificate is renewed.

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, this certificate expires on

10 July 2027

unless again renewed.

DATED at Tauranga on the 18th day of June 2024.



Sophie Shaw

Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision Number:

022/CERT/9302/2024

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by
Suzanne Leonie PEAT,
pursuant to s224 of the Act
for the renewal of a
manager's certificate.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

The Applicant

This application, received from **Suzanne Leonie PEAT**, seeks the renewal of a manager's certificate. The applicant's current Certificate 022/Cert/8296/2021 expires 10 July 2024.

The applicant is the Director and Manager of a Licensed premise: McGregors Wholesale Liquor trading as **SUPER LIQUOR TE PUKE**.

The Reasons for the Decision

Police have reported on the application with no opposition to the renewal of the manager's certificate.

The applicant is an owner-operator of **Super Liquor Te Puke** and also **Te Puke Hotel**.

The Western Bay of Plenty District Council records indicate this is the applicant's ninth application submitted to it.

No information has come to light to question the suitability of the applicant with respect to the sale and supply of alcohol.

The Inspector reports:

- that the applicant has detailed what steps they take to manage the sale and supply of alcohol. The information provided describes several knowledgeable actions that aim to reduce alcohol-related harm.
- There is no evidence that the applicant has not appropriately managed the sale and supply of alcohol with the aim of contributing to the reduction of alcohol-related harm.
- Having considered the application, the supporting documentation and made enquiries where appropriate, she does not oppose this application.

No opposition or request to be heard has been received in relation to this application. Accordingly, the application can be determined on paper pursuant to s191(3) and 202(1) of the Act.



The Decision

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 **approves** the application by **Suzanne Leonie Peat** for a renewed Manager's Certificate.

Thereby pursuant to the Sale and Supply of Alcohol Act 2012 **Suzanne Leonie Peat** is authorised to manage any licensed premises in respect of which a licence is in force subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of manager's certificates.

This certificate is thereby valid for three years expiring **10th July 2027** unless again renewed.

DATED at TAURANGA 17th June 2024.



Beverley Edlin

Commissioner

Western Bay of Plenty District Licensing Committee

Application No: 9302

Decision Number:

022/SL/9287/2024

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by
STEPHEN PAUL DOUGLAS
pursuant to s138 of the Act for
an on-site Special Licence in
respect of premises situated at
**28 WESTERN AVENUE,
ŌMOKOROA 3114** and known as
ŌMOKOROA SPORTS PAVILION

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

The applicant; **STEPHEN PAUL DOUGLAS**, has applies for an On-site Class 2 Special Licence in respect of premises situated at **28 WESTERN AVENUE, ŌMOKOROA 3114**; known as **ŌMOKOROA SPORTS PAVILION** to facilitate an event on the 21st of June 2024 between 06.00p.m. to 12.00a.m. midnight.

This private event – a fundraising dinner – is a medium size, not open to the public, ticketed and by invitation only. The event, there will also be a band, raffles, silent auction, etc. Attendees will receive one complimentary drink with their ticket, alcohol will also be available for sale from the bar.

The applicant has requested a restricted designated area for the event. However, the inspector does see the value in having this restriction as a condition of the licence.

The applicant has nominated Robbie Douglas as the responsible person for the event. Robbie has relevant experience working in the industry and has applied with Auckland Council for a manager's certificate.

Drinks per person per transaction has been limited to one.

To minimise harm from drink driving at the events the applicant has confirmed that taxi information will be displayed, taxi companies have been contacted for the event, and volunteers will be available to act as sober drivers. Additionally, sober drivers will be identified by a stamp or wrist band and will be provided free non-alcoholic beverages for the duration of the event.



REASONS FOR THE DECISION

The Police and the MOoH have both reported no opposition to this event taking place.

The Inspector after carrying out due diligence on the applicant, the supporting documentation and made enquiries where appropriate, does not oppose this application.

The hours comply with the requirements of the Local Alcohol Policy, as it applies to the premises.

Thereby I am satisfied as to the matters to which we must have regard as set out in s.142 of the Act.

THE DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **approves** a Special Class 2 Licence for an event to be overseen by Stephen Paul Douglas, to be held on in respect of premises situated at **28 WESTERN AVENUE, ŌMOKOROA 3114;** known as **ŌMOKOROA SPORTS PAVILION** to facilitate a private fundraising event on the 21st June 2024 between 06.00p.m. to 12.00a.m. midnight.

The issue of the licence in addition to the prescribed conditions of operation shall be subject to the following discretionary conditions:

THE Conditions:

1. Alcohol may be sold under the licence only on the following days and during the following hours:
**Fundraising Mid-Winter Christmas Party for Ōmokoroa First Responders.
Friday 21 June 2024 from 6:00 pm to 12:00 am midnight.**
2. **Free drinking water** is to be available to customers from the bar.
3. The licensee shall have available for consumption on the premises, at all times when alcohol may be sold and supplied under the licence, a reasonable range of low-alcoholic ($\leq 2.5\%$ abv) and non-alcoholic refreshments, and food appropriate to the occasion.
4. Information regarding and assistance with alternative forms of transport must be available, as what has been proposed by the applicant.
5. For the purposes of the licence **Robbie Douglas** has been nominated to manage the sale and consumption of alcohol on the premises.
6. Drinks per person per transaction is limited to two.
7. The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
8. The licensee must display:
 - a. At every point of sale, signage detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.



- b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.
- c. A sign prominently displayed at the premises that identifies by name the certified manager on duty.

DATED at Tauranga on the 13th of June 2024

B. E. E. E.



Commissioner
Western Bay of Plenty District Licensing Committee

Application No: 9287

Special Licence

Section 22 and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **STEPHEN PAUL DOUGLAS** is authorised to sell and supply alcohol on the premises situated at **28 WESTERN AVENUE, ŌMOKOROA 3114** and known as **ŌMOKOROA SPORTS PAVILION**, to any person attending the following occasion or event (or series of occasions or events):
FUNDRAISING DINNER FOR FIRST RESPONDERS AND ŌMOKOROA FIRE BRIGADE

Conditions


This licence is subject to the following conditions:

1. Alcohol may be sold under the licence only on the following days and during the following hours:
Fundraising Mid-Winter Christmas Party for Ōmokoroa First Responders.
Friday 21 June 2024 from 6:00 pm to 12:00 am midnight.
2. **Free drinking water** is to be available to customers from the bar.
3. The licensee shall have available for consumption on the premises, at all times when alcohol may be sold and supplied under the licence, a reasonable range of low-alcoholic ($\leq 2.5\%$ abv) and non-alcoholic refreshments, and food appropriate to the occasion.
4. Information regarding and assistance with alternative forms of transport must be available, as what has been proposed by the applicant.
5. For the purposes of the licence **Robbie Douglas** has been nominated to manage the sale and consumption of alcohol on the premises.
6. Drinks per person per transaction is limited to two.
7. The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
8. The licensee must display:
 - a. At every point of sale, signage detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.
 - c. A sign prominently displayed at the premises that identifies by name the certified manager on duty.

Duration

This licence is in force for the days and hours specified in condition 1.

Dated at Tauranga on the 14th day of June 2024.


Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision Number:

022/SL/9289/2024

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **DEBBIE ANNE ALLAN ON BEHALF OF WHAMĀRAMA SCHOOL PTA** pursuant to s.138 of the Act for a Class 2 On-site Special Licence in respect of premises situated at **469 WHAKAMĀRAMA ROAD, RD7, TAURANGA 3179**; known as **WHAKAMĀRAMA HALL.**

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

DEBBIE ANNE ALLAN, on behalf of the **WHAKAMĀRAMA SCHOOL PTA**, has applied for a Class 2 On-site Special Licence in respect of premises situated at **469 WHAKAMĀRAMA ROAD, RD7, TAURANGA 3179**; known as **WHAKAMĀRAMA HALL**. The Licence sought, is to cover three separate fundraising events that will run on the following days and duration:

05 Jul 2024
10 Nov 2024
02 May 2025

06:45p.m. to 11.00p.m.
06:00p.m. to 9.00p.m.
06:45p.m. to 11.00p.m.

First event is to be of a medium size, open to the public, ticketed and by invitation only.

Second event is to be of a small size, open to the public, ticketed and by invitation only and

Third event is to be of a medium size, open to the public, ticketed and by invitation only.

The first and third will be Bingo Nights; with Ethel and Bethel Bingo Babes, while the second will be a Ladies Fashion Swap and Beauty Night.

Drinks per person per transaction has been limited to two.

Mrs Elizabeth Mary Farell 022/Cert/8586/2022; expiry date 15th June 2025, has been appointed the person to oversee the sale, supply and consumption of alcohol at the events.



The applicant is to provide local taxi and uber information at the event. The applicant has also contacted taxi companies to ensure there is availability for the events and will be promoting safe alternative transport options on the ticket website and Facebook page.

THE REASONS FOR THE DECISION

Both agencies (Police and MOoH) have reported on the application and neither oppose the holding of these three separate fund-raising events.

Having considered the application, the supporting documentation and made enquiries where appropriate, the Inspector does not oppose this application.

As there has been no opposition to this application nor a request be heard in respect of this application, the application can be determined on paper pursuant to S19(3) AND 202(1) of the Act.

I am satisfied that this application complies with the matters to which we must have regard are set out in s.142 of the Act.

THE DECISION

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **grants a Class 2 Special Licence** to the **Debbie Anne Allan on behalf of Whakamārama School's PTA**, to enable it to host the below named three events to be held at the **Whakamarama Community Centre, 469 Whakamārama Road, RD7 Tauranga**; on three separate dates and times (as stated below); subject to the following conditions:

The Mandatory and Discretionary Conditions

1. Alcohol may be sold under the licence only on the following days and during the following hours:

Bingo Night – Ethel and Bethel Bingo Babes.

Friday 05 July 2024 from 6:45 pm to 11:00 pm.

Ladies Night – Fashion Swap and Beauty Night.

Sunday 10 November 2024 from 6:00 pm to 9:00 pm.

Bingo Night – Ethel and Bethel Bingo Babes.

Friday 02 May 2025 6:45 pm to 11:00 pm.

2. **Free drinking water** is to be available to customers from the bar.
3. The licensee shall have available for consumption on the premises, at all times when alcohol may be sold and supplied under the licence, a reasonable range of low-alcoholic ($\leq 2.5\%$ abv) and non-alcoholic refreshments, and food appropriate to the occasion.



4. Information regarding and assistance with alternative forms of transport must be available, as what has been proposed by the applicant.
5. For the purposes of the licence a certified duty manager **must** be appointed to manage the sale, supply and consumption of alcohol.
6. Drinks per person per transaction is limited to two.
7. The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
8. The licensee must display:
 - a. At every point of sale, signage detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.
 - c. A sign prominently displayed at the premises that identifies by name the certified manager on duty.
9. No BYO permitted.

DATED at Tauranga on the 18th June 2024.

B. E. Allen



Commissioner
Western Bay of Plenty District Licensing Committee

Application No: 9289

Special Licence

Section 22 and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **DEBBIE ANNE ALLAN ON BEHALF OF WHAKAMĀRAMA SCHOOL PTA** is authorised to sell and supply alcohol on the premises situated at **469 WHAKAMĀRAMA ROAD, RD7, TAURANGA 3179** and known as **WHAKAMĀRAMA HALL**, to any person attending the following occasion or event (or series of occasions or events):

BINGO NIGHT – ETHEL AND BETHEL BINGO BABES
LADIE NIGHT – FASHION SWAP AND BEAUTY NIGHT
BINGO NIGHT – ETHEL AND BETHEL BINGO BABES

Conditions

This licence is subject to the following conditions:

- Alcohol may be sold under the licence only on the following days and during the following hours:
 - Bingo Night – Ethel and Bethel Bingo Babes.**
Friday 05 July 2024 from 6:45 pm to 11:00 pm.
 - Ladies Night – Fashion Swap and Beauty Night.**
Sunday 10 November 2024 from 6:00 pm to 9:00 pm.
 - Bingo Night – Ethel and Bethel Bingo Babes.**
Friday 02 May 2025 6:45 pm to 11:00 pm.
- Free drinking water** is to be available to customers from the bar.
- The licensee shall have available for consumption on the premises, at all times when alcohol may be sold and supplied under the licence, a reasonable range of low-alcoholic ($\leq 2.5\%$ abv) and non-alcoholic refreshments, and food appropriate to the occasion.
- Information regarding and assistance with alternative forms of transport must be available, as what has been proposed by the applicant.
- For the purposes of the licence a certified duty manager **must** be appointed to manage the sale, supply and consumption of alcohol.
- Drinks per person per transaction is limited to two.
- The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - Ensure that no intoxicated persons are allowed to enter or to remain on the premises.**
- The licensee must display:
 - At every point of sale, signage detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
 - A copy of the licence attached to the premises so as to be easily read by persons attending the premises.
 - A sign prominently displayed at the premises that identifies by name the certified manager on duty.
- No BYO permitted.

Duration

This licence is in force for the days and hours specified in condition 1.

Dated at Tauranga on the 19th day of June 2024.


Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision number:

22/SL/9290/2024

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012(the Act)

AND

IN THE MATTER

of an application by **TE PUKE
EVENTS AND PROMOTIONS
GROUP INCORPORATED**
pursuant to s138 of the Act for
an on-site Special Licence in
respect of premises situated
on Jellicoe Street, Te Puke
known as the **TE PUKE WAR
MEMORIAL HALL.**

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

Te Puke Events and Promotions Group Incorporated applies for an on-site **Special Licence** in respect of premises situated on Jellicoe Street, Te Puke known as the **Te Puke War Memorial Hall.**

The licence is to host the **65th Anniversary of naming Kiwifruit in NZ** and it is anticipated that there will be up to 180 ticketed guests attending this celebration.

The following day and hours are sought:

Saturday 31 August 2024 from 6.30pm to 10.00pm

The applicant has provided a detailed list of the food options and low-alcohol and non-alcoholic refreshments that be provided along with free water for the duration of the event.



THE REASONS FOR THE DECISION

The Inspector has provided a report on the application and believes the application meets the criteria for issue.

A certificated manager will be on duty to oversee the conduct of the premises throughout the event.

Neither the Police (no report within the statutory timeframe) nor of the Medical Officer of Health raises any matters in opposition. By agreement a maximum serve of 2 alcoholic drinks per person per sale will apply.

Overall, I am satisfied as to the matters to which we must have regard as set out in s.142 of the Act.

DECISION

The District Licensing Committee, pursuant to the Sale and Supply of Alcohol Act 2012 **grants** the application by **Te Puke Events and Promotions Group Incorporated** for an on-site Special Licence in respect of premises situated on Jellicoe Street, Te Puke known as the **Te Puke War Memorial Hall** subject to conditions.

Conditions:

The licence is subject to the following conditions

1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:
Saturday 31 August 2024 from 6.30pm to 10.00pm
2. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises;
3. A certificated manager must be on duty at all times when the premises are open for the sale and supply of alcohol;
4. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard;



5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages;
6. The Licensee must display signage as follows:
 - a. At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty;
7. The licensee must provide information and advice about forms of transport available to patrons from the licensed premises;
8. Maximum service size is 2 alcoholic drinks per person per sale;
9. No BYO alcohol is to be brought into the event.

DATED at TAURANGA this 26th day of June 2024



Murray Clearwater
Chairperson/Commissioner
Western Bay of Plenty District Licensing Committee

Special Licence

Section 22 and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **TE PUKE EVENTS AND PROMOTIONS GROUP INCORPORATED** is authorised to sell and supply alcohol on the premises situated at **130 JELICOE STREET, TE PUKE 3119** and known as **TE PUKE WAR MEMORIAL HALL**, to any person attending the following occasion or event (or series of occasions or events):

CELEBRATION EVENT FOR 65 YEARS OF NAMING KIWIFRUIT IN NEW ZEALAND

Conditions

This licence is subject to the following conditions:

1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:
Saturday 31 August 2024 from 6.30pm to 10.00pm
2. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises;
3. A certificated manager must be on duty at all times when the premises are open for the sale and supply of alcohol;
4. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard;
5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages;
6. The Licensee must display signage as follows:
 - a. At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty;
7. The licensee must provide information and advice about forms of transport available to patrons from the licensed premises;
8. Maximum service size is 2 alcoholic drinks per person per sale;
9. No BYO alcohol is to be brought into the event.

Duration

This licence is in force for the days and hours specified in condition 1.

Dated at Tauranga on the 27th day of June 2024.


Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision Number

022/SL/9292/2024

IN THE MATTER

of the Sale and Supply
of Alcohol Act 2012

AND

IN THE MATTER

of an application by
**WAIHĪ BEACH
LIFEGUARD SERVICES
INCORPORATED**
pursuant to s.138 of
the Act for an on-site
Special Licence in
respect of premises
situated at **2 BEACH
ROAD, WAIHĪ BEACH**
known as **THE DECK.**

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

WAIHĪ BEACH LIFEGUARD SERVICES INCORPORATED (Inc. No. 214230) has applied for a Class 2 On-site Special Licence in respect of premises, situated at **2 Beach Road, The Esplanade Waihi Beach**; known as, **The Deck**; to enable it to facilitate two separate functions:

A 62nd Birthday Celebration (a small event) on Saturday 13 July 2024 from 6:00 pm to 12:00 am midnight and a 60th Birthday (a medium size event) on Saturday 27 July 2024 from 6:00 pm to 12:00 am midnight.

Neither event will not open to the public, each will be by invitation only, and not ticketed.

REASONS FOR THE DECISION

The Waihi Beach Lifeguard Services Incorporated holds a current Club Licence.

The MOH and the Police have both reported and are unopposed to the application but the MOH have asked for the applicant to be reminded that food must be available at all times during these events.

Having considered the application, the supporting documentation and made enquiries where appropriate, the Inspector does not oppose this application.

To minimise harm from drink driving at the events the applicant has confirmed that the Club has a sober driving scheme in place, taxi information will be provided, and the club vehicle will be available to transport people home if required.



The applicant has advised that substantial food, water, low and non-alcoholic drinks will be available and drinks per person per transaction has been limited to two.

The application states that Miss Amber Hankinson 022/Cert/8762/2023 expiry date 11/08/2024 has been appointed to oversee the sale and supply of alcohol at the events.

The hours comply with the requirements of the Local Alcohol Policy, as it applies to the premises.

Thereby I am satisfied that this application complies with the matters to which we must have regard are set out in s.142 of the Act.

THE DECISION

The District Licensing Committee Chairperson, acting pursuant to the Sale and Supply of Alcohol Act 2012, grants a Class 2 On Licence to **Waihi Beach Lifeguard Services Incorporated** in respect to premises located at 2 Beach Road, The Esplanade Waihi Beach known As, 'The Deck' to allow the Club to facilitate two separate events: a 62nd Birthday Celebration (new Marg's) on Saturday 13 July 2024 from 6:00 pm to 12:00 am midnight and a 60th Birthday (Trude Gatland's) on Saturday 27 July 2024 from 6:00 pm to 12:00 am midnight, subject to the following conditions.

The Conditions:

1. Alcohol may be sold under the licence only on the following days and during the following hours:

Marg's 62nd Birthday Celebration.

Saturday 13 July 2024 from 6:00 pm to 12:00 am midnight.

Trudi Gatland's 60th Birthday Celebration.

Saturday 27 July 2024 from 6:00 pm to 12:00 am midnight.

2. **Free drinking water** is to be available to customers from the bar.
3. The licensee shall have available for consumption on the premises, at all times when alcohol may be sold and supplied under the licence, a reasonable range of low-alcoholic ($\leq 2.5\%$ abv) and non-alcoholic refreshments, and food appropriate to the occasion.
4. Information regarding and assistance with alternative forms of transport must be available, as what has been proposed by the applicant.
5. For the purposes of the licence a **certified duty manager** must be appointed to manage the sale, supply and consumption of alcohol.
6. Drinks per person per transaction is limited to two.
7. The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:



(i) Ensure that no intoxicated persons are allowed to enter or to remain on the premises.

8. The licensee must display:

- a. At every point of sale, signage detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
- b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.
- c. A sign prominently displayed at the premises that identifies by name the certified manager on duty.

9. No BYO permitted.

DATED at Tauranga on the 20th of June 2024




Beverley Edlin

Commissioner

Western Bay of Plenty District Licensing Committee

Application No: 9292

Special Licence

Section 22 and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **WAIHĪ BEACH LIFEGUARD SERVICES INCORPORATED** is authorised to sell and supply alcohol on the premises situated at **2 BEACH ROAD, WAIHĪ BEACH** and known as **THE DECK**, to any person attending the following occasion or event (or series of occasions or events):

MARG'S 62ND BIRTHDAY CELEBRATION
TRUDI GATLANDS 60TH BIRTHDAY CELEBRATION

Conditions

This licence is subject to the following conditions:

1. Alcohol may be sold under the licence only on the following days and during the following hours:

Marg's 62nd Birthday Celebration.
Saturday 13 July 2024 from 6:00 pm to 12:00 am midnight.

Trudi Gatland's 60th Birthday Celebration.
Saturday 27 July 2024 from 6:00 pm to 12:00 am midnight.
2. **Free drinking water** is to be available to customers from the bar.
3. The licensee shall have available for consumption on the premises, at all times when alcohol may be sold and supplied under the licence, a reasonable range of low-alcoholic ($\leq 2.5\%$ abv) and non-alcoholic refreshments, and food appropriate to the occasion.
4. Information regarding and assistance with alternative forms of transport must be available, as what has been proposed by the applicant.
5. For the purposes of the licence a **certified duty manager** must be appointed to manage the sale, supply and consumption of alcohol.
6. Drinks per person per transaction is limited to two.
7. The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
8. The licensee must display:
 - a. At every point of sale, signage detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.
 - c. A sign prominently displayed at the premises that identifies by name the certified manager on duty.
9. No BYO permitted.

Duration

This licence is in force for the days and hours specified in condition 1.

Dated at Tauranga on the 26th day of June 2024.


Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision Number:

022/SL/9294/2024

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **TE PUKE
CITIZENS CLUB INCORPORATED**
pursuant to s138 of the Act for
an on-site Special Licence in
respect of premises situated at
**179-185 JELICOE STREET, TE
PUKE** and known as **CITIZENS
RSA TE PUKE.**

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

TE PUKE CITIZENS CLUB INCORPORATED seeks a Class 2 On-site Special Licence in respect of premises situated at **179-185 JELICOE STREET, TE PUKE**; known as **CITIZENS RSA TE PUKE** to enable it to facilitate 3 separate events:

1. New Zealand National karaoke Competition and Buffet Meal on Friday 21 June 2024 from 6.00p.m to 11.00pm. This will be medium sized event that is open to public, not ticketed or by invitation only.
2. Fleetwood Mac Tribute Band & Buffet Meal on 13th June 2024 from 6.00p.m. to 12.00a.m. midnight. This is to be a medium sized event that is open to public, ticketed and is not by invitation only.
3. A 40th Birthday Celebration on Saturday 20 July from 7.00pm. to 12.00a.m. midnight. This is to be a small sized private event that is not open to public.

The Club holds a Club Licence 022/Recl/8304/2021.

Tracy Mouat 022/Cert/8881/2023 expiry date 3/4/2026 has been appointed to oversee the sale and supply of alcohol and the events.

In all three the drinks per person per transaction has been limited to two.

The club vans will be available, with pick-ups and drop-offs for attendees.

THE REASONS FOR THE DECISION

Both the reporting agencies have reported on the application and neither oppose it.

The Inspector having considered the application, the supporting documentation and made enquiries where appropriate, does not oppose this application.



The Club has run similar events in the past without concerns being raised.

A certificated Manager has been appointed to oversee all three events.

Substantial food, water, low and non-alcoholic drinks available.

The hours applied for are within the Local Alcohol Policy.

Thereby application and supporting information received satisfy us that the criteria we must have regard to as set out in s.142 of the Act, has been met.

THE DECISION

Pursuant to the Sale and Supply of Alcohol Act 2012, the District Licensing Committee grants a **Special On Licence** to The **Te Puke Citizens Club Incorporated**, to facilitate the three named separate events on states dates and times subject to the following conditions:

The Conditions

1. Alcohol may be sold under the licence only on the following days and during the following hours:

New Zealand National karaoke Competition and Buffet Meal.

Friday 21 June 2024 from 6:00 pm to 11:00pm.

(with sales ceasing at 10:30 pm, allowing for a 30-minute drink up time)

Fleetwood Mac Tribute Band & Buffet Meal.

Saturday 13 July 2024 from 6:00 pm to 12:00 am midnight.

(with sales ceasing at 11:30 pm, allowing for a 30-minute drink up time)

40th Birthday Celebration for Toni Darby.

Saturday 20 July 2024 from 7:00 pm to 12:00 am midnight.

(with sales ceasing at 11:30 pm, allowing for a 30-minute drink up time)

2. **Free drinking water** is to be available to customers from the bar.
3. The licensee shall have available for consumption on the premises, at all times when alcohol may be sold and supplied under the licence, a reasonable range of low-alcoholic ($\leq 2.5\%$ abv) and non-alcoholic refreshments, and food appropriate to the occasion.
4. Information regarding and assistance with alternative forms of transport and a courtesy vehicle must be available.



5. For the purposes of the licence a **certified duty manager** must be appointed to manage the sale, supply, and consumption of alcohol.
6. Drinks per person per transaction is limited to two.
7. The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
8. The licensee must display:
 - a. At every point of sale, signage detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.
 - c. A sign prominently displayed at the premises that identifies by name the certified manager on duty.
9. No BYO permitted.

DATED at Tauranga on the 14th of June 2024




Commissioner
Western Bay of Plenty District Licensing Committee

Special Licence

Section 22 and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **TE PUKE CITIZENS CLUB INCORPORATED** is authorised to sell and supply alcohol on the premises situated at **179-185 JELlicoe STREET, TE PUKE** and known as **CITIZENS RSA TE PUKE**, to any person attending the following occasion or event (or series of occasions or events):

**NEW ZEALAND NATIONAL KARAOKE COMPETITION – BOP HEAT AND MEAL
FLEETWOOD MAC TRIBUTE BAND AND BUFFET MEAL
TONI DARBY 40TH BIRTHDAY**

Conditions

This licence is subject to the following conditions:

1. Alcohol may be sold under the licence only on the following days and during the following hours:

New Zealand National Karaoke Competition and Buffet Meal.

Friday 21 June 2024 from 6:00 pm to 11:00pm.

(with sales ceasing at 10:30 pm, allowing for a 30-minute drink up time)

Fleetwood Mac Tribute Band & Buffet Meal.

Saturday 13 July 2024 from 6:00 pm to 12:00 am midnight.

(with sales ceasing at 11:30 pm, allowing for a 30-minute drink up time)

40th Birthday Celebration for Toni Darby.

Saturday 20 July 2024 from 7:00 pm to 12:00 am midnight.

(with sales ceasing at 11:30 pm, allowing for a 30-minute drink up time)

2. **Free drinking water** is to be available to customers from the bar.
3. The licensee shall have available for consumption on the premises, at all times when alcohol may be sold and supplied under the licence, a reasonable range of low-alcoholic ($\leq 2.5\%$ abv) and non-alcoholic refreshments, and food appropriate to the occasion.
4. Information regarding and assistance with alternative forms of transport and a courtesy vehicle must be available.
5. For the purposes of the licence a **certified duty manager** must be appointed to manage the sale, supply, and consumption of alcohol.
6. Drinks per person per transaction is limited to two.
7. The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
- (i) Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
8. The licensee must display:
- a. At every point of sale, signage detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
- b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.
- c. A sign prominently displayed at the premises that identifies by name the certified manager on duty.
9. No BYO permitted.

Duration

This licence is in force for the days and hours specified in condition 1.

Dated at Tauranga on the 14th day of June 2024.


Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision number:

22/SL/9301/2024

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012(the Act)

AND

IN THE MATTER

of an application by **KATIKATI
RUGBY & SPORTS CLUB
INCORPORATED** pursuant to
s138 of the Act for an on-site
Special Licence in respect of
premises situated at
**28 MIDDLEBROOK DRIVE,
KATIKATI.**

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

Katikati Rugby & Sports Club Incorporated applies for an on-site Special Licence in respect of premises situated at **28 Middlebrook Drive in Katikati.**

The event is a **21st birthday party for Reana** at the clubrooms and it is anticipated that there will be up to 90 family and friends attending this event.

The following day and hours are sought:

Saturday the 13th of July 2024 from 6.00pm to 1.00am the following day.

The applicant has provided a detailed list of food options and low alcohol and non-alcoholic refreshments that be provided along with free water for the duration of the event.

THE REASONS FOR THE DECISION

The Inspector has provided a report on the application and believes the application meets the criteria for issue.



A certificated manager will be on duty overseeing the sale, supply and consumption of alcohol.

Neither the report of the Police nor that of the Medical Officer of Health raise any matters in opposition.

Overall, I am satisfied as to the matters to which we must have regard as set out in s.142 of the Act.

DECISION

The District Licensing Committee, pursuant to the Sale and Supply of Alcohol Act 2012 **grants** the application by **Katikati Rugby & Sports Club Incorporated** for an on-site Special Licence in respect of premises situated at 28 Middlebrook Drive, Katikati subject to conditions.

Conditions:

The licence is subject to the conditions

1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:
Saturday the 13th of July 2024 from 6.00pm to 1.00am the following day.
2. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises;
3. A certificated manager must be on duty at all times when the premises are open for the sale and supply of alcohol;
4. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard;
5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages;



6. The Licensee must display signage as follows:
 - a. At every point-of-sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty;
7. The licensee must provide information and advice about forms of transport available to patrons from the licensed premises;
8. No BYO alcohol is to be brought into the event.

DATED at TAURANGA this 27th day of June 2024.



Murray Clearwater
Chairperson/Commissioner
Western Bay of Plenty District Licensing Committee

Special Licence

Section 22 and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **KATIKATI RUGBY AND SPORTS CLUB INCORPORATED** is authorised to sell and supply alcohol on the premises situated at **28 MIDDLEBROOK DRIVE, KATIKATI** and known as **KATIKATI RUGBY AND SPORTS CLUB**, to any person attending the following occasion or event (or series of occasions or events):

21ST BIRTHDAY CELEBRATION FOR REANA

Conditions

This licence is subject to the following conditions:

1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:
Saturday the 13th of July 2024 from 6.00pm to 1.00am the following day.
2. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises;
3. A certificated manager must be on duty at all times when the premises are open for the sale and supply of alcohol;
4. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard;
5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages;
6. The Licensee must display signage as follows:
 - a. At every point-of-sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty;
7. The licensee must provide information and advice about forms of transport available to patrons from the licensed premises;
8. No BYO alcohol is to be brought into the event.

Duration

This licence is in force for the days and hours specified in condition 1.

Dated at Tauranga on the 27th day of June 2024.


Secretary, District Licensing Committee
Western Bay of Plenty District Council



Decision number:

022/SL/9315/2024

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012(the Act)

AND

IN THE MATTER

of an application by **KATIKATI
SQUASH RACKETS CLUB
INCORPORATED** pursuant to
s138 of the Act for an on-site
Special Licence in respect of
premises situated at
**6 WHARAWHARA ROAD,
KATIKATI**

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

Katikati Squash Rackets Club Incorporated applies for an on-site Special Licence in respect of premises situated at **6 Wharawhara Road, Katikati.**

The event is a **40th birthday celebration for Renee Robertson.** It is anticipated that there will be up to 80 friends and family attending.

The following day and hours are sought:

Saturday the 13th of July 2024 5.00pm to 1.00am the following day.

The applicant has provided a detailed list of the food options and low alcohol and non-alcoholic refreshments that be provided along with free water for the duration of the event.



THE REASONS FOR THE DECISION

The Inspector has provided a report on the application and believes it meets the criteria for issue.

A certificated manager will be on duty for this event.

Neither the report of the Police nor of the Medical Officer of Health raises any matters in opposition.

I am satisfied as to the matters to which we must have regard as set out in s.142 of the Act.

DECISION

The District Licensing Committee, pursuant to the Sale and Supply of Alcohol Act 2012 **grants** the application by **Katikati Squash Rackets Club Incorporated** for an on-site Special Licence in respect of premises situated at 6 Wharawhara Road, Katikati" subject to conditions.

Conditions:

The licence is subject to the following conditions:

1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:

Saturday the 13th of July 2024 5.00pm to 1.00am the following day

2. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
3. A certificated manager must be on duty at all times when the premises are open for the sale and supply of alcohol;
4. **Food must be available for consumption on the premises at all times** the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard.



5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of low-alcohol and non-alcoholic beverages.
6. The Licensee must display signage as follows:
 - a. At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the nominated person for the time being on duty.
7. The licensee must provide information and advice about forms of transport available to patrons from the licensed premises.
8. No BYO alcohol is to be permitted to be brought into the licensed area.

DATED at TAURANGA this 27th day of June 2024



Murray Clearwater
Chairperson/Commissioner
Western Bay of Plenty District Licensing Committee

Special Licence

Section 22 and 64, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **KATIKATI SQUASH RACKETS CLUB INCORPORATED** is authorised to sell and supply alcohol on the premises situated at **6 WHATAWHATA ROAD, KATIKATI 3178** and known as **KATIKATI SQUASH RACKETS CLUB INCORPORATED**, to any person attending the following occasion or event (or series of occasions or events):

40TH BIRTHDAY PARTY FOR RENEE ANNE ROBERTSON

Conditions

This licence is subject to the following conditions:

1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:
Saturday the 13th of July 2024 5.00pm to 1.00am the following day
2. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
3. A certificated manager must be on duty at all times when the premises are open for the sale and supply of alcohol;
4. **Food must be available for consumption on the premises at all times** the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard.
5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of low-alcohol and non-alcoholic beverages.
6. The Licensee must display signage as follows:
 - a. At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the nominated person for the time being on duty.
7. The licensee must provide information and advice about forms of transport available to patrons from the licensed premises.
8. No BYO alcohol is to be permitted to be brought into the licensed area.

Duration

This licence is in force for the days and hours specified in condition 1.

Dated at Tauranga on the 27th day of June 2024.



The
Common
Seal

Secretary, District Licensing Committee
Western Bay of Plenty District Council

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **HAIR
AFFAIR ENTERPRISES LIMITED**
for a **TEMPORARY AUTHORITY**
pursuant to Section 136 of the
Act in respect of premises
situated at **60 Wilson Road,
Waihi Beach** and known as
WAIHI BEACH HOTEL.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

This application, submitted by **HAIR AFFAIR ENTERPRISES LIMITED** seeks a **TEMPORARY AUTHORITY**; pursuant to Section 136 of the Sale and Supply of Alcohol Act 2012 in respect of premises situated at **60 Wilson Road, Waihi Beach**, known as **WAIHI BEACH HOTEL.**

The applicant has acquired the business and lease for the premises known as Waihi Beach Hotel, situated at 60 Wilson Road, Waihi Beach. There is both an On and Off-licence held for the premises (022/OFF/8848/2023 and 022/ON/8846/2023).

This is the 2nd application for a Temporary Authority pending submission of new licence applications as the underlying Licence On-licence 022/ON/8846/2024 has expiry date of 24 May 2024. The applicant has traded under these Temporary Authorities since March 2024.

The applicant has confirmed that Ramneek Singh is the primary manager in charge of the premises. Other certified managers employed at the premises include Rachel Pride, Naveen Chhabra, Parwinder Singh and Sandeep Singh.

Renewal for both an Off and On licence applications have been received from NC Hospitality Limited to allow the substantive licences to remain active while the applicant trades on Temporary Authorities and applies for new licences. The new On and Off-licence applications are yet to be received; however the applicant's agent has informed The Council in respect to some issues with the online application platform and plans to submit these applications soon.



The applicant intends to continue to sell alcohol and allow the consumption of alcohol on the premises. The applicant also intends to operate the off-licence by reopening the bottle store immediately adjacent to the left of the bar in approximately two months.

The Inspector reports that when a discussion was had with the applicant regarding the management of the premises, they appear to have the staff and systems in place to comply with the law.

REASONS FOR THE DECISION

The Police have reported with no matters in opposition to the second TA applications. The Inspector does not oppose this application.

The current hours of trading comply with the default national maximum trading hours for ON Licences and the operative Western Bay of Plenty Local Policy.

Thereby the application and supporting information received satisfies us that the criteria we must have regard to, as set out in s.136 of the Act, has been met.

THE DECISION

Pursuant to the Sale and Supply of Alcohol Act 2012, the District Licensing Committee makes an order for a Temporary Authority in **favour** of HAIR AFFAIR ENTERPRISES LIMITED for a period of three months starting from 27 June 2024 (the current expiry date), with the following condition.

The Condition:

The conditions of the Temporary Authority are to be the same as those of the underlying Licence 022/ON/8846/2023.

Dated at Tauranga 24th June 2024




Commissioner
Western Bay of Plenty District Licensing Committee

Application No: 9322

Western Bay of Plenty District Licensing Committee

TEMPORARY AUTHORITY

Section 136 Sale and Supply of Alcohol Act 2012

Pursuant to Sections 136 Sale and Supply of Alcohol Act 2012 the Western Bay of Plenty District Council in its capacity as District Licensing Committee has made an order authorising:

HAIR AFFAIR ENTERPRISES LIMITED

to allow the sale and supply for liquor for consumption on the premises known as:

WAIHI BEACH HOTEL

and situated at:

60 Wilson Road, Waihi Beach

This Temporary Authority shall be valid from the **27 June 2024**, until the substantive Licence Application lodged by **HAIR AFFAIR ENTERPRISES LIMITED** is determined, or until the **27 September 2024**, whichever is sooner.

This Temporary Authority is to be displayed beside the current on licence and is subject to the following conditions:

The conditions of the Temporary Authority are to be the same as those of the underlying Licence 022/ON/8846/2023.

DATED at Tauranga on the 25th day of June 2024.





Secretary

**District Licensing Committee
Western Bay of Plenty District Council**

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **HAIR
AFFAIR ENTERPRISES LIMITED**
for a **TEMPORARY AUTHORITY**
pursuant to Section 136 of the
Act in respect of premises
situated at **60 Wilson Road,
Waihi Beach** and known as
WAIHI BEACH HOTEL.

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

THE APPLICATION

This application, submitted by **HAIR AFFAIR ENTERPRISES LIMITED** seeks a **TEMPORARY AUTHORITY**; pursuant to Section 136 of the Sale and Supply of Alcohol Act 2012 in respect of premises situated at **60 Wilson Road, Waihi Beach**, known as **WAIHI BEACH HOTEL.**

The applicant has acquired the business and lease for the premises known as Waihi Beach Hotel, situated at 60 Wilson Road, Waihi Beach. Currently there is both an On and Off-licence held for the premises (022/OFF/8848/2023 and 022/ON/8846/2023).

This is the 2nd application for a Temporary Authority pending submission of new licence applications as the underlying Licence OFF-licence 022/ON/8848/2024 has expiry date of 24 May 2024. The applicant has traded under these Temporary Authorities since March 2024.

The applicant has confirmed that Ramneek Singh is the primary manager in charge of the premises. Other certified managers employed at the premises include Rachel Pride, Naveen Chhabra, Parwinder Singh and Sandeep Singh.

Renewal for both an Off and On licence applications have been received from NC Hospitality Limited to allow the substantive licences to remain active while the applicant trades on Temporary Authorities and applies for new licences. The new On and Off-licence applications are yet to be received; however the applicant's agent has informed The Council in respect to some issues with the online application platform and plans to submit these applications soon.



The applicant intends to continue to sell alcohol and allow the consumption of alcohol on the premises. The applicant also intends to operate the off-licence by reopening the bottle store immediately adjacent to the left of the bar in approximately two months.

The Inspector reports that when a discussion was had with the applicant regarding the management of the premises, they appear to have the staff and systems in place to comply with the law.

REASONS FOR THE DECISION

The Police have reported with no matters in opposition to the second TA applications.

The Inspector does not oppose this application.

The current hours of trading comply with the default national maximum trading hours for OFF Licences and the operative Western Bay of Plenty Local Policy.

Thereby the application and supporting information received satisfies us that the criteria we must have regard to as set out in s.136 of the Act, has been met.

THE DECISION

Pursuant to the Sale and Supply of Alcohol Act 2012, the District Licensing Committee makes an order for a 2nd Temporary Authority in **favour** of HAIR AFFAIR ENTERPRISES LIMITED for a period of three months starting from 27 June 2024 (the current expiry date), with the following condition.

The Condition:

The conditions of the Temporary Authority are to be the same as those of the underlying Licence 022/OFF/8848/2023.

Dated at Tauranga 24th June 2024.

B/E



**Commissioner
Western Bay of Plenty District Licensing Committee**

Application No: 9323

Western Bay of Plenty District Licensing Committee

TEMPORARY AUTHORITY

Section 136 Sale and Supply of Alcohol Act 2012

Pursuant to Sections 136 Sale and Supply of Alcohol Act 2012 the Western Bay of Plenty District Council in its capacity as District Licensing Committee has made an order authorising:

HAIR AFFAIR ENTERPRISES LIMITED

to allow the sale and supply for liquor for consumption off the premises known as:

WAIHI BEACH HOTEL

and situated at:

60 WILSON ROAD, WAIHI BEACH

This Temporary Authority shall be valid from the **27 June 2024**, until the substantive Licence Application lodged by **HAIR AFFAIR ENTERPRISES LIMITED** is determined, or until the **27 September 2024**, whichever is sooner.

This Temporary Authority is to be displayed beside the current off licence and is subject to the following conditions:

The conditions of the Temporary Authority are to be the same as those of the underlying Licence 022/OFF/8848/2023.

DATED at Tauranga on the 25th day of June 2024.





Secretary
District Licensing Committee
Western Bay of Plenty District Council