

IN THE MATTER

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

AND

IN THE MATTER

of an application by **NSV 2020 LIMITED** for the grant of an off-licence pursuant to s.100 of the Act in respect of premises situated at Unit 2, Building A, 97-137 Hamurana Road, Ōmokoroa to be known as "Boutique Liquor Ōmokoroa."

BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE

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

HEARING at Tauranga on the 30th of October 2023

APPEARANCES

Mr. Simon Middlemiss– for the applicant company NSV 2020 Limited
Ms. Sandeep Kaur for the applicant

Ms. Micaela Turner – Alcohol Licensing Inspector – to assist.

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

No appearance from the Police



RESERVED DECISION OF THE COMMITTEE

Introduction

1. A decade ago, the Ōmokoroa township was centred around agriculture. Today it has a population of more than 3200 and there are several residential and commercial developments underway at various locations. There are many elderly people living in retirement villages, gated communities and there are newly developed subdivisions on the peninsula. It is expected that the population will swell to more than 12,000 in the coming years. Infrastructure and service providers will be required for the growing population.
2. The proposed bottle store is to be situated within the newly enlarged commercial hub in Ōmokoroa. The hub consists of the Fresh Choice supermarket, a licensed café, and the Kiwi Liquor bottle store. There is a Medical Centre adjacent to the site that houses a physiotherapist, a pharmacy, an optometrist, a barber, a family chiropractic business and a real estate agent. There is a pizza takeaway outlet, a laundrette, an Indian Takeaway, and several empty tenancies.
3. The application was duly advertised and was reported on by the agencies. Neither the Police nor the Inspector opposed the application. The MOoH lodged a report with matters in opposition to the granting of the licence.
4. A rather sprawling attempt was made by the parties to prepare a suite of 'agreed conditions' that the MOoH said would satisfy their opposition if imposed.
5. The application was set down for a public hearing as the Committee has made it clear to the agencies that the DLC must properly evaluate applications and we can only impose discretionary conditions where there is evidence to support them.

Applicant's Evidence

6. Mr. Middlemiss provided the Committee with a short opening and helpfully outlined the task for the DLC in that we must adopt an evaluative, merits-based assessment of the application.
7. In his submission, he said the proposed opposition was generalised and unformulated and it could be used to oppose almost any off-licence in the district or region. He said the data relied on by the MOoH was 4 years out of date and the recently renewed LAP did not cap new off licences for Ōmokoroa as it had done for other areas of the district.
8. He said his client was suitable to hold a licence, the application was within the



parameters of the LAP, and there would be no RTDs on the floor space, they would only be displayed in the chiller. In regard to Amenity and Good Order he said Ōmokoroa was not a vulnerable community, and the proposed site did not border on a decile 8 area as was purported by the MOoH.

9. He argued that the mitigations that would be put in place by his client would satisfy the concerns held and a licence could be granted. They were amenable to any of the conditions on the 'agreed conditions' document if the DLC thought they were necessary including a 10.00am start for the business.
10. We heard from Ms. Sandeep Kaur, who spoke to her application. She told us that she and her husband would be responsible for the day-to-day management of the business and that they both held current manager's certificates.
11. She would take leave from her current fulltime job at Countdown Bureta Park to set up the store and if the business was successful she would become full time at the Ōmokoroa store. She outlined her experience in off-licensed outlets including her role as the Customer Services Manager for Countdown at Bureta Park. She is also responsible for compliance with the Employment Law and Visa and Immigration requirements of team members.
12. She outlined the discussions and negotiations she has had with the Inspector and the MOoH. She said she agreed to the suite of conditions to avoid *"the need, time and cost of a public hearing."*¹
13. She challenged the MOoH data and produced her own versions of the site maps and that the proposed store was in a decile 4 area and not bordering a decile 8 area as alleged by the MOoH.
14. Ms. Kaur said the company, and both her and her husband, were suitable to hold a licence. They learnt from their failed attempt to establish a store on 15th Avenue in Tauranga. She conceded that they had not done enough due diligence relating to the social issues around 15th Ave at that time. Those issues are not present around the Ōmokoroa site.
15. We asked why the company decided 'Boutique Liquor Ōmokoroa' as its trading name when its planned offering did not appear to be a 'boutique' range of alcohol. Ms. Kaur said they will be stocking premium whiskeys and fine wines that can't be sourced from the other store and believed the name was appropriate.
16. There will be no single shots or single RTDs sold as she was aware of their contribution to alcohol related harm.
17. She believed that the POS system and the training she will provide will ensure that they do not reduce the amenity and good order of the area by more than a

¹ Applicants BOE page 4 of 14



- minor extent.
18. She was of the view that the growing population and non-vulnerable community could support another bottle store on the peninsula.
 19. Under cross examination from the MOoH she did confirm that staff that she had trained at her current place of work have recently failed a CPO.
 20. She said she had attended a number of meetings with the developers and 2-300 community members when the complex was first promoted. She noted that no public objections had been lodged.
 21. She acknowledged that Māori are at a higher risk of alcohol related harms but stated she had not specifically engaged with Māori over this proposal.
 22. As to product range, Ms. Kaur said they will not sell cask wine and will limit the range of RTDs that they will stock. They will sell cigarettes and tobacco but have yet to decide whether they will stock vape products.

Police Evidence

23. The Police have not raised any matters in opposition.
24. From that we can only assume that the Police have no significant alcohol related concerns happening on the Ōmokoroa peninsula.

Inspector's Evidence

25. Inspector Micaela Turner spoke to her report and confirmed that she believed the application was capable of being granted.
26. She declined to be a signatory to the agreed suite of conditions as she did not believe there was sufficient evidence to support them all.

Medical Officer of Health's Evidence

27. Ms. Dawn Meertens is the delegated officer for the Medical Officer of Health. Her involvement in this application was interrupted by a period of annual leave and other MOoH staff had input.
28. In opening she said she was cautiously involved in the joint meeting with the applicant and the agencies and stressed that there would be no negotiation around the items in her opposition.



29. She believed that the applicant agreed to the suggested suite of conditions in order to avoid a hearing.
30. The position of the MOoH was still opposed to the grant of the licence and she urged us to refuse it on the grounds of "*Sections 3 & 4 if for no other reason.*"²
31. She believed that the data to be produced by the Public Health Analyst would show that greater density of outlets is likely to result in increased harms and that alcohol related harms will be minimised by reducing the number of outlets in an area.
32. She stated that "*No change in ARH or Amenity and Good Order can surely be a good thing.*"³ **We agree, but is that the test that the DLC must apply?**
33. In a supplementary report dated 16 October 2023 she stated that "*The new off licence borders a decile 8 area.*"⁴ When challenged on that she advised the Committee that Dr Jim Miller had prepared some of the report during her absence. She accepted that the proposed premises was in fact in a decile 4-5 area.
34. The report listed 8 'sensitive sites' within a 2 kilometer radius of the site and then strayed into legal and policy submissions including that the Act has failed to live up to the hype of the government of the day in that licences should be harder to get and easier to lose. We reminded the MOoH that it was the Government who had failed to implement six of the seven main recommendations of the Law Commission. Perhaps if all those recommendations had been implemented, including a minimum pricing regime, the Act might have had more teeth.
35. She attached the draft memorandum of the 'Agreed Conditions' signed off by another MOoH colleague, yet she maintained the opposition to the granting of the licence.
36. Ms. Meertens then called Public Health Analyst Mr. James Scarfe who spoke to the Committee via video link.
37. Mr. Scarfe went through his brief dated 16 October 2023 and highlighted a number of statistical points. He said the Ōmokoroa health domicile was in the upper quartile of the district for people hospitalised with a condition wholly attributed to alcohol.
38. He agreed however that this would also include chronic illnesses such as cancers, cirrhosis of the liver and clinical alcoholism. There was no specific data for injury from violent offending and crash trauma.

² MOoH opening page 2

³ MOoH opening page 2

⁴ MOoH Supplementary Report page 2



39. He agreed that the data presented was from the 2018 census and that as Ōmokoroa was growing rapidly the figures may not be accurate now. He also agreed that the 8% of the population identifying as Māori was low for the district. He also agreed that the Western Bay of Plenty, as a district, was not homogeneous and there were some highly deprived areas like Te Puke and Maketu that may have swayed the figures.

The Law

40. 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.*

41. 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).*

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

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.*

Other criteria to be considered.

43. The Act provides that in deciding whether to grant a licence, the licensing committee **must have regard** to the matters contained in section 105 and 106 of the Act. As the determination of this application is finely balanced, we intend to go through the criteria and give genuine attention to each one.

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

44. 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.



45. As we have said before, it is not hard for off licence operators to argue that they sell and supply alcohol safely and responsibly. Off-licensed sellers may exercise some influence over the **sale and supply of alcohol**, but they **can do little, if anything at all, to control the later on-supply and consumption of alcohol as it occurs away from the seller's premises and out of their sphere of control.**
46. **We will return to this criterion and the Purpose of the Act once we have evaluated the others and then measure them collectively against the Object of the Act.**

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

47. The applicant must be a suitable entity to hold an off-licence. We heard that the applicant company and its alter egos, are experienced operators in off-licensed premises.
48. Ms. Sandeep Kaur appeared before us for the company and impressed us as a genuine person who has thought this application through. We did wonder if she was fronting for her husband, Bhupinder Singh, but it matters little as they are jointly responsible for the actions of the company.
49. The Tauranga District Licensing Committee said in **Nine Orchids Limited September 2014**⁵ *"We were disappointed with Mr. xxx's lack of personal knowledge of the community he hoped to go into and that he had not engaged with the business community, schools and other organisation's operating in the Bethlehem area.*

We signal to this applicant, and to future applicants, that we expect applications to include evidence of consultation and an in-depth knowledge of the community in which they wish to open off-licensed premises.

50. That case was for a bottle store in Bethlehem and was declined. In the case before us today Ms. Kaur has a better knowledge of the locality and has engaged with local residents and the developers of the complex.
51. We find the applicant company is a suitable entity to hold an off licence.

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

52. The application complies with the provisions of the **refreshed** Western Bay of Plenty Local Alcohol Policy (LAP) that came into force on 21 August 2022.

⁵ Tauranga DLC Nine Orchids Limited September 2014



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

53. The operating hours sought are **Monday to Sunday 9.00am to 9.00pm** and are within the default national maximum trading hours for off licences.
54. At the hearing the applicant stood by their earlier agreement for the starting time to be **10.00am**.

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

55. The applicant has agreed to keep the frontage clear of all alcohol signage and will have CCTV fitted throughout the building. The final internal layout, and required signage, cannot be commented on as the fit out has not been undertaken.
56. The applicant indicates that the store will be bright and modern, and no alcohol brand or price signage will be displayed on the external surfaces of the building.

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.

57. The applicant advises that the business would sell a range of snack food items such as chips and peanuts and the like, and also tobacco products.

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.

58. No other services are to 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.

59. 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. The issue of noise was not seriously raised by any of the parties, and we do not see this as a determining factor. There will be noise generated by customers attending all of the businesses in this complex.
60. In regard to the current, and possible future, levels of nuisance and vandalism we note that the current levels of anti-social behaviour and victimisations recorded by the Police are low in the Ōmokoroa area.



61. We are required to consider “the purposes for which land near the premises concerned is used.” The location is compatible with other commercial users other than the presence of another bottle store nearby in the adjoining complex.

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 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.**
62. We received very little compelling data from the agencies sufficient for us to place any kind of elevated mantle on this criterion.
63. We did not receive evidence that the amenity and good order is already badly affected. To the contrary it appears the villagers enjoys a pleasant and agreeable environment.
64. On that basis we have determined that the amenity and good order of the area is not badly affected by the effects of the issue of existing licences.

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

65. The applicant advised us that two certificated managers would on duty at busy times and additional managers would be employed should the licence be granted.
66. Ms. Kaur has outlined the systems she would put in place to run this business to comply with the law.
67. But as we stated earlier in this decision it is very difficult for off-licensed premises to prevent the sale of alcohol to persons who may then on-supply it to those who choose to act inappropriately and/or drink to excess.

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

68. The Police do not oppose this application.
69. The Inspector does not oppose this application.
70. The Medical Officer of Health is opposed to the grant of the licence and believes that because additional stores create additional harm it should not be granted.



Discussion & Reasons for the Decision

71. Section 3 of the Act requires us to act reasonably in the exercise of our duties and to regulate with the aim of helping to achieve the Object of the Act.
72. In **Christchurch Medical Officer of Health v J & G Vaudrey Ltd**⁶ **CIV-2015-409-000098 [2015] NZHC 2749 Gendall J** so aptly stated at paragraph [14]

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.*

(b) ...

(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:*

(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;

(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

⁶ Christchurch Medical Officer of Health v J & G Vaudrey Ltd



objective assessment of whether there is a rational and proportionate connection between the identified risk or benefit, when weighed against all relevant considerations. (highlighted text our emphasis)

73. It is not the role of the MOoH to try and have imposed a raft of generic conditions on every off licensed premises that come before them for enquiry and reporting.
74. 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 benefit to be secured.**
75. 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."
76. 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.**
77. While there is merit in having such discretionary conditions available to DLCs as part of Local Alcohol Policies and to be 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!
78. However, if we were to have a bottle store in an Alcohol Ban Area, with a high deprivation index 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,\$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.
79. In this case we have a bottle store proposing to open as part of a new shopping complex, but no hard evidence of local alcohol abuse and social issues.
80. Some of the measures may upset some 'good' customers, but we say this, sometimes we all might have to accept a little inconvenience in our lives for the greater good of the community. Alcohol is no ordinary commodity. Selling and supplying alcohol comes with serious responsibilities. It is not 'just about operating a business.'
81. At paragraph [31] of Otara-Papatoetoe Local Board v Joban Enterprises Ltd



CIV-2011-404-7930; [2012] NZHC 1406 ⁷ Heath J considered how the Authority should determine whether to grant an off-licence or not. His suggestions, with minor changes, are appropriate to the determination of all applications for licences by DLCs.

Justice Heath said:

An appropriate framework could involve a consideration of:

(a) The criteria set out in ss.105 and 106 of the Act;

(b) The reports of the reporting agencies directed to the ss.105 and 106 criteria, and.

(c) The public objections that fulfil the statutory criteria set out in s.102(3)

Then the DLC, mindful of the statutory object of the Act, should weigh all the evidence and submissions to determine whether the application should be granted or not. This would involve forming a view on whether there is evidence to suggest that the grant of the application would achieve the safe and responsible sale, supply and consumption of alcohol and that any harm caused by the excessive or inappropriate consumption of alcohol would be minimised.

82. As we have stated above, the role of the DLC, after receiving the evidence from all parties, is to stand back, and evaluate the evidence put before them.
83. The delegated officer for the MOoH strayed into legal submissions and their own personal views and opinions when presenting their 'evidence.' There is a time for those thoughts and theories but that is during closing submissions not during the adducing of evidence.
84. Evidence of current or potential future alcohol-related harm, general victimisations and deprivation indices etc. must be presented in a clear logical format. In a growing community like Ōmokoroa recent statistic data is critical to our decision making. It should not be left to counsel, or the DLC, to question data or to seek clarification on decile rating for example. However, we do appreciate that those may well have been the most recent statistic available.
85. The Committee is concerned that a new player in the block will create competition with the existing store. Ms. Kaur has assured us that this will not happen and has agreed to restrictions around advertising and general signage.
86. We believe that on this occasion it will be appropriate to impose a suite of discretionary conditions as discussed during the hearing.

The Decision

87. After standing back and evaluating the totality of the evidence before us, we have come

⁷ Otago-Papatoetoe Local Board v Joban Enterprises Ltd CIV-2011-404-7930; [2012] NZHC 1406



to the conclusion, **by a narrow margin**, that a bottle store operating under precautionary conditions, as proposed, can be granted and will not offend against the Object or the Purpose of the Act.

88. The ball will be firmly in the court of Ms. Kaur and Mr. Singh to set up and operate as they have sworn to do, and to not engage in retaliatory pricing as their competitor is sure to do when his market share is threatened.
89. The licence is issued for 12 months only. There is no right of renewal, nor should there be any foregone expectation of renewal, and we are sure the regulatory agencies and the local residents will be keeping a very close eye of this business.
90. Should they detect any breaches of the conditions that have been set, we would expect a very prompt request to the DLC to rehear the application, as we are able to do under Section 201(4).

The Western Bay of Plenty District Licensing Committee grants an OFF licence to NSV 2020 Limited for premises situated at Unit 2, Building A, 97-137 Hamurana Road, Ōmokoroa to be known as “Boutique Liquor Ōmokoroa.

The licence is subject to the following mandatory and discretionary 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 10:00am 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 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. A properly appointed Certificated, or Acting or Temporary, Manager must be on duty at all times, **within the licensed area**, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.
7. The Licensee must display:



- a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
 - c. A copy of the licence attached to the inside of the premises so as to be easily read
8. There is to be no single sales of mainstream beers, ciders, shots and RTDs under 500mls, and/or those not designed by the manufacturer to be sold as single serves.
 9. No single sales of alcohol products are permitted under \$6.00 per unit.
 10. No product brands or prices are to be displayed externally on the store building, or on flags, or sandwich boards.
 11. By consent only the store name and logo is permitted on the outside of the store.

The Licence is not to be issued until the Building Code Compliance Certificate is to hand.

DATED at TAURANGA this 4th day of November 2023



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.

An appellant has 10 working days after the date on which notice of this decision is given to the parties to lodge an appeal with the Alcohol Regulatory Licensing Authority.

This decision shall have no effect during the appeal period.

