

# MEETING — AGENDA —

Ngā Take

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Western Bay of Plenty  
District Council

# DISTRICT LICENSING COMMITTEE

*Komiti Raihana-ā-Rohe*

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**DL13**  
**Tuesday, 11 June 2019**  
**Council Chambers**  
**Barkes Corner, Tauranga**  
**2.00pm**

# Notice of Meeting No DL13 Te Karere

## District Licensing Committee Komiti Raihana-a-Rohe

**Tuesday, 11 June 2019  
Council Chambers  
Barkes Corner  
2.00pm**

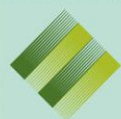
Commissioner: Murray Clearwater (Chairperson)

Councillor: Don Thwaites

Community Appointee: Steve Williams

Media  
Staff

Miriam Taris  
**Chief Executive Officer**  
**Western Bay of Plenty District Council**



*Western Bay of Plenty  
District Council*

Te Kaunihera a rohe mai i nga Kuri-a-Whare ki Otamarakau ki te Uru

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# **District Licensing Committee Delegations Mangai o Te Kaunihera**

## **Quorum:**

Commissioner and two members from the list (Section 191 – Sale and Supply of Alcohol Act 2012)

## **Role:**

As conferred under the Sale and Supply of Alcohol Act 2012:

- To consider and determine applications for licences and manager's certificates
- To consider and determine applications for renewal of licences and manager's certificates
- To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Sale and Supply of Alcohol Act 2012
- To consider and determine applications for the variation, suspension, or cancellation of special licences
- To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280 of the Sale and Supply of Alcohol Act 2012
- With the leave of the chairperson for the licensing authority, to refer applications to the licensing authority
- To conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Sale and Supply of Alcohol Act 2012
- Any other functions conferred on licensing committees by or under the Sale and Supply of Alcohol Act 2012 or any other enactment

## **Chair's Delegation:**

Where no objection to the application has been received within the timeframes as prescribed under the Act the authority to decide on the papers and issue decisions on such applications (Section 191 (2) Sale and Supply of Alcohol Act 2012).

# Agenda for Meeting No. DL13

## Pages

**Present  
In Attendance  
Apologies**

DL13.1      **Conflict of Interest Declarations**

Members of the appointed District Licensing Committee to declare whether or not they have any conflicts of interest in relation to the application before them.

DL13.2.      **HEARING: Application No. LL 7526 for a renewal on an OFF Licence under Section 100 and 127(2), Sale and Supply of Alcohol Act 2012 - Applicant: Jones Retail Limited - Premise located at 37-41 Main Road, Katikati, trading as Katikati Four Square**      5-50

The Committee to hear all evidence and consider the attached application and following documentation:

- a) Application for renewal of off licence dated 11 February 2019.      5-38
- b) Supporting information for application      39
- c) Reports
  - NZ Police dated 25 February 2019      40-41
  - Medical Officer of Health dated 8 March 2019      42-43
  - Alcohol Licensing Inspector dated 18 April 2019      44-50

# Application for New or Renewal of Off-Licence

(Including Club Off-Licence Renewals)

Sections 100 and 127(2), Sale and Supply of Alcohol Act 2012



Fill this form out with the assistance of the guide attached

- New Off-Licence
- Renewal Off-Licence

## 1. Applicant Details

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

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

JONES RETAIL LIMITED

Previous names or other names known by KATIKATI FOUR SQUARE

Postal address 37-41 MAIN RD, KATIKATI

Occupation GROCERY STORE

Date of Birth .....

Phone: Business (07) 5490172 Private (.....) Mobile (021) 579058

Email peter.jones@foodstuffs.co.nz Fax (.....)

Website address .....

- c. Preferred means for formal correspondence       Mail       Email       Fax

d. Status of applicant

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

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

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

State type of licence OFF LICENCE      Number 022/ RENOFF/6323/2017

**Deposit Fee: \$350.00**

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

(for office use) LIQL

Application 7526      Premise No .....

Date received (date stamp)      Receipt 2019/12/18/5      Contact ID 134 988

**1. Applicant Details** *(Continued)*

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

If Yes, what are the details of each offence?

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

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

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

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

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

**2. Further Details Where Applicant is a Company**

a. Date of Incorporation 13/10/2006 b. Place of Incorporation AUCKLAND

c. Full details of each Director and the Secretary

Name	Address	Date of Birth	Place of Birth	Position Held
<u>PETER JOHN JONES</u>	<u>70C FRANCIS RD OMOKOROA</u>	<u>17/11/68</u>	<u>AUCKLAND</u>	<u>DIRECTOR</u>
.....	.....	...../...../.....	.....	.....
.....	.....	...../...../.....	.....	.....
.....	.....	...../...../.....	.....	.....

**3. Further Details where Applicant is a Private Company**

a.  Authorised capital  Paid-up capital

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

Name	Address	Date of Birth	Place of Birth	Position Held	Face value of shares (eg 100 x \$1 shares)
<u>JONES RETAIL TRUST</u>	<u>70C FRANCIS RD, OMOKOROA</u>	...../...../.....	.....	<u>SHAREHOLDER</u>	<u>249,998 x \$1</u>
<u>PETER JOHN JONES</u>	.....	<u>17/11/68</u>	<u>AUCKLAND</u>	<u>SHAREHOLDER</u>	<u>1 x \$1</u>
<u>SANDRA FRANCES JONES</u>	.....	<u>19/7/68</u>	<u>HENDERSON</u>	<u>SHAREHOLDER</u>	<u>1 x \$1</u>
.....	.....	...../...../.....	.....	.....	.....

4. Further Details where Applicant is a Public Company

N/A

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

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

5. Further Details Where Applicant is a Partnership

N/A

a. Full details of each partner as follows

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

6. Premises Details

a. Existing trading name for premises KATIKATI FOUR SQUARE SUPERMARKET

Proposed trading name for premises .....

Address of proposed licensed premises 33-37 MAIN RD, KATIKATI

b. Is a licence sought conditional upon construction or completion of building work?  Yes  No

c. Do you own the proposed licensed premises?  Yes  No

If no:

(i) Full name of the owner THE JONES PROPERTY TRUST

• Full address of the owner 70C FRANCIS RD, OMOKOROA, RD2, TAURANGA 3172

(ii) What form of tenure of the premises will you have? LEASEHOLD

• What term of tenure will you have? 3 Years until 31/3/2021 THEN Renewal with 3 year Right of Renewal

d. Type of premises

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

7. Designated Areas

N/A - Off Licence

a.. What part (if any) as indicated on the attached floor plan, of the premises do you intend should be designated as

(i) A restricted area .....

(ii) A supervised area .....

(iii) An undesignated area (specify reason) .....

8. Business Details

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

If no:

(i) What is intended to be the principal purpose of the business? Sales of food, groceries & household variety goods, along with Beer, Wine, Cider & Mead

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

Grocery Store 32 a.1. (A)

b.. Are you engaged, or intending to be engaged, in the sale or supply of any goods other than liquor or food, or in the provision of any services other than those directly related to the sale or supply of liquor and food?

Yes  No

If yes, what is the nature of those other goods and services? We sell food & general household items.

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

Days Monday to Sunday (7 Days A Week) Hours From 7 AM To 10 PM

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

9. Conditions Answered with more space on the attached sheet.

a. What experience and training has the applicant undertaken:

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

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

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



**In support of licence renewal for Jones Retail Limited.**

Katikati Four Square is grocery store which has been granted membership as a franchisee of Foodstuffs North Island Limited (**Foodstuffs**). We are open from 7AM – 8PM (less on Weekends) and sell a variety of grocery products and merchandise.

Because Katikati Four Square is a grocery store and we sell a variety of groceries and merchandise, our target market is the everyday consumer shopping for household items. The majority of alcohol sold in my store is purchased as part of a customer's main order shop.

**Question 9. Conditions**

**(a) State the experience and training of the applicant:**

Peter Jones, the director of Jones Retail Limited has been selling alcohol in an off premise environment for over 12 years. Since March 2018 Mr Jones has also operated the premises at 37 Main Rd, trading first as The Bottle Shop by Liquorland, and since mid December 2018 trading as Liquorland Katikati. During this time Mr Jones has diligently ensured adherence to the Act and has had no complaints or instances where the store's obligations have not been carried out in full.

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

To prevent the sale and supply of alcohol to prohibited people, the following systems are in place to ensure that alcohol is not sold to minors or people who are intoxicated:

1. Staff will check the identification of everyone who looks under 25 years of age.
2. Only a valid passport, drivers licence and a Hospitality NZ 18+/Kiwi Access card will be accepted as proper identification to purchase alcohol.
3. The sale of alcohol will be refused if identification cannot be produced.
4. If a customer is buying in a group, and one (or more) of that group looks under 25, the sale of alcohol will be refused unless all members of the group can produce identification.
5. Any person who appears intoxicated will be refused the sale of alcohol. Intoxication is assessed by observing appearance, behaviour, co-ordination or speech. If any of these seem impaired by alcohol, drugs or other substances then staff will refuse the sale of alcohol.

**(c) What other steps does the applicant propose to take to promote the responsible consumption of alcohol?**

The nature of the business means that the risk that the operation of the business contributes to unrest as a result of alcohol sales at the store is extremely low. The majority of alcohol purchased is part of a normal grocery shop and is intended to be consumed at home.

Because the store is only open for limited hours, closing at 7pm or 8pm depending on the day, the likelihood that the operation of the business will contribute to vandalism or unrest is extremely low. Most vandalism and unrest caused by alcohol is likely to take place late at night, well after the store has closed.

If there is any ever rubbish or graffiti in my store's car park or perimeter then I always ensure that my staff promptly remove this.

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

The store has 7 employees with Manager's Certificates and another applied for.

When staff are first employed at the store, as part of their induction, training is provided on the policies of the store which staff need to adhere to when they are selling alcohol. This is a Foodstuffs requirement. Before staff are allowed to sell alcohol to customers, they are trained on how to comply with their responsibilities under the Sale and Supply of Alcohol Act.

In addition to the training that Foodstuffs requires staff to undertake, staff undertake refresher courses on current liquor legislation.

Additionally, the store is part of Foodstuffs' independent programme where all stores are 'mystery shopped' to ensure proof of age compliance is being adhered to. There are heavy penalties for liquor audit fails, which include fines, additional training programmes and referring repeat offenders to Foodstuffs' Board of Directors.

There are strict protocols in place at store level to ensure that the liquor laws are observed at all times.

**9. Conditions** *(Continued)*

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

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

Yes  No

Changes relating to the days and hours of the liquor licence

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

(ii) What are the changes sought?

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

f. Changes relating to other conditions of the liquor licence

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

(ii) What are the changes sought?

.....

.....

.....

What are the full reasons for the changes sought? .....

.....

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

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

**10. Management of Premise**

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

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

- |   |  |
|---|--|
| • Full name <u>PETER JOHN JONES</u> .....   | • Certificate number <u>022/CERT/099/2016</u><br><del>6M/007/1254/06</del> ..... |
| • Residential address <u>70C FRANCIS RD</u><br><u>WHAKAMARAMA OMOKORO A</u> ..... | • Expiry date <u>24</u> ./ <u>11</u> ./ <u>19</u> .....                          |
| • Full name <u>SANDRA FRANCIS JONES</u> .....                                     | • Certificate number <u>022/CERT/098/2016</u> .....                              |
| • Residential address <u>70C FRANCIS RD</u><br><u>OMOKORO A</u> .....             | • Expiry date <u>29</u> ./ <u>11</u> ./ <u>19</u> .....                          |
| • Full name <u>SALLY ELIZABETH GIBBS</u> .....                                    | • Certificate number <u>022/CERT/6792/2017</u> .....                             |
| • Residential address <u>2 CARISBROOKE ST</u><br><u>KATIKATI</u> .....            | • Expiry date <u>12</u> ./ <u>4</u> ./ <u>20</u> .....                           |

(Continue on separate sheet if necessary)

10. CONTINUED

DENISE ROSE ALDERMAN  
30 URETARA DRIVE  
KATIKATI

022/CERT/7155/2018  
EXPIRY 18/3/21

JESSICA MARION TROW  
14 HARBOUR VIEW RD  
OMOKOROA

022/CERT/7484/2019  
EXPIRY 17/1/2020

MARIA LOURDES CABUNILAS DAWSON  
11 MIDDLEBROOK DRIVE  
KATIKATI

022/CERT/7343/2018  
EXPIRY 6/9/2021

ROEL OLIVER PARAMIO  
3/22 BEACH RD  
KATIKATI

Certificate : Under Application

SARIL BAKSHI  
30 FRANCIS DRIVE  
KATIKATI

022/CERT/7351/2018  
EXPIRY 3/10/19

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

.....  
.....


**11. Further details where the licence is a club licence**

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

Copy of the host responsibility policy is attached  Yes  No

**12. Signature of Applicant**

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

b. Applicant's signature .....  ..... Date 11 / 2 / 19 .....  
*(must be signed by the Licensee personally)*

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

Relationship DIRECTOR ..... Name PETER J JONES .....

**Sale and Supply of Alcohol Act 2012  
 Public Health Questionnaire for Off-Licence Applications**

This questionnaire helps ensure that licensees meet the requirements of the Sale and Supply of Alcohol Act 2012 in relation to the public health consequences of alcohol use, such as alcohol-related health problems and preventable death or disability from alcohol-related motor vehicle crashes.

This questionnaire will enable the completion of the Medical Officer of Health report on your license application. Your license application cannot be processed without completion of this questionnaire.

Name of Licensed Premises: KATIKATI FOUR SQUARE SUPERMARKET

Name of applicant: JONES RETAIL LTD

- |                      |              |                          |             |                                     |
|----------------------|--------------|--------------------------|-------------|-------------------------------------|
| Type of application: | New          | <input type="checkbox"/> | Renewal     | <input checked="" type="checkbox"/> |
| Premises type:       | Bottle store | <input type="checkbox"/> | Supermarket | <input type="checkbox"/>            |
|                      | Tavern       | <input type="checkbox"/> | Grocery     | <input checked="" type="checkbox"/> |
|                      | Online       | <input type="checkbox"/> | Auctioneer  | <input type="checkbox"/>            |

Other .....

**Social Responsibility**

- a. Do you have a written policy outlining how you will meet your responsibilities under the Act? Yes  No   
 If yes, please attach a copy.
- b. Do you have tastings? Yes  No   
 If yes, is water freely available? Yes  No

**Amenities and Good Order**

What steps will you take to ensure your business does not impact negatively on your neighbours? eg noise, nuisance and vandalism?

Promote Good conduct & community mindedness, Support the Liquor Ban in Public Areas in Katikati, which prevents consumption in proximity to our premises.

**Staff Training**

- a. Do you provide training to staff on the SaSA 2012? Yes  No

If yes: In-house training, by whom?

Staff Induction, Foodstuffs North Island Four Square Sale of Liquor training video & testing for all staff.

Courses, provided by? *Duty Managers trained by Tachelle Consulting, Industry Training Solutions & The Learning Centre/Get LCA*

**Intoxicated Patrons**

a. How do you prevent intoxicated people from entering your premises?

*Once identified we will monitor them & allow them to shop for groceries, as long as not attempting to purchase liquor.*

b. How do you identify if a person is intoxicated?

*Slurred speech, bloodshot eyes, smell of alcohol, difficulty comprehending us or EFTPOS systems or with wallet/cash. Difficulty making normal movements.*

c. What process do you have to deal with intoxicated patrons?

*Politely but firmly refuse to sell alcohol. Advise them not to drive if it appears they plan to. We have called the Police in the past if we observed an intoxicated person driving away.*

d. Do you display signage stating that intoxicated patrons will not be served alcohol? Yes  No   
(This signage can be provided by the Public Health Service)

**Minors**

a. What forms of identification do your staff accept?

- NZ photographic driver's license Yes  No
- NZ or overseas passports Yes  No
- HANZ 18+ card / *Kiwi Access Card (new)* Yes  No

Other forms of I.D – please describe

*No others accepted.*

b. Do you display signage stating alcohol will not be sold to minors? Yes  No

c. Are staff aware of their responsibilities under the Sale and Supply of Alcohol Act regarding supply of alcohol to minors? Yes  No

d. What process do you have in place to prevent minors from entering your premises?  
*N/A. Minors can enter to purchase groceries.*

e. Do you have on-line sales? Yes  No

If yes, what steps do you take to ensure alcohol is not sold to minors?

.....

**Alcohol Promotion**

Do you run alcohol promotions (e.g. free products/services, competitions, 2 for 1 deals, etc) Yes  No

Give recent examples *Wine companies from time to time have bottle necking promotions eg, text to win a chilly bin.*

.....

Do you have exterior advertising?

- Building ads,
- Sandwich boards,
- Billboards

} But not for alcohol

- Yes  No
- Yes  No
- Yes  No
- Yes  No

What percentage of your front window is covered in alcohol advertising?

0%

What alcohol brands and products are you currently advertising in your windows? Give examples.

None

**FOR SUPERMARKETS AND GROCERY STORES ONLY**

In which area of the store is your alcohol located?

One near corner

Please attach a floor plan.

Are your in-store alcohol promotions confined to the designated alcohol area? Yes  No

Please identify the categories of products your store sells (tick all appropriate actions)

- Fresh meat (not including processed and cured meats eg bacon, salami, ham sausages etc)
- Fresh produce (fruit, vegetables)
- Frozen meat
- Dairy products
- Breads, cereals, rice, pasta
- Staples – flour, spices, sugar and other items used for baking
- Health and beauty
- Tinned foods
- Household – non grocery items that are needed for household maintenance – detergent, rubbish bags, cleaning supplies, etc.

Approximately what percentage of your store do the above products occupy?

Over 90%

**Smoke-free Environments Act 1990**

Do you sell tobacco?

Yes  No

Are tobacco products visible to the public?

Yes  No

Peter Jones, Director of Jones Retail Ltd (Full name), the Licensee\* for

Katikati Four Square

I have read and understood each of the above questions and I agree to comply with the measures outlined here throughout this next licensing period.

Signed: [Signature]

Dated: 11/2/19

Position/Title: Director

A Public Health Alcohol Regulatory Officer, on behalf of the Medical Officer of Health, may visit your premises, from time to time, in order to undertake a Sale and Supply of Alcohol Act 2012 compliance visit.



All applications filed after 18 June 2013 require the Agency to take into account the criteria of the Sale and Supply of Alcohol Act 2012 (section 105).

To support your application, please supply the information required and answer the questions listed in this form.

### Scale Floor Plan

Provide a scale floor plan which also shows the design and layout of the premises.

This should include: (identifying your principal entrance)

- Seating and tables
- A list of facilities, ie bar, toilets, stage, etc.
- CCTV placement *25 CAMERAS, 16 IN THE RETAIL AREA*
- Security lighting *YES*

Also, for Off-Licences:

- A description of your product types, where they are displayed and stored. *Wine, Beer, Cider, See Floor Plan*

### 1. The reporting agencies must consider any effects the issue of the licence will have on amenity and good order - please answer the following:

For all licences:

- a) Advise proximity of all childcare centres, schools and churches within 500m - a site plan would assist.  
*KATIKATI Four Square is located in the centre of the Main Commercial retail area. Therefore there are none of these facilities in close proximity. See attached map.*
- b) How many residential neighbours would you have within 50 metres?  
*1-2, But even beyond the rear of the property carpark, on opposite side from retail section of store.*
- c) Security - what security systems do you have and state location (outdoor lighting, indoor/outdoor CCTV, other)?  
*Carpark lights after dark, motion sensor external lighting. CCTV - 24 Internal, 1 external for Car Registration capture.*
- d) Internal layout - can the entire premises be seen by the cashier? Is there good visibility in the cool store areas (Off-Licence)? Where there are blind spots, are mirrors or CCTV installed? Is the internal lighting inside the premises suitable?  
*Plenty of internal lighting. Cashier can only see 30% of store, CCTV covers all aisles & is projected onto large monitor near cashier. CCTV stored for approx 30 days rolling.*
- e) Windows - is there good visibility into and from the premises and the street?  
*Yes - windows right along front of building.*
- f) Lighting - does the lighting outside the premises discourage loitering? Does the lighting allow staff to check ID's, etc?  
*Yes, Yes if required but not usually checked outdoors - always checked if required at checkouts in plenty of light*
- g) Security - will you employ security staff and when will they be used?  
*No. All Staff are trained to check for age with acceptable ID if customer looks under 25.*
- h) Security staff - how many security staff hold a Certificate of Approval and formal registration or qualification? If so wh  
*N/A*

**Additional Information required for On-Licence and Club Licences.****Noise**

- i) Explain clearly all types\* of entertainment you will be providing and when (\* amplified music or large crowd noise related)
- j) Noise management - do you have a noise management plan or an acoustic report prepared by a suitably qualified and experienced Acoustic Engineer?
- k) Noise mitigation - what mitigation will/is be/being undertaken (include any details regarding noise monitoring)?

**What outside / off premise advertising involving liquor will you be doing?**

- l) Newspaper/Magazine *Standard weekly regular Four Square circular lists liquor promotions along with groceries, fresh produce, fresh meat, chilled & frozen foods.*
- m) Shop windows?  
*None*
- n) On your premises - roof/other?  
*None*
- o) Street/Footpath signs?  
*None*
- p) Social Media Sites i.e. Twitter/Facebook, Online Magazines, Websites, etc?  
*None*

A copy or sample of your advertising would be of assistance

**Systems and Staff Training**

- q) Are you involved in any mystery shopper type programmes?  
*Yes, 1-3 monthly a Mystery Shopper under 25 attempts to purchase alcohol.*
- r) What till prompt systems do you have regarding age checks?  
*Any alcohol, tobacco or fireworks barcode prompts for Age Check*
- s) What staff training is provided with regard to Sale of Alcohol compliance and Host Responsibility practices - explain content, duration and how often this training is provided.  
*Upon induction & then regular formal (eg team meeting, video course refresh) and informal discussion, Foodstuffs Video & written testing every 6-12 months.*
- t) Please provide copies of any written material you supply to staff regarding staff training (attach to this form)

**2. Marketing and Promotions**

- a) What percentage of the front windows will be clear and transparent?

*90%*

- b) What is the target market for the business?

*Groceries, Fresh Produce, Fresh Meats, Frozen & Chilled Foods, Wine, Beer & Cider*

c) What is your policy regarding pricing and promotions?

Promotions externally at no more than 25% below regular price. Promotional prices not easily seen or read with the naked eye from outside the premises.

d) Will there be single sales (Off-Licence)?

Yes - Limited range of cask beers and the like. Single 750ml - 1.5L wine bottles of course, and 500ml - 1.25L cider bottles.

### Renewals Only

e) Have you had any complaints from the neighbours (including confirmed noise complaints) that you are aware of?

No

f) Has your business been subject to a Police controlled Purchase Operation (CPO)? If so, what were the results?

Probably in the last 12 years ownership? If so, have never been aware of failing one.

g) Have you or your business ever appeared before the Alcohol Regulatory and Licensing Authority? If so, for what reason?

No

### 3. The granting, or renewal, of this application will contribute to the Object of the Act by:

- Steps taken to ensure the sale, supply and consumption of alcohol will be undertaken safely and responsibly:

- Staff trained upon induction then regularly on a formal & informal basis.

- Till system prompts for age check & only approved IDs are accepted.

- Mystery Shopper programme tests the store regularly.

- The harm caused by the excessive or inappropriate consumption of alcohol will be minimised by:

- ID requested for any shopper of alcohol who looks under 25 years.

- Staff refuses to sell to intoxicated persons and are backed up by senior staff and management.

### Any other comments you wish to make to support your application being determined:

See sheet attached to this Application entitled "In Support of Licence renewal for Jones Retail Limited".

**13. Check List – Please Tick ✓**

**a. IMPORTANT – The application will not be accepted by the District Licensing Committee until:**

- **ALL questions on the application form have been answered in full.**  Yes  No
- **ALL additional documentation as indicated below are attached to the application.**  Yes  No

Please note that if any of the documents below have been filed with a previous application, you are required to file them again with this application.

**b. FOR RENEWAL APPLICATIONS Have You Included:**

1. **Where changes to days/hours are being sought**, the completed 100(f) Sale and Supply of Alcohol Certificate application form?  Yes  No *N/A*
2. **Where the licence is an off-licence or club licence**, a copy of your host responsibility policy?  Yes  No
3. **Where the licence is an off-licence or club licence**, the completed Pacific Health questionnaire?  Yes  No
4. **The completed Fire Service Data Sheet**  Yes  No

**c. Additional Documents Required**

1. **Original Certificate of Compliance under Section 100(f) of the Sale and Supply of Alcohol Act.** You should have already applied for and been issued this document prior to filing this application.  Yes  No *On file*
2. **Photograph** or artist's impression of the exterior of the premises.  Yes  No
3. **Map** indicating where the premises is located.  Yes  No
4. **Scale Plan** of entire premises showing the layout of the premises including where any tables and chairs will be located and outlining:
  - The inside area for sale and supply of liquor, including any cool store areas the customer may have access to.
  - Principal entrance/s. Yes  No
5. **Host Responsibility Policy**  Yes  No
6. **Where changes to days/hours are being sought, the completed Certificate of Compliance application form?**  Yes  No *N/A*
7. **Manager's certificate** of person/persons intending to be the manager of the premises, or if this document has not been issued at the time of filing this application, the date the manager's certificate application was filed with the District Licensing Committee ...../...../.....  Yes  No
8. **Where the applicant is not the owner of the building, a written statement from the owner** to the effect that the owner has no objection to the grant of the licence.  Yes  No
9. **Where the applicant is a company, a copy of the Certificate of Incorporation.**  Yes  No
10. **Where the applicant is a partnership of more than two persons, evidence of formal partnership.** Where the applicant is a Body Corporate, a copy of Certificate of Incorporation (or equivalent document).  Yes  No
11. **Where the application relates to a supermarket, particulars of the floor area**, including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items.  Yes  No
12. **Where the application relates to a grocery store, certified accounts** showing the annual sales revenue percentage of turnover that is derived from the sale of main order household foodstuffs as required by Regulation 12 or 13 (as the case requires) of the Sale and Supply of Alcohol Regulations 2013..  Yes  No
13. **Deposit Fee of \$350.00** (includes GST)  Yes  No

**d. Have you completed the attached Toi Te Ora Public Health Questionnaire?**  Yes  No

**e. Have you completed the Amenity and Good Order Questionnaire?**  Yes  No

**f. Have you signed and dated the form personally?**  Yes  No



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

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

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

**Please complete and then tick which statement applies:**

The building, located at:

33-37 MAIN RD  
.....  
KATIKATI .....(address)

in which the premises known as

FOUR SQUARE KATIKATI  
.....  
.....(name of premises)

has a current Fire Evacuation Scheme.

does not require (by reason of its current use) an Evacuation Scheme. *Confirmed with Luke Burgess*

is exempt from having to meet the requirements for an Evacuation Scheme.

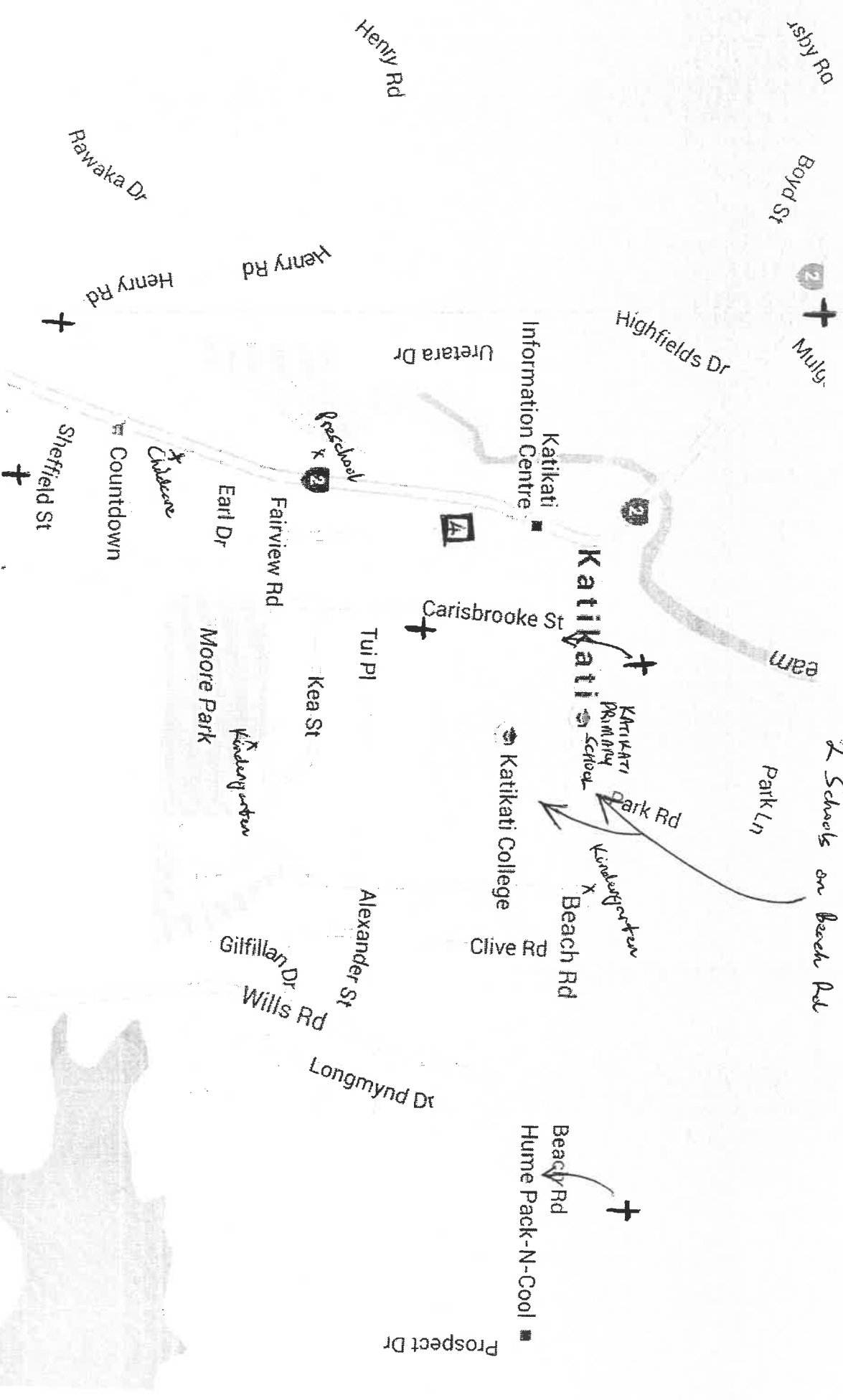
Signed: *Peter J Jones* Date: *12/2/19*  
Name: *PETER J JONES*

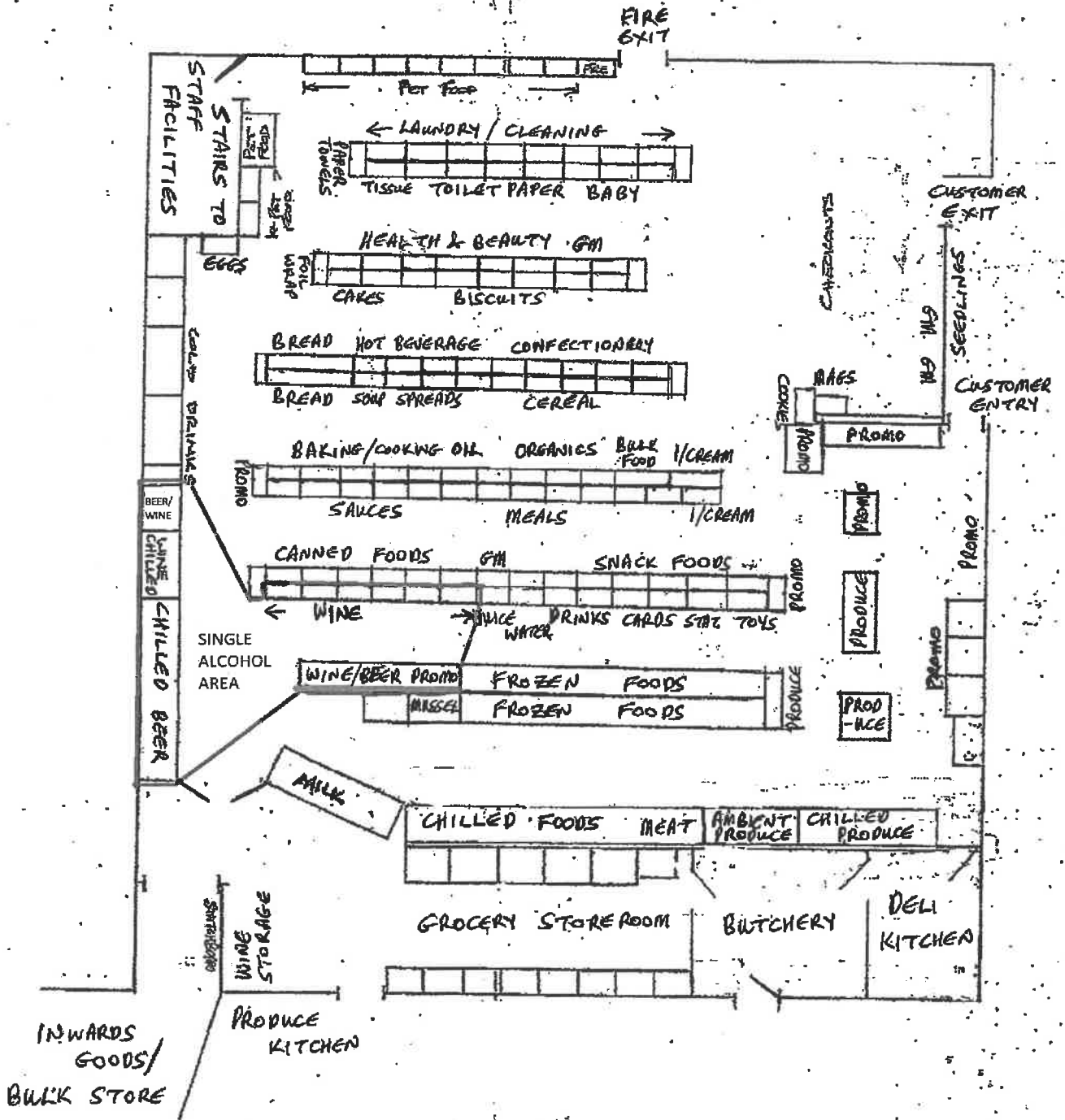
*Please note, section 286 of the Sale and Supply of Alcohol Act 2012 outlines the provision for suspension of a licence for non-compliance with public health or fire precaution requirements.*

A2622843



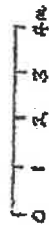
# Katikati Katikati, New Zealand





KATIKATI FOUR SQUARE  
 37-41 MAIN RD  
 KATIKATI

15160



The Jones Property Trust  
16 Middlebrook Drive  
KATIKATI

10 February 2019

To Whom it May Concern


RE: Jones Retail Limited  
Liquor Off-Licence Application

The Jones Property Trust is the registered proprietor of 33 – 37 Main Rd as comprised in Certificates of Title SA29A/712, SA28A/1122, SA28A/1120 and SA1026/74.

We have no objection to the granting of an off licence to Peter Jones of Jones Retail Limited in terms of the Sale and Supply of Alcohol Act 2012.

Yours sincerely

The Jones Property Trust  
by, and in the presence of:

  
.....  
Signature of witness

  
.....  
Signature of trustee/authorised person

SAHIL BAKSHI  
.....  
Name of witness (print)

PETER JOHN JONES  
.....  
Name of trustee/authorised person (print)

.....  
Occupation of witness

  
.....  
Signature of trustee/authorised person

Duty Manager (Retail)  
.....  
Address of witness  
# 30, FRANCIS DRIVE,  
Katikati, 3129

SANDRA FRANCES JONES  
.....  
Name of trustee/authorised person (print)



*N. Cunningham*  
.....  
Signature of witness

*NICHOLA CUNNINGHAM*  
.....  
Name of witness (print)

*ACCOUNTANT*  
.....  
Occupation of witness

*MT MAUNGANUI*  
.....  
Address of witness

*Rex Alan Harding*  
.....  
Signature of trustee/authorised person

*Harding Trustee (2002) Limited*  
*Rex Alan Harding Director*  
.....  
Name of trustee/authorised person (print)

NAME Age Restricted Items	009
Purpose	
<p>To ensure staff understand the correct procedures around Age Restricted Items. Age Restricted Items are listed as follows:</p> <ol style="list-style-type: none"> <li>1. All tobacco products</li> <li>2. All alcohol/liquor products</li> <li>3. All age labelled magazines</li> <li>4. All forms of fireworks</li> </ol> <p>To ensure that the business stays compliant with all Foodstuffs North Island Limited policies, and NZ Government legislation</p>	
Policy	
<ol style="list-style-type: none"> <li>1. All Age Restricted sales must be accompanied by I.D. showing the purchaser is over the age of 18 years when that person appears to be under the age of 25 years</li> <li>2. All junior staff must ask for assistance from a senior staff member when making a sale of an age restricted item. The sale will not progress without confirmation from the senior staff member</li> <li>3. If an acceptable form of I.D. is not provided by the customer, the sale of the age restricted item must not be made</li> <li>4. Acceptable forms of I.D. are NZ Passport, Overseas Passport, NZ Drivers Licence and/or NZ HANZ 18+ card</li> <li>5. Any failure that results in a fine or levy against the business will result in the enactment of the disciplinary process as outlined in each staff members individual employment contracts</li> <li>6. Any fine or levy made against the business will not be passed on to the staff member, however any fine or levy made against the staff member or staff members by the appropriate authorities must be paid by the staff member</li> </ol>	
Applicability	
<p>All staff in present employment All age restricted items</p>	
Exceptions	
<p>There will be no exceptions to this policy</p>	

<b>Procedures</b>
<ol style="list-style-type: none"><li>1. <b>Junior Staff</b> When presented with an age restricted item, halt the transaction and call for a senior staff member. Proceed with the transaction when instructed</li><li>2. <b>Senior Staff</b> Ask for I.D. and process with the transaction only after viewing the I.D. and confirming age</li><li>3. If I.D. is not shown, remove the age restricted item from the counter/checkout and place out of reach of the customer in question</li><li>4. If the customer becomes aggressive, call for staff assistance or dial 111 and ask for the police</li></ol>
<b>Policy Date:</b>
<b>Review Date:</b>
<b>Signed Owner:</b>

## **Social Responsibility Policy**

The Management and Staff of Jones Retail Ltd take their Social Responsibilities seriously and always attempt, where possible, to ensure the following:

- Staff are trained in the Sale and Supply of Alcohol Act (SaSA) 2012
- Staff are trained in assessing intoxication
- Staff are aware of their responsibilities under the SaSA 2012
- We will request identification from any one that looks under the age of 25
- It is our responsibility to ensure, wherever possible, that alcohol is not on supplied to prohibited persons
- We will not serve minors
- We will not serve intoxicated persons
- During tastings water will be freely available
- We will actively promote safe and responsible drinking messages
- We will display and/or provide Alcohol Helpline resources
- Alcohol will not be promoted in an irresponsible manner

From the Management and Staff of Jones Retail Ltd

**CERTIFICATE OF COMPLIANCE WITH REQUIREMENTS  
OF RESOURCE MANAGEMENT ACT & BUILDING CODE**

**Compliance Certificate Number: 150**

To the Western Bay of Plenty District Licensing Agency.

This letter serves as a certificate for the purposes of Section 9(1)(e) and/or Section 31(1)(e), and/or Section 55(1)(e) of the Sale of Liquor Act 1989.

This certificate refers to a proposal to conduct the following business on the premises.  
(Here set out the general nature of the business to be conducted as set out in the application form).

**APPLICANT:** JONES RETAIL LIMITED

**PREMISES:** KATIKATI FOUR SQUARE

**ADDRESS:** 37-41 MAIN ROAD KATIKATI

**NATURE OF BUSINESS:** GROCER

**DETAILS OF LICENCE:** OFF LICENCE

The proposed use of the building meets the requirements of the Resource Management Act.

The building is an existing building that will have a change of use and the intended use will meet the requirements of the New Zealand Building Code to the extent required by the Building Act 1991.

Signed for and on behalf of the Council



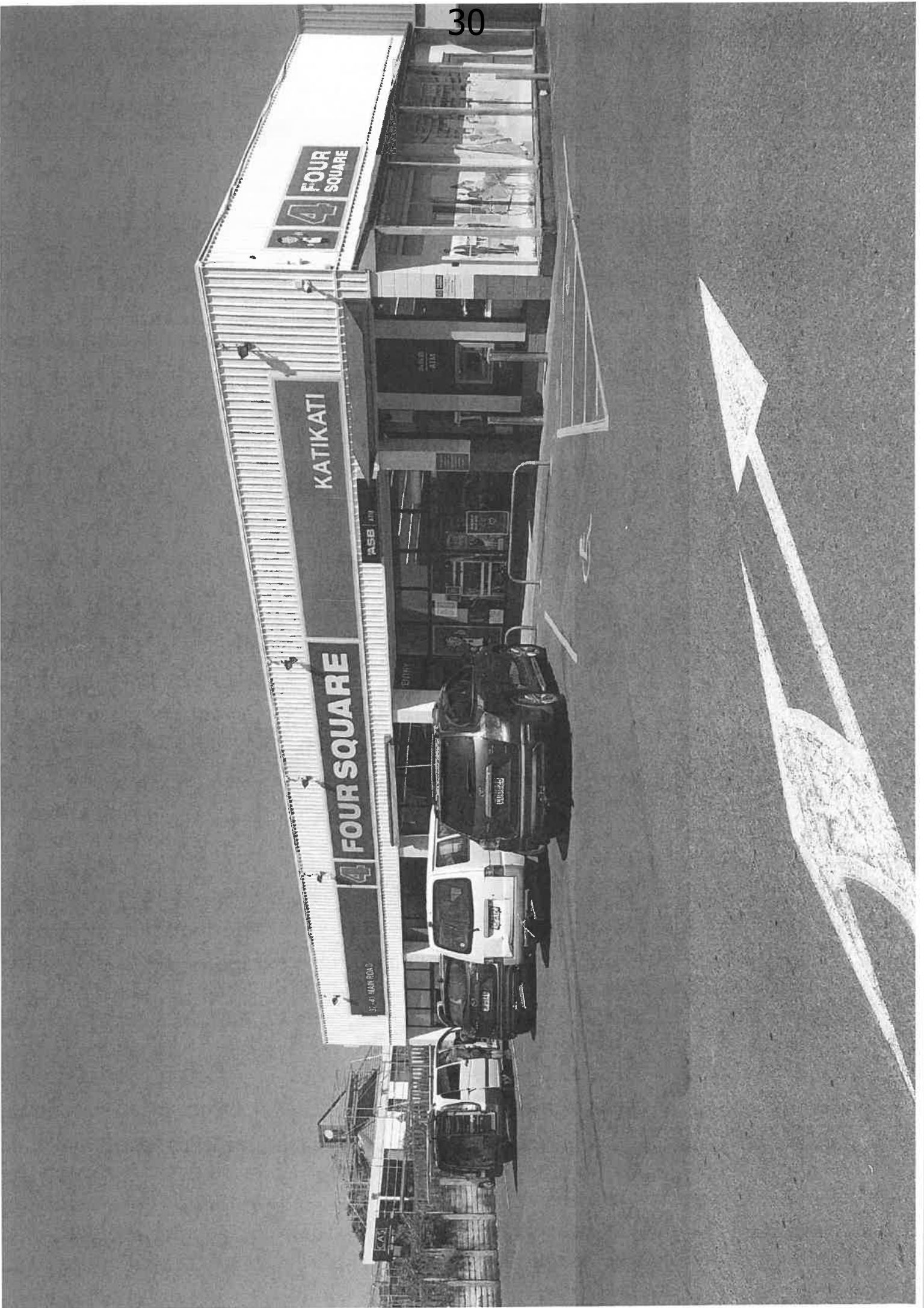
Signed

SBCD

Designation

18/3/2009

Date





## Certificate of Incorporation

JONES RETAIL LIMITED

1874820

NZBN: 9429033814766

This is to certify that JONES RETAIL LIMITED was incorporated under the Companies Act 1993 on the 13th day of October 2006.

A handwritten signature in black ink, appearing to read 'D. Smith', is positioned above the Registrar's name.

Registrar of Companies  
14th day of February 2019



Certificate No. 022/CERT/099/2016

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

**PETER JOHN JONES**

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 Manager's Certificates, this certificate shall expire on 24 November 2019 unless again renewed.

DATED at Tauranga on the 19<sup>th</sup> day of September 2016



Secretary

Western Bay of Plenty District Licensing Committee



Western Bay of Plenty  
District Council



Certificate No. 022/CERT/098/2016

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

**SANDRA FRANCES JONES**

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 Manager's Certificates, this certificate shall expire on 29 November 2019 unless again renewed.

**DATED** at Tauranga on the 19<sup>th</sup> day of September 2016.



Secretary

**Western Bay of Plenty District Licensing Committee**



**Western Bay of Plenty**  
District Council

Certificate No. 022/CERT/6792/2017

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

**SALLY ELIZABETH GIBBS**

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 Manager's Certificates, this certificate shall expire on 12 April 2020 unless again renewed.

**DATED** at Tauranga on the 5<sup>th</sup> day of April 2017.



Secretary

**Western Bay of Plenty District Licensing Committee**



**Western Bay of Plenty  
District Council**

Certificate No. 022/1101/141/2018

## Notice of Renewal of Manager's Certificate

### Section 226, Sale and Supply of Alcohol Act 2012

Pursuant to the Sale and Supply of Alcohol Act 2012

### MARIA LOURDES CABUNILAS DAWSON

is authorized 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 6 September 2021**

DATED at Tauranga on the 19<sup>th</sup> day of September 2018.



Secretary

Western Bay of Plenty District Licensing Committee



Certificate No. 022/CERT/7155/2018

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

Pursuant to the Sale and Supply of Alcohol Act 2012

**DENISE ROSE ALDERMAN**

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 18 March 2021**

**DATED** at Tauranga on the 19<sup>th</sup> day of March 2018



Secretary

**Western Bay of Plenty District Licensing Committee**



Western Bay of Plenty  
 District Council

Certificate No. 022/CERT/7351/2018

## MANAGER'S CERTIFICATE

*Section 217, Sale and Supply of Alcohol Act 2012*

Pursuant to the Sale and Supply of Alcohol Act 2012


### SAHIL BAKSHI

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 03 October 2019**

Dated at Tauranga on the 3<sup>rd</sup> day of October 2018

  
 Secretary  
 Western Bay of Plenty District Licensing Committee



## MANAGER'S CERTIFICATE

*Section 217, Sale and Supply of Alcohol Act 2012*

Pursuant to the Sale and Supply of Alcohol Act 2012

### JESSICA MARION TROW


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 17 January 2020**

Dated at Tauranga on the 18<sup>th</sup> day of January 2019



Secretary, District Licensing Committee  
Western Bay of Plenty District Council



**Public I****PUBLIC NOTICE OF AN APPLICATION FOR Off licence**

Section 101, Sale and Supply of Alcohol Act 2012

**JONES RETAIL LIMITED** has made application to the District Licensing Committee at Western Bay of Plenty for the renewal of an **OFF LICENCE** in respect of the premises situated at **37 MAIN ROAD** and known as **KATIKATI FOUR SQUARE**.

The general nature of the business to be conducted under the licence is an **OFF LICENCE - GROCERY STORE**.

The days on which and the hours during which liquor is currently being sold under the licence are:

**Monday to Sunday 7:00am to 10:00pm.**

The application may be inspected during ordinary office hours at the Western Bay of Plenty District Licensing Committee at Barks Corner, Greerton, Tauranga.

Any person who is entitled to object and who wishes to object to the grant of the application may, not later than 15 working days after the date of the first publication of the application in a newspaper or newspapers in accordance with the Sale and Supply of Alcohol Act 2012, file a notice in writing of the objection with the Secretary of the District Licensing Committee at the Western Bay of Plenty District Council, Private Bag 12803, Tauranga.

No objection to the issue of a licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012.

No objection to the renewal of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012.

This is the **second** publication of this notice. This notice was first published on 21 February 2019.

Thursday, February 28, 2019

# Katikatati Advertiser

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Section 101, Sale and Supply of Alcohol Act 2012

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No objection to the renewal of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012.

This is the **first** publication of this notice.

Thursday, February 21, 2019

# Katikatati Advertiser

**Emily Clarke**

---

**From:** Burgess, Luke <Luke.Burgess@fireandemergency.nz>  
**Sent:** Monday, 25 February 2019 7:36 AM  
**To:** Liquor Licence  
**Subject:** RE: LL7526 Application for Off Licence for Katikati Four Square (A3397614)

We have no objection to this

-----Original Message-----

From: Liquor Licence [mailto:Liquor.Licence@westernbay.govt.nz]  
Sent: Friday, 22 February 2019 11:36 AM  
To: BROWN, Trevor <Trevor.Brown@police.govt.nz>; 'liquor@bopdhb.govt.nz' <liquor@bopdhb.govt.nz>; Burgess, Luke <Luke.Burgess@fireandemergency.nz>  
Subject: LL7526 Application for Off Licence for Katikati Four Square (A3397614)

For your reports please

Emily Clarke has sent you a copy of "LL7526 Application for Off Licence for Katikati Four Square" (A3397614) v2.0 from Objective.

The information contained in this message (and any accompanying documents) is CONFIDENTIAL and may also be LEGALLY PRIVILEGED, intended only for the recipient(s) named above. If the reader of this message is not the intended recipient, you are notified that any use, copying, disclosure, retention or distribution by any means of the information is strictly prohibited.

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**REPORT ON APPLICATION FOR 'OFF' LICENCE (renewal)  
SALE AND SUPPLY OF ALCOHOL ACT 2012**

25<sup>th</sup> February 2019

The Secretary  
District Licensing Committee  
WBOP District Council  
Private Bag 12803  
TAURANGA

Dear Sir/Madam,

**APPLICANT:** Jones retail limited

**APPLICATION NUMBER:** 7526

**TRADING AS:** Katikati Four Square Supermarket

**ADDRESS:** 33-37 Main Road Katikati

**TYPE OF APPLICATION:** Off licence – Renewal

**STATUS:** NOT OPPOSED

An application for the issuing of a renewal of an OFF Licence for the above named applicant and premises was received by the New Zealand Police at the Western Bay of Plenty Liquor Licensing Unit.

Following a review of the application Police are not opposed.

Should you require any further information in relation to this application, please contact the writer on the email or numbers listed below.

Yours faithfully,

Trevor Brown  
Sergeant (TB6550)  
Alcohol Harm Prevention Co-ordinator  
**WESTERN BAY OF PLENTY**

**Emily Clarke**

---

**From:** Dawn Meertens <Dawn.Meertens@bopdhb.govt.nz> on behalf of Liquor <Liquor@bopdhb.govt.nz>  
**Sent:** Friday, 8 March 2019 4:57 PM  
**To:** Liquor Licence; BROWN, Trevor; 'Burgess, Luke'  
**Cc:** Neil De Wet; Dougal Elvin  
**Subject:** RE: LL7526 Application for Off Licence for Katikati Four Square (A3397614)

Hi Emily

On behalf of the Medical Officer of Health I have inquired into this application and have matters in opposition.

This application is opposed under sec 112 - 115. the last opposition was withdrawn with the following comments: *The Medical Officer of Health still believes that the SAA does not comply with sec 112 – 114 however to be reasonable, sec 112 (1), we have reached a “compromise” of sorts, with the applicant, so that exposure is limited further than what was first suggested (appendix 1). The “New” SAA, (appendix 2) has been reconfigured to limit exposure as much as possible without being unreasonable.*

*The applicant is however forewarned that with every renewal the SAA condition imposed when the licence was issued (or was last renewed) expires – Section 112(3). Therefore, it is hoped that within the next three years of this licence the applicant will work towards making his SAA compliant with sections 112 – 114.....*

*The Medical Officer of Health withdraws his opposition cautiously and recommends when issuing the licence, the District Licensing Committee takes into account the fact that the area in Appendix 2 – the SAA – is in 2 areas and not 1, as required under section 112(2) and that the applicant has had 4 years to comply since the Act came in to force.*

It has now been 7 years and the applicant has submitted the same plan and it appears nothing has been done to comply with the sections 112 – 115.

This application is opposed.

Kind regards

Dawn Meertens  
 Technical Officer

Phone: 07 349 7260  
 Mobile: 021 473 524  
 Website: [www.toiteora.govt.nz](http://www.toiteora.govt.nz)

-----Original Message-----

From: Liquor Licence [mailto:Liquor.Licence@westernbay.govt.nz]  
 Sent: Friday, 22 February 2019 11:36 a.m.  
 To: BROWN, Trevor; Liquor; 'Burgess, Luke'  
 Subject: LL7526 Application for Off Licence for Katikati Four Square (A3397614)

For your reports please

Emily Clarke has sent you a copy of "LL7526 Application for Off Licence for Katikati Four Square" (A3397614) v2.0 from Objective.

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# Report on an Application for Renewal of Off-licence

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

**To:** District Licensing Committee  
**From:** Dougal Elvin – Alcohol Licensing Inspector  
**Date:** 18 April 2019

## 1. APPLICATION DESCRIPTION

### 1.1. Application and Property Details

Applicant's Name: Jones Retail Limited  
Site Address: 33-37 Main Road, Katikati.  
Trading Name: Katikati Four Square  
Type of Premises: Grocery store – 709 m<sup>2</sup>  
Risk Rating: Medium  
Application Number: LL7526  
Date Received by Council: 14 February 2019  
Current Licence Expires: 17 March 2019  
Changes being sought? No

## 2. EXECUTIVE SUMMARY

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

I consider the sale and supply of alcohol under these conditions is consistent with the purpose of the Act and meets the criteria at section 131.

No public objections have been duly made. The Police and I do not oppose this application.  
*The MOH do oppose this application.*



### 3. APPLICANT AND APPLICATION

#### 3.1 Applicant

The applicant is a private company.

A general discussion was had with the duty manager on 7 March 2019, when I conducted my inspection for the purposes of this application.

I have since spoken to the applicant, who is aware of their responsibilities under the Act.

#### 3.2 Comment

There is no reason to believe that the applicant is not suitable to hold a licence. There are no concerns with other goods and/or services the applicant provides at the premises

### 4. OBJECTIONS AND EXTERNAL REPORTS

#### 4.1 Public Notice

The application was publicly notified in the Katikati Advertiser on the following dates:

Katikati Advertiser:

- First Notice 21 February 2019
- Second Notice 28 February 2019

The objection period expired on: 14 March 2019

#### 4.2 Objections

No objections have been received following the public notification.

#### 4.3 Police Report

Police reported on the application on 25 February 2019. That report does not oppose the application.



#### 4.4 Medical Officer of Health Report

*The Medical Officer of Health [MOH] reported on the application on 8 March 2019 and has opposed the application under sections 112 – 115.*

### 5. PREMISES

#### 5.1 Principal Entrance

The principal entrance is accessed from: Car parking off Main Road, Katikati.

#### 5.2 Kind of Premises

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

The floor area of the premises is 709 m<sup>2</sup>, meaning that it does not qualify to be classified as a supermarket.

Annual sales figures for the business indicate that food products is the principal business (49.84%) and alcohol sales account for 17.03% of business.

#### 5.3 Planning and Building Matters

There have been no issues raised in regards to the building code or the Resource Management Act 1991.

#### 5.4 Previous History

No issues have been brought to light from any of the agencies regarding the operation and conduct of the premises.

#### 5.5 Site Inspection

I visited the premises on 7 March 2019 at approximately 2.25 pm. All required signage was clearly displayed and a manager was on duty. There appeared to be sufficient levels of staff to manage the premises effectively.



## 5.6 Single Alcohol Area [SAA]

The proposal for the Single Alcohol Area is the same area as was submitted and adapted with the previous renewal application approximately 3 years ago. Additional changes were made to that SAA in order to limit the exposure of alcohol. An end of aisle was removed and a piece of shelving board was erected to limit the exposure of the display of alcohol available when people were picking up their milk.

The SAA is situated towards the rear left hand side of the store. It is an area close to the fresh grocery items and near the milk. It is partially situated down an aisle and also situated in chillers (large commercial fridges) against the back wall.

It potentially coincides with the natural flow of shoppers as they start at the left hand side of the store and work their way through the store towards the checkouts, which are on the right hand side of the store. However, there are no rules on how shoppers must traverse around a store and they can go in any manner they choose.

The most ideal place for the display, promotion and advertisement of alcohol is in the right hand side of the store adjacent to the line of sight of the cashier. This is the one area shoppers would have the furthest to walk to from the entrance in order to locate and purchase alcohol, which would therefore make it a destination as opposed to an opportunistic area of the store that customers could generally walk through unintentionally and be exposed to promotions of alcohol.

In an ideal world situating the SAA on the right-hand side of the store within an aisle would best minimise the exposure of alcohol to customers and allow the cashiers to keep an eye on anyone in the aisle.

But, there is the question of reasonability.

Is it reasonable or practicable to insist on moving the chillers so the SAA is in the best place possible to minimise the exposure of alcohol?

In order to consider this question I feel I need to consider the following points:

1. Has any evidence of harm been reported from the store or for that matter concerning the SAA regarding how alcohol has been promoted, displayed or sold in the store?
2. The applicant has already reduced the exposure of alcohol within the SAA by removing an “end-of-aisle promotional point of sale display” and erecting a board to prevent shoppers from being exposed to displays of alcohol on the last application.



The first point to answer is simple: there have been no negative reports on how the applicant has sold alcohol or managed the sale of alcohol since the last renewal and there have been no concerns brought to my attention regarding the configuration of the SAA whilst the applicant has been operating.

The second point is the fact the applicant has already taken strides to further limit the exposure of alcohol already on the last application. Further consideration needs to be given to the fact that the floor space of the grocery store is only 709 m<sup>2</sup>. This store doesn't have the advantage of immense floor space like a supermarket and therefore a plethora of options to relocate the SAA.

Therefore I have to conclude that as no evidence has been presented to indicate the current configuration has caused any cause for concern or for that matter contributed to any harm from alcohol, then I see no reason why it should need to change other than the changing requirements of case law.

I also feel to request the applicant to re-locate his SAA would encompass the need to relocate chillers at a considerable expense. The chillers are permanently plumbed into the rear wall into a network of pipes that lead to an external refrigeration unit outside the premises.

In light of the fact that changes were already made on the last renewal to limit the exposure of alcohol, I feel to request such a change as moving the SAA would be unreasonable unless there is a legislative need to do so.

## 5.7 Comment

I do not oppose the design and layout of the premises. The applicant does appear to have appropriate systems, staff, and training to comply with the law.

## 6. ENVIRONMENTAL SCAN

### 6.1 Current and Potential Levels of Noise, Nuisance and Vandalism

Katikati is a small town situated on State Highway 2. There is a 24hr liquor ban in place for the majority of the town.

There are no signs of vandalism or for that matter deprivation in the vicinity of the store. Unlike Te Puke there are no signs of people drinking in the street or the liquor ban being breached.

I have received no complaints regarding the store or its management and no complaints regarding any noise being emitted from the store.





## 6.2 Comment

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

## 7. CONCLUSION AND CONDITIONS

### 7.1 Conclusion

I have inquired into the application, and based on the information provided, the application meets the criteria in the Act. I do not oppose this application.

### 7.2 Recommended conditions

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
- (b) Alcohol may only be sold on the following days and during the following hours:  
  
Monday to Sunday – Hours: 7.00 am to 10.00 pm.
- (c) Drinking water is to be freely available to customers immediately adjacent to any alcohol that is being supplied free as a sample on the premises.
- (d) No alcohol may be sold other than:
  - (i) beer that complies with the appropriate New Zealand food standard for beer; or
  - (ii) mead that complies with the appropriate New Zealand food standard for mead; or
  - (iii) fruit or vegetable wine that complies with the appropriate New Zealand food standard for fruit or vegetable wine; or
  - (iv) grape wine that complies with the appropriate New Zealand food standard for grape wine; or
  - (v) a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.
- (e) 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.



- (ii) Ensure that appropriate signs are prominently displayed detailing the statutory restrictions on the supply of alcohol to minors and intoxicated persons, at each entry and adjacent to every point of sale.
  
- (f) Only the area delineated on the attached plan, and the configuration shown, is a permitted area and configuration for the display and promotion of alcohol.

**Prepared by**

A handwritten signature in blue ink, appearing to read "D. Elvin".

.....  
Dougal Elvin

**Alcohol Licensing Inspector**