DISTRICT LICENSING COMMITTEE

AGENDA

DATE: Thursday, 25 February 2016

TIME: 9.00am

VENUE: Council Chamber
William Street
PAEROA

MEMBERS: Cr P A Milner (Chairperson)
Mrs D M Carmine
Mr D Taylor

L D Cavers
Chief Executive
HAURAKI DISTRICT COUNCIL

DISTRICT LICENSING COMMITTEE

NOTICE IS HEREBY GIVEN THAT A MEETING OF THE DISTRICT LICENSING COMMITTEE WILL BE HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON THURSDAY 25 FEBRUARY 2015 COMMENCING AT 9.00AM

L.D. Cavers  
Chief Executive

SCHEDULE OF HEARINGS

| 9.00am | Waitakaruru Country Store Application for Off-Licence or Renewal of Off Licence for Premises |

ORDER OF BUSINESS

1. Apologies

2. Welcome and Introductions

3. Declaration of Conflict of Interest
   Members of the committee are to confirm whether they have a conflict of interest in relation to the application.

4. Overview of the Proceedings
   The Chairperson will outline the process for the hearing of evidence from the parties.

5. Application by Waitakaruru Country Store, Waitakaruru
   The following papers are provided in relation to the application:
   Application Information – (Doc. 1494804)

6. Objections
   Hauraki District Council – District Licensing Inspector
   NZ Police

Pages 3-21
The Hauraki District Council District Licensing Committee holds hearings to consider appeals and objected or opposed licence and manager’s certificate applications referred to it by district licensing agencies.

As a party to this hearing, you will need to be present for the complete duration of the hearing. If you do not appear in person or by counsel, the matter may be heard and determined in your absence.

Speaking at a Hearing

All parties or their legal representatives can appear and speak at the hearing. They can also call, examine and cross-examine witnesses. ‘Parties’ include the person applying for a licence or manager’s certificate.

During a hearing, the person applying for a licence or manager’s certificate will give his other evidence first. Anyone appearing at a hearing should provide a typed statement of his or her objection, and copies of any supporting documents, to the Committee and all other parties on the day of the hearing.

What happens at a Hearing

The hearing gives you the chance to explain your objection to the District Licensing Committee, and present evidence that supports your objection. You will have the chance to read out a written statement, and to present evidence that supports your objection. The Committee and other parties might ask you questions about your objection, your statement, or your evidence.

The statement you read out at the hearing should expand on the points you’ve made in your written objection. Someone else can read out your statement for you if you want. Your statement might include examples that illustrate some of the points in your objection. You can also just read straight from your statement.

Cross Examination

Cross-examination means being asked questions by other parties. All parties with speaking rights at the hearing will have an opportunity to ask questions of the party giving evidence.

All parties will be asked to take an oath or affirmation prior to presenting evidence.

How to do well on the day

You want to make a good, strong presentation. You want the Licensing Committee to focus on your statement and on your evidence. Keep your statement simple, make your key points clear, speak clearly, and be yourself. Read your statement clearly and slowly enough to be understood. Speak clearly and try not to repeat yourself.

Evidence is anything that backs up your statement. Evidence can be oral, written or visual – you can use photographs and drawings as evidence. Evidence should focus on facts, not emotions, and be directly relevant to your objection.
Hauraki District Licensing Committee
CI- Hauraki District Council
Application for Off-Licence or Renewal of Off Licence (for premises) – Form 4
Sections 100 & 127(2) Sale and Supply of Alcohol Act 2012

To: The Secretary
Hauraki District Licensing Committee
PO Box 17
PAEROA 3640

Application for an off-licence or renewal of an off licence is made in accordance with the particulars set out below.

Endorsements
State (by type) every endorsement sought or sought to be renewed

Licence Renewal

Details of applicant

Full legal name or names to be on the licence
WAI'TAK COUNTRY STORE

Is a licence already held for the premises or conveyance concerns [if 'yes' please state kind of licence]
Yes ☐ No ☐

OFF Licence

Applicant status
[State, by reference to section 28 of Sale and Supply of Alcohol Act 2012, the status of the applicant (for example, natural person or persons or body corporate or department of State)]
DIRECTION

For applicant that is a natural person or persons, details: [for each person]

Male ☑ Female ☐

Full legal name: (including any aliases) Amandeep Singh

Usual residential address 659 SH 25 WAI'TAKETU
Date and place of birth: 2-2-85 India  Occupation: Self Employed

Any internet sites:  Preferred mode of contact: email

For applicant that is a body corporate, authority under which incorporated [state]

For applicant that is NOT a natural person or persons, details of contact person:

Full legal name: (including any aliases)

Telephone number or numbers

Any fax numbers: Preferred mode of contact:

Any internet sites:

Postal Address for Service:

Business Details
[describe principal business, any other businesses]

Criminal convictions
[state all convictions for offences against provisions of the Land Transport Act 1998 not contained in Part 6, and offences to which the Criminal Records (Clean Slate) Act 2004 applies]

NOWS

For a company (whether incorporated under the Companies Act 1993 or equivalent foreign legislation), full legal names of directors

Amandeep Singh

Satnam Singh

For a Private Company incorporated under the Companies Act 1993 [state authorised capital, paid-up capital, and the following]:

Hauraki District Licensing Agency  FRED 648109

Responsibility: Peter Thom Date Issued: 18/12/2013 Version No: 8

Location: Hauraki District Review date: 10/01/2015 Page: 8 of 8
Full legal name (including any aliases)  SAMANY SINGH
Address  659 SH 25 WATTAKURU
Date and place of Birth  3-4-54  INDIA
Designation  DIRECTOR
Face value of shares  50/-. 

For a partnership, legal names and addresses of partners [please state]

AMANDA SEL SINGH  
659 SH 25 WATTAKURU  50/-. 

Details or Premises (if not conveyance)
Address  659 SH 25  
WATTAKURU

Any name, trading name, or name of building
WATTAK COUNTRY STORE

If not owned by applicant

Tenure [state whether to be held as leasehold, or under tenancy agreements or licence]

Full legal name and address of owner

Type [state whether grocery, hotel retail shop (Other than grocery) or tavern]
GROCERY STORE

Whether licence is conditional on completion of building work. If “yes” please state details. Yes ☐ No ☑
Details of conveyance

Type (state ship, railway carriage, bus etc)

Tenure (state whether owned by applicant, or to be operated under charter, lease or licence)

If not owned by applicant, full legal name and address of owner [please state]

Any registration number(s) [state]

Any home base address [state]

Any name used or proposed for conveyance [state]

Whether licence is conditional on completion of building work. If "yes" please state details. Yes [ ] No [ ]

Details of Manager(s)

For each Manager or proposed Manager, please complete the following

Male [ ] Female [ ]

Full legal name: (Including any aliases) SATNAM SINGH

Number and expiry date of Manager Certificate 12/11/2014

Hauraki District Licensing Agency FRED 648109
Responsibility: Peter Thom Date Issued: 18/12/2013 Version No: 8
Location: Hauraki District Review date: 10/01/2015 Page: 8 of 8
For each Manager or proposed Manager, please complete the following

Male ☐ Female ☐

Full legal name: (including any aliases) AMANDER SINGH.

Number and expiry date of Manager Certificate 12/03/2015 ex June 2018

For each Manager or proposed Manager, please complete the following

Male ☐ Female ☐

Full legal name: (including any aliases)

Number and expiry date of Manager Certificate

For all additional Managers or proposed Managers, please provide their details on a separate page.

Business Details

Whether sale of alcohol intended to be principal purpose of business [state] Yes ☐ No ☐.

If ‘No’, please state intended principal purpose of business

GENERAL GROCERY

Whether applicant engaged, or intending to be engaged, in the sale or supply of any goods other than alcohol and food, or in the provision of any services other than those directly related to the sale of supply of alcohol and food

Yes ☐ No ☐

If “Yes”, nature of other goods or services

Days and hours of proposed sale of alcohol [state]

7AM - 9PM 7 DAYS A WEEK

Conditions

Experience and training of applicant [state] Been Selling Alcohol for over 8 years and never ever had any issues.

Hauraki District Licensing Agency FRED 648109
Responsibility: Peter Thom Date Issued: 18/12/2013 Version No: 8
Location: Hauraki District Review date: 10/01/2015 Page: 8 of 8
Steps taken to prevent sale and supply of alcohol to prohibited people [describe]

- To check all the time no matter how or by when not to sell it to any intoxicated person.

Any other steps the applicant proposes to promote the responsible consumption of alcohol [describe]

- Off-Licences - No Single Sales

Other systems (including training systems), and staff in place (or to be in place) for compliance with the Act [describe]

Attachments (premises that are not a conveyance)

- Copy of planning certificate consent
- Copies of all relevant building certificate consents
- Where it must be determined whether the premises are grocery store, the statement of annual sales revenue required by regulation 12 or 13 (as the case requires) of the Sale and Supply of Alcohol Regulations 2013
- Floor plan showing any proposed permitted area for the display and promotion of alcohol, and any proposed sub-areas.
- For body corporate application, copy certificate of incorporation (or equivalent documents)
Attachments (conveyance)

- Floor plan showing area to be designated as a supervised area or restricted area, and indicating whether supervised or restricted area;
- For body corporate application, copy certificate of incorporation (or equivalent documents)

Further details where applicant is a company

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

Full legal name (including any aliases)

Address

Date and place of Birth

Designation

Face value of shares
Further details where applicant is a partnership

Full legal name (including any aliases)

Address

Date and place of Birth

Signature of each partner required below

Dated at [location] this [day of month] day of [month] 2015

Signature of partner

Signature of partner

Signature of partner

Signature of partner

Applicants signature

For all licence applications, one of these options must be ticked, and the statement signed and dated:

☐ That the owner of the building in which the premises are situated provides and maintains an evacuation scheme as required by section 21B of the Fire Service Act 1975; or

☐ Because of the building’s current use, its owner is not required to provide and maintain such a scheme; or

☐ Because of the nature of the building, its owner is exempt from the requirement to provide and maintain such a scheme.

Signature and full name 12-10-15 Date
Notes

1. This form must be accompanied by the prescribed fee.

2. Within 20 working days after filing this application with the District Licensing Committee (or 10 working days if it is an application for renewal), the applicant must give public notice of it in Form 7. The notice must be given in compliance with regulation 36, 37 or 38 of the Sale and Supply of Alcohol Regulations 2013 (whichever applies to this application).

3. Except in the case of a conveyance, within 10 working days after filing this application with the District Licensing Committee, the applicant must ensure that notice of this application in Form 7 is attached in a conspicuous place on or adjacent to the site to which this application relates (unless the Secretary of the District Licensing Committee agrees that it is impracticable or unreasonable to do so.
To: The Chairman – District Licensing Committee
From: Elizabeth Watts - District Licensing Inspector
Date: 17\textsuperscript{th} December 2015
File reference: 1462810
Subject: Renewal and change of hours of Off Licence for Waitak Country Store, Waitakaruru.

Recommendation:

THAT the report be received, and

THAT the application made by AMANDEEP SINGH for the renewal and change of hours of the Off licence for the premises known as WAITAK COUNTRY STORE should not be granted under the provisions of Section 17 of the Sale and Supply of Alcohol Act 2012 authorising the sale and supply of liquor for consumption off the premises.

My objections would be satisfied by the appointment of at least one additional person holding a current Manager’s Certificate as required under Section 212 and The hours of opening be limited to those approved for the previous licence of 11.00am to 6.00pm.

This is an application for the renewal of an Off licence 012/Off/5/2014 and change of hours for the premises known as the Waitak Country Store, situated at 655 State Highway 25, Waitakaruru.

There are no objections to the goods and/or services that the applicant is engaged in with relation to the principal activity of the business and there is no reason to believe that the applicant is not suitable to continue to hold a liquor licence.

However I have serious concerns that the applicant does not have the appropriate systems, staff, and training to comply with the law.

The following certificated managers are employed at the licensed premises:
- Satnam Singh - 12/CERT/66/2014; expiry: Dec 2018
- Amandeep Singh – 12/Cert/43/2015 ; expiry June 2018

Planning and Building certificates have previously been issued.

The premises are situated at 655 SHWY 25, Waitakaruru and accessed directly off a busy state highway. There are several commercial / industrial premises adjacent and opposite the premises. There are sensitive premises close by being the Waitakaruru School which is less than 100 metres from the premises.

There has been no nuisance, loitering, nor vandalism over the previous 12 months that could be attributed to the activities of the premises. There is no evidence to suggest that the amenity and good order of the locality has been reduced to more than a minor extent by the effects of the existing licence. The police did not raise any issues in this regard and have not objected to the
current application, although their previous recommendations for hours of opening supported daily opening of 11.00am to 6.00pm.

As District Licensing Inspector I visited the premises on 3rd December 2015 at approximately 2.00pm. At the time of this inspection, there were no Licensed Managers available on the premises for the sale of alcohol. Only one staff member was present to serve customers and she does not hold a Manager’s Certificate.

I have today (17/12/15 at 1.45pm) tried to phone the applicant, Amandeep Singh to discuss my report. I was informed by his wife that Amandeep was not available as he works from the General Store at Patetonga, also owned by the same family. When I asked to speak with Satnam Singh, I was told he had gone home and there were at that time no licenced managers within the premises.

I believe that this is sufficient reason for objection to the renewal of the licence given the serious breach of the conditions of the licence under Section 214 which specifically states that a Manager must be on duty at all times when alcohol is being sold or supplied to the public on any licensed premises.

The applicant has also applied for a change of hours from 11.00am to 6.00pm 7 days per week to 7.00am to 9.00pm 7 days per week. This extension of hours has been requested so that the hours for the sale of alcohol are the same as the general trading hours as a grocery store and this application would meet those hours accepted in the proposed Local Alcohol Policy for Hauraki District. It must be remembered that the premises are less than 100 metres from a local school and these hours were not acceptable to Police on earlier application. In addition, the applicants must ensure that there are sufficient licensed managers available to ensure the requirements under the Act are met. It is my serious concern that any extension of the hours of business may actually increase the risk of insufficient trained managers to staff the premises throughout the licensing hours. This would be a serious threat to the safety of children attending the local school.

The application was publicly notified in the Hauraki Herald on the following dates:

- First Notice - 6th November 2015
- Second Notice - 13th November 2015

The Police have not provided a report in support of the renewal of the off -licence. The Medical Officer of Health did not report within the time frame.

A statement required to satisfy the requirements of section 127(2)(e) of the Sale and Supply of Alcohol Act has been provided.

The applicant has requested an earlier opening hour of 07.00am and later closing hour of 9pm.

The hours of operation sought are:-

**Monday to Sunday:** 7am to 9pm

**Conclusion**

The criteria found that section 105 of the Sale and Supply of Alcohol Act 2012 will apply to this application. The applicant does not seek the same terms and conditions as the licence currently in force on the premises. The application seeks to change the hours which are amended as above. My concerns as Licensing Inspector have been raised by the absence of a licensed manager from the premises. This is further accentuated by the application to extend licensing hours for these premises in view of the closeness of the local primary school.
Elizabeth Watts
District Licensing Inspector

also 6th March 2015
only 2 women in shop
Hello Ingrid

Can you please pass this message to Elizabeth. Can you please find out if she has got in touch with police? We tried it But we couldn’t.

Some of the reason we asked to increase the hours.

- Local customers come to shop before work and after work but they can’t buy it because by the time they come to our shop we can’t sell them any liquor and they get really angry because they need to go to Thames to get it or to Ngatea. As everyone knows there is not much profit in Liquor and we hardly make 5% to 7% on it but it help us draw the customers. When they come to buy Liquor they buy other groceries aswell but when they don’t get it from us after hours they leave other groceries right on the counter for us to put it back just because they can’t buy their drinks for the night and leave the premises angry. Most Local farmers finish work after 7pm but we stopped selling Alcohol by 6pm. Our store is there for the locals, they have been asking us to request council to increase the hours and allow us to sell Liquor while the whole store is open.

- Especially people related to gangs are really scary and abusive when they don’t get it. They said if the shop opens by 7am and close by 8:30pm then alcohol should be sold in these hours and that sounds right as well. Abusive people are so scary and loud when they start swearing. Really gives person a shiver. As dad mentioned it. When makes a complaint to police they wouldn’t come on time. People are happy when they get their drink for the night but when someone is refused they are so mad. It leaves us in difficult situation because you never know they might try to steal it and what we will do? going to have no option but just let them go with the drinks without getting paid for it or get knocked out if they try to stop them…or they may try to damage the doors at night just to get the drinks. Thats all the break in for.. smokes and drinks.

- School Hours 9am to 3pm. We can sell Liquor between 11am to 6pm. Our Question is Why does it makes a difference if we can still sell Liquor at 3pm when school finish but we can’t from 7am or 8am before school starts? We never sold any Liquor under age people some time we ended up asking ID of the person that is over 30 years old. We don’t take risks. Why do small businesses has to face trouble when big Markets are allowed everything? Our Liquor is located in the part of the shop where kids don’t even go. How not allowing the sales by 7am or 8am to 8pm make the Liquor Invisible in our shop? People still no its there so why can’t we sell it at the hours we asked? it just pisses customers off some of them even swear at us when we told them we can’t sell it and once the customer is gone we have lost them they would never come back again.

- You can check our records with Thames Licencing committee from 2007 to 2013. We never had any complaint and we always followed rules and our Trading hours over there were 7am to 9pm Monday - Sunday. It has been 1 year of selling Liquor at Waitakaruru It has never been sold to any under age person or After or Before allowed Liquor Hours.
• Kindy was just a fence away from us and Primary School was same distance away and over there we had lots and lots of kids customers but we always made sure they are not wandering around the alcohol area but at Waitakaruru we hardly get any kids. There are not many kids comes to the shop in Waitakaruru anyways. I have added a photo of the Tepuru Store just for your reference.

• We have Beer/Wine fridges running 24 hours a day they are sucking power aswell please think about it. If you go to super market they open at 8am. and As school holidays going on now you going to see Kids in super market and they are wandering around the Liquor Area and they have Liquor Placed in open place where people can see it as soon as they get it. so why is it different for small struggling shop keepers.

Tepuru Store and Kindy just at the back

Regards
On 22/12/2015, at 11:09 AM, Ingrid Taylor &lt;ingrid@hauraki-dc.govt.nz&gt; wrote:

02 0396 0064018 02

Ingrid Taylor | Consents Officer (Processing)
ddi: (07) 862 5037 | email: ingrid@hauraki-dc.govt.nz

Hauraki District Council | William Street Paeroa 3600 | PO Box 17 Paeroa 3640 | NZ
ph: (07) 862 8609 or 0800 734 834 (from within district) | fax: (07) 862 8607
web: www.hauraki-dc.govt.nz | email: info@hauraki-dc.govt.nz | HDC Libraries

Please consider the environment before printing this email

From: Amandeep Singh [mailto:waitakstore@gmail.com]
Sent: Tuesday, 22 December 2015 11:07 a.m.
To: Ingrid Taylor
Subject: Re: Waitak Country Store

Thanks Ingrid and what's the account number?

Aman

On 22/12/2015, at 11:02 AM, Ingrid Taylor &lt;ingrid@hauraki-dc.govt.nz&gt; wrote:

Reference with HLTH-3880

Please email info@hauraki-dc.govt.nz with any queries in future

-----Original Message-----
From: A Singh [mailto:sandonly@gmail.com] On Behalf Of waitakstore@gmail.com
Sent: Tuesday, 22 December 2015 10:57 a.m.
To: Ingrid Taylor
Subject: Waitak Country Store

hello Ingrid

We have sent out the application form for my wife's Managers Certificate.

Here is her certificate of achievement. We will send you reference and LCQ when we get that next week or in January. Mean while you can at least start processing it.

I will pay for it online. What's the ref you want me to use?

And I want to pay for Patetonga registration can you please give me a ref to use with the payment.

Registration form was sent with the managers applications.

Akan
From: KNIGHT, Rex [Rex.Knight@police.govt.nz]
Sent: Wednesday, 30 December 2015 8:42 a.m.
To: 'waitakstore@gmail.com'
Cc: Ingrid Taylor; DALZIELL-KERNOHAN, James
Subject: FW: Waitak Country Store - Waitakaru

Thank you for your email below.

The Hauraki District Council is reviewing their Licensing Alcohol Policy and trading hours. Your current hours fall in line with that new policy. You will recall at the hearing when you first applied for the off licence that there was a lot of discussion on your trading hours.

Nothing much has changed. Your proposed longer hours of trading will be opposed.

Rex Knight
Senior Sergeant
Response Commander
Eastern Waikato (based at Paeroa)
DDI 07-8633704 ext 78704
Phm 021-1912427

From: UIESE, Esau
Sent: Wednesday, 23 December 2015 14:17
To: KNIGHT, Rex
Subject: FW: Waitak Country Store - Waitakaru

Rex,

As per our conversation,

Esau

From: Amandeep Singh [mailto:waitakstore@gmail.com]
Sent: Wednesday, 23 December 2015 1:07 p.m.
To: UIESE, Esau <Esau.Uiese@Police.Govt.NZ>
Subject: Waitak Country Store - Waitakaru

Hello Esau Uiese

This is Aman from Waitak Country Store. My dad talked to you about about the renewal of our Liquor Licence. Can you please get Waihi Police to contact us or book us an appointment with them? It is really urgent. Or can you please Pass the Message to them below and get him to reply to this email.

We have applied for the renewal of our Liquor Licence and the application was made to Hauraki District Council. We had three ads on the paper but there was no objection on the application from anyone not even from Police but Elizabeth Watt Licensing Inspector put an objection for the time we applied for which on the application stated 7am - 9pm and at the moment our Liquor Selling hours are 11am to 6pm.