

Notice of Meeting:

I hereby give notice that an ordinary meeting of the District Licensing Committee will be held on:

Date: Wednesday 21 September 2022
Time: 12.30 pm
Venue: Edinburgh Room, Municipal Chambers, the Octagon, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee
Off-Licence Renewal – Henry’s Centre City
PUBLIC AGENDA

MEMBERSHIP

| | |
|-----------------------------------|---|
| Chairperson | Colin Weatherall |
| Members | Rakei Amohau Karen Elliot |
| Senior Officer | Kevin Mechen, Secretary, District Licensing Committee |
| Governance Support Officer | Lynne Adamson |

Lynne Adamson
Governance Support Officer

Telephone: 03 477 4000
Lynne.Adamson@dcc.govt.nz
www.dunedin.govt.nz

Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

| ITEM TABLE OF CONTENTS | | PAGE |
|---|--|-------------|
| 1 | Apologies | 4 |
| 2 | Confirmation of Agenda | 4 |
| PART A REPORTS (Committee has power to decide these matters) | | |
| 3 | Report for Off-licence Renewal, "Henry's Centre City" – From Secretary, District Licensing Committee | 5 |

1 APOLOGIES

At the close of the agenda no apologies had been received.

2 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

- 6 During discussions with the agencies, the Applicant agreed to reduce the trading hours by opening at 9.00 am instead of the current 7.00 am. This better reflects their business operation.

OPPOSITION

- 7 Public Notice of the application did not attract any opposition. Neither the Medical Officer of Health nor the Licensing Inspector have opposed the renewal.

Police

- 8 The police have opposed the renewal of the licence with its current conditions.
- 9 They state the target market for this premises is the student population and those working in the Dunedin business district. The student population is regarded as vulnerable to alcohol-related harm. The premises is also directly opposite the Dunedin Hospital Early Childhood Centre.
- 10 The reasons for the opposition:
- a) Object of the Act (s.105(1)(a)): the sale of single serve, 'high octane' alcohol at cheap prices does not align with the object of the Act, especially in this location in a vulnerable community. External advertising is further exposing the vulnerable community to harm
 - b) Suitability of the Applicant (s.105(1)(b)): selling the single serve, 'high octane' alcohol poses questions as to the suitability of the Applicant.
 - c) Amenity and good order (s.105(1)(h)): there are high numbers for Police service in the area surrounding this premises and the sale of alcohol in the area is a contributing factor. The alcohol consumed at the addresses subject to the calls for service area is purchased from the nearby off-licensed premises and this premises is one of the closest to the area of concern.
 - d) Amenity and good order already badly affected (s.105(1)(i)): While there is no data relating purchases to any particular premises, this one will be contributing to the harm.
- 11 The Police would like to see the inclusion of two conditions on the licence: that there shall be no external advertising or portion of alcohol and that there shall be no single sales of RTDs, shots, or beer or cider less than or equal to 500ml, with the exception of craft beer.

CONCLUSION

- 12 This application is for a rollover of the current conditions for a bottle store.
- 13 The Applicant has agreed to amend their opening time to 9.00 am from the current 7.00 am.
- 14 The Police have opposed the renewal because they would like the inclusion of two conditions that will see the cessation of sales of single serve, 'high octane' beers and RTDs in containers 500ml or less and the advertising and/or promotion of alcohol on the exterior of the premises.
- 15 This hearing will allow the Police to better explain their position and for the Applicant to explain their position.

Application for Off-Licence Renewal

Incomplete applications will not be processed

- The application must be accompanied by the correct fee (*see page 2*)
- Administration will notify the public of this application via the Dunedin City Council website and the Otago Daily Times (*advertising is included in the application fee*). The contact person will be emailed a copy of the public notice to be displayed on the premises
- If you have any queries while completing this form please contact Administration on 03 474 3481 or email dla@dcc.govt.nz

Please read and complete the following checklist before submitting the application ✓

- **Supermarket or Grocery Stores** must provide a scale floor plan showing the single area and any sub area for the display and promotion of alcohol *N/A*
- Location map showing location of 'sensitive' locations (*e.g., school, early childhood facilities, hospitals, churches, etc.*) together with a Risk Mitigation plan detailing how you will ensure impact upon the community will be minimised (*e.g. control of noise and litter; parking; dispersal of patrons*) – (*not required for Remote sellers*)
- Copy of Host Responsibility Policy
- If the application is for a **Grocery Store** you will also need to complete a Statement of Gross Annual Sales Revenue Declaration and have it **verified by a chartered accountant** *N/A*
- Letter of authorisation for a consultant where a consultant is completing form *N/A*

Calculate your fee

Select your premise type:

| Type of premises | Points |
|--|-----------|
| Supermarket, Grocery Store, Bottle Store | 15 |
| Off-licence in a Hotel or Tavern | 10 |
| Remote sale premises or premises not otherwise specified | 5 |
| Winery Cellar Doors | 2 |
| Premises points | 15 |

Select the latest time you intend to sell alcohol:

| Latest alcohol sales time | Points |
|---|----------|
| Off licences closing before 10.00 pm or earlier | 0 |
| Off licences closing after 10.00 pm | 3 |
| Trading hours points | 0 |

Select the number of enforcement holdings and add to the points:

| Number of enforcement holdings in the last 18 months | Points |
|--|----------|
| None | 0 |
| 1 | 10 |
| 2 or more | 20 |
| Enforcement points | 0 |

Add the premises points, trading hour's points and the enforcement points together to get the total:

Premises points: Trading hours points Enforcement points Total points

Use the table below to work out the fee payable:

| Total points | Risk rating | Application fee (GST Inc) | Annual Fee (GST Inc) | Total fee required |
|--------------|-------------|---------------------------|----------------------|--------------------|
| 0-2 | Very low | \$368.00 | \$161.00 | \$529.00 |
| 3-5 | Low | \$609.50 | \$391.00 | \$1000.50 |
| 6-15 | Medium | \$816.50 | \$632.50 | \$1449.00 ✓ |
| 16-25 | High | \$1,023.50 | \$1,035.00 | \$2058.50 |
| 26 plus | Very high | \$1,207.50 | \$1,437.50 | \$2645.00 |

Application for Off-Licence Renewal

Section 127, Sale and Supply of Alcohol Act 2012

TO The Secretary

Dunedin District Licensing Committee

Application for the renewal of an off-Licence is made in accordance with the particulars set out below:

Contact Person

Full Name: Leanne Kurta
 Phone No.: 03 477 4433
 Mobile No.:
 Email address: leanne.kurta@henrysbus-si.co.nz
 Postal address for documents: 95 Hanover St, CBD Dunedin
c/- Henrys Centre City
 Preferred mode of contact: email or phone is fine

Details of the Applicant

Full legal name/s of the person/s or company who will receive any proceeds from alcohol sales:
Include any other names you may be known by e.g. maiden names, alias

Aysonic Limited t/a Henrys Centre City

Applicant status please select from the below options

| | | | | | |
|--------------------------|--|-------------------------------------|---|--------------------------|-----------------------------------|
| <input type="checkbox"/> | Individual | <input type="checkbox"/> | Partnership | <input type="checkbox"/> | Body Corporate |
| <input type="checkbox"/> | Public Company | <input checked="" type="checkbox"/> | Private Company | <input type="checkbox"/> | Club |
| <input type="checkbox"/> | Trustee | <input type="checkbox"/> | Local Authority | <input type="checkbox"/> | Licensing Trust |
| <input type="checkbox"/> | Government Department or other instrument of the Crown | <input type="checkbox"/> | Manager under the Protection of Personal Property Rights Act 1988 | <input type="checkbox"/> | Board, organisation or other body |

Have there been any changes to the licensee status? Yes No
(A change would include a change of any shareholders, directors or partners)

If yes, detail changes:
N/A.

Address:

Occupation:

(if individual) Male Female Other

(if individual) Applicants place and date of birth:
N/A.

Postal address for documents:
95 Hanover St, CBD Dunedin c/- Henrys Centre City

Is this your principal business? Yes No

Please state any other businesses:

| Criminal Convictions | | |
|---|------------|--------------------|
| Please state all criminal convictions against any applicants including Directors or Shareholders <i>(except convictions for offences to which the Criminal Records (Clean Slate) Act 2004 applies)</i> | | |
| Full Name | Conviction | Date of Conviction |
| | <i>N/A</i> | |
| | | |
| | | |
| <i>(Use a separate sheet if necessary)</i> | | |

Details of Premises

Trading name: HENRY'S CENTRE CITY

Name of the building (if applicable):

Address of premises: 95 HANOVER ST CBD DUNEDIN 9016

Does the building have a current Building Warrant of Fitness (BWOFF)? Yes No

What is the maximum occupancy of your entire premises including outside areas?

Please describe in detail the number and nature of the toilet arrangements e.g.: number of toilets male and female, number of urinals, unisex facilities and accessible facilities:

..... 1 x unisex staff toilet

Fire Evacuation Declaration - Fire and Emergency Act 2017

Which of the following fire evacuation statements applies to you?

If unsure, check with Fire and Emergency New Zealand

- The owner of the building in which the premises is situated provides and maintains an evacuation scheme as required by section 76 Fire and Emergency Act 2017
- Because of the building's current use, the owner is not required to provide and maintain an evacuation scheme
- Because of the nature of the building, the owner is exempt from the requirement to provide and maintain an evacuation

Signed [Signature] Date 15/6/22



Business Details

What is the general nature of the business conducted under the licence?

- Tavern Grocery Supermarket
 Hotel Bottle Store
 Other (*specify*)

On which days and during which hours do you to sell alcohol:

| Day | <input checked="" type="checkbox"/> Mon | <input checked="" type="checkbox"/> Tues | <input checked="" type="checkbox"/> Weds | <input checked="" type="checkbox"/> Thurs | <input checked="" type="checkbox"/> Fri | <input checked="" type="checkbox"/> Sat | <input checked="" type="checkbox"/> Sun |
|------------|---|--|--|---|---|---|---|
| Start time | 7am | 7am | 7am | 7am | 7am | 7am | 7am |
| End time | 10pm | 10pm | 10pm | 10pm | 10pm | 10pm | 10pm |

Will there be any changes to the current licenced hours? Yes No

(An extension to the existing hours may require resource consent, check with City Planning Department)

If yes, describe changes:

What designations apply to the premises?

- Undesignated (*people of any age are permitted*)
 Supervised (*people under 18 years must be accompanied by **parent or legal guardian***)
 Restricted (*people under 18 years not permitted*)

Is the applicant seeking any changes to the current licenced areas or designations?

Yes No If yes, detail:

Is the sale of alcohol the principal purpose of the business? Yes No

If no, provide details:

Does the applicant supply or sell any goods other than alcohol and food? Yes No

If yes, provide details: *tobacco and vape products, non-alcoholic mixers, bar accessories eg cocktail umbrellas*

Does the applicant provide any services other than those related to the sale or supply of alcohol or food?

Yes No If yes, provide details:

| Manager Details | | | |
|--|---------------|-----------------------------|-------------|
| Provide the below details for each manager or proposed manager | | | |
| Full Name | Date of Birth | Managers Certificate Number | Expiry Date |
| ADRIAN FRANCIS PETER HILLS | 30.12.74 | 069/cert/102/2015 | 09.02.24 |
| LEONIE MARY-ROSE KURTA | 11.02.80 | 069/cert/275/2016 | 04.07.22 |
| | | | |
| | | | |
| (Use a separate sheet if necessary) | | | |

* looking
renewal

Conditions

Answers on
pages immediately following

1) What steps are taken to prevent the sale and supply of alcohol to prohibited people (*minors and intoxicated people*)?

- i. All front of house retail staff are trained to seek valid age identification from customers who appear 25 years of age or younger. The forms of identification accepted are a valid NZ driver's licence, valid New Zealand or overseas passport, HANZ issued 18+ card or Kiwi Access card. No other forms of age identification can be accepted by staff member for the purchase of alcohol or any other age restricted product, such as tobacco or vape devices.
- ii. Staff members are trained to monitor for key intoxication indicators, by using the 'SCAB' intoxication monitoring metric – monitoring customers **Speech, Co-ordination, Appearance** and **Behaviour**. If in any doubt, staff members are trained to decline service, and inform the customer that they must leave the premise immediately.
- iii. In the event that fake or doctored age identification forms are presented and are detected by the staff member, these forms are kept by the staff member, and the customer is advised that they will be forwarded to the NZ Police to follow up as they see fit. Higher trading periods, such as University Orientation, can see people slightly under the age of 18 try to present doctored age identification. Dunedin Police will be able to confirm that Henry's Centre City has a proud record of being proactive in being vigilant in this area, and forwarding any suspect identification forms for them to follow up as the NZ Police deem appropriate.
- iv. Staff are trained to implement and enforce the 'party rule'. That is, where a group of people enter the store together, all members of that group are required to present acceptable age identification, as listed in the previous answer. This is regardless if only one of the group intends to purchase alcohol, with the aim of this policy to ensure that the potential of on-supply to minors or other parties is negated.
- v. The front car park area of the premises is monitored by front-of-house staff members to in order to stop the potential of minors using other persons who are of age purchasing on their behalf.
- vi. The Henry's Centre City retail outlet has a CCTV system where staff members have ready access to 16 camera feeds, 14 of which cover the entire retail space of the licensed premise. Interactive CCTV monitors are stationed behind each Point Of Sale retail service till, in the warehouse area, kitchen foyer and both administrative offices. This interactive CCTV set-up enables staff members to monitor multiple service areas at any given time, as well as allowing them to focus on one specific retail area, should they be concerned about any suspicious customer activity taking place.

Staff members are able to 'toggle' through the camera feeds to observe customers in the store area, and to monitor customer interactions, with the primary purposes of verifying that customers are not intoxicated, but also for any suspicious activity, such as shoplifting, or customers who intend purchasing alcohol on behalf of another person who would be considered a prohibited person.

In situations where a staff member concludes that any illegal behavior is occurring (such as shoplifting, or potential illegal on-supply to a prohibited person) the staff member is trained to engage with the persons in question, decline service and direct the person to leave the premises immediately.

- vii. For online orders, any purchase made on line will not be delivered and left unattended at the delivery address, and customer are made aware of this during the purchase process. When the online delivery is made, delivery staff are required to seek valid age identification from the recipient, and also to verify that the customer is not intoxicated at this time. Further, a same day delivery service cut-off deadline of 1PM helps to ensure that customers who may wish to order more alcohol to be consumed whilst they are under the influence are not able to be served by this business.

2) How does the applicant train staff to ensure compliance with the Act?

- i. Staff members are personally trained by the two owners of Henry's Centre City, Adrian Hills and Leonie Kurta. Adrian Hills has well over 20 years' comprehensive experience in the trade, having been involved with the sale of liquor to the public, both in on-premise and off-premise capacities, since 1998. Leonie Kurta has been a licensed duty manager since 2004. All staff members receive ongoing one-on-one training by these experienced owners that cover all facets of the legal sale and supply of alcohol to the public, and the associated responsibilities of staff members involved with the sale and supply of alcohol to the public.
- ii. New staff members are supervised and overseen for each retail sale by an experienced staff member, and new staff members undertake a Point Of Sale retail training programme that covers all their responsibilities under the existing legislation.
- iii. The previous question (question 1) expands on the relevant systems in place that each front-of-house staff member has been fully trained in.

3) What other steps does the applicant take to promote the responsible consumption of alcohol?

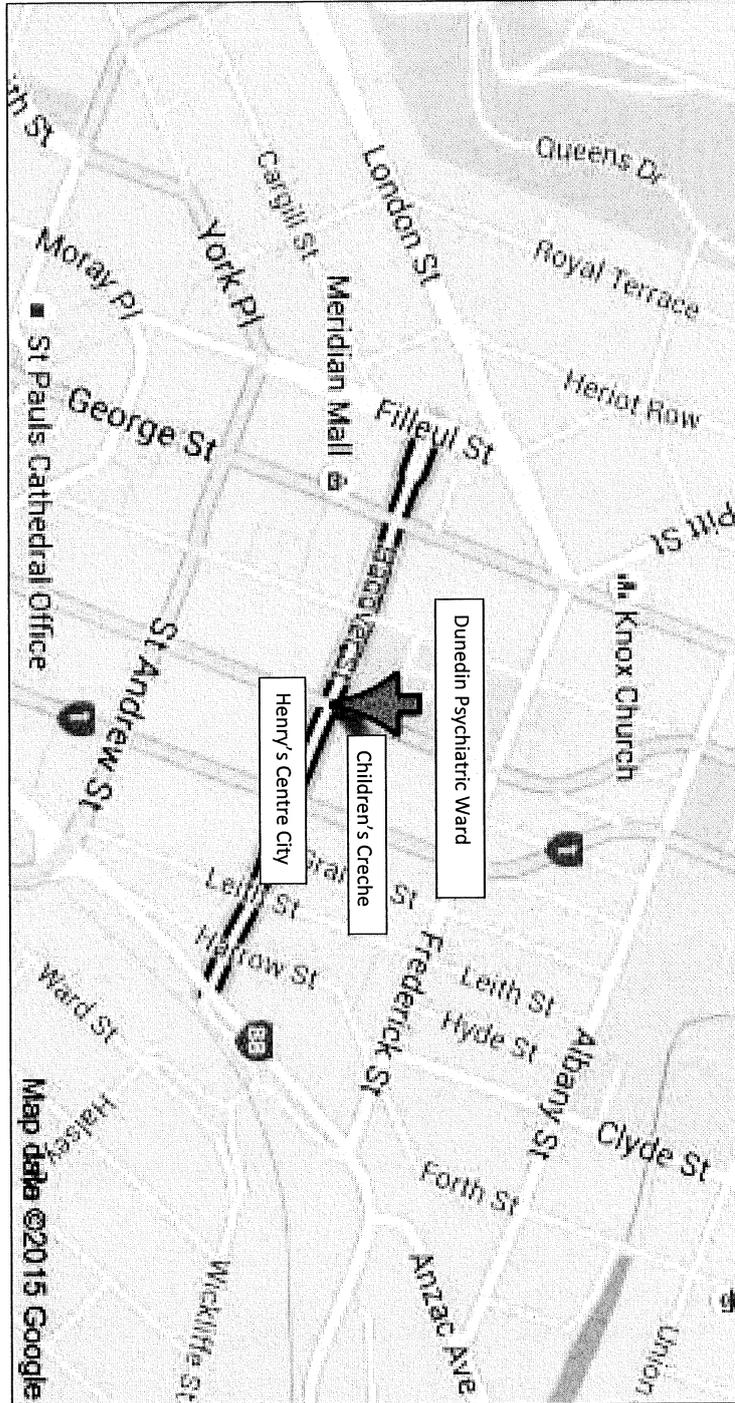
- i. Further, staff members are trained to be able to locate and show when necessary the standard drinks any volume of alcoholic beverage the customer purchases, so that customers are made aware of their level of intended alcoholic consumption.
- ii. During key training periods, such as Orientation, major promotional activity is tailored so that non-glass products are highlighted, such as cans and plastic packaging.
- iii. No and low alcoholic beverage options are available to customers and are located in prominent spaces inside the store. This includes non-alcoholic wines and alcohol-free gins at the front of the store, 0% craft beers in the main craft beer fridge, and a range of 0% and low alcoholic (up to 2.5%ABV) beers in the mainstream walk-in chiller. When available, the

business also stock 0% RTD's such as 0% Pal's, and ranges these alongside their alcoholic counterparts.

- iv. Henry's Centre City does not permit customers to break down multi-packs of premix alcoholic beverages (RTD's) and purchase single units of bottles or cans.

Henry's Centre City Off-License Renewal Application June 2022

LOCATION MAP OF SENSITIVE LOCATIONS: HENRY'S CENTRE CITY, 95 HANOVER STREET, DUNEDIN 9016



henry's

centre city, dunedin

Outlet Risk Minimisation Implementation Plan – Henry's Centre City, 95 Hanover Street, DUNEDIN

1. Age Verification and Ascertaining the Legal Right of Customer/s to be on Licensed Premise.
 - As part of the employment and induction process, all staff members are trained on their legal obligations in regards to the legal sale and supply of liquor from this outlet.
 - All staff members are fully aware that we are under no obligation to serve, taking into account the Human Rights Act and Race Relations Act. IF IN ANY DOUBT, STAFF MEMBERS ARE TO ALWAYS DECLINE TO SERVE.
 - As this liquor retail outlet has a supervised licence designation under Sale and Supply of Alcohol Act 2012, we interpret this as meaning all persons on site must be 18 years of age and older, and able to prove their age with one of the four accepted forms of age identification. The existing company policy is to use up to 28 years of age as the 'Identification request' benchmark.
 - All staff members are trained in recognising the four accepted forms of age identification. As well as verifying that the photo ID is representative of the person presenting it, date of birth and expiry date must be confirmed as well. In the case of a NZ driver's licence, Access or HANZ 18+ Card, the staff member is to check for the signature hologram on the card. If the card is damaged or unreadable, staff members are trained to decline service, unless another form of accepted age ID can be presented.
 - In the event of suspect or fake ID being presented, the staff member is to call the manager on duty to take over the sale in a discrete manner. The manager is authorised to query the person presenting the suspect ID to confirm any doubts regarding the authenticity of the ID.
 - If possible, the manager on duty is authorised to withhold the fake ID, advise the person that it is believed an offence has taken place and that the Police will be contacted in due course. Further to this, the manager on duty is to document as much supporting information to assist the Police in their enquiries by completing a Licensed Premises Retained ID Noting Form and, if requested, provide camera footage of the person. This information will then be forwarded to the NZ Police to act upon.

- If a group enters the premise, and only one person is purchasing, the staff member is required to ask for suitable age ID from all persons in the group, regardless of whether they are purchasing or not. If all members in the group cannot provide suitable ID, then the sale **MUST** be declined. This is to act as a deterrent to the potential of sale/supply to minors.

1. Age Verification and Ascertaining the Legal Right of Customer/s to be on Licensed Premise (continued).

- To assist staff members in policing the outlet, staff members have direct access to 13 digital cameras that cover the interior of the outlet and one camera covering the entrance of the building. The point-of-sale terminals are situated at the front of the premise, and this gives staff members on duty a reasonably clear view of the immediate outside car park area. If they observe an attempt by a customer to purchase alcohol on behalf of another person, they are required to inform the customer intending to make the purchase that the ID of the other person will be required before any sale can take place. This policy is in active support of enforcing the correct method of sale and/or supply to customers.
- Minors are only permitted on site if they are supervised by their parents or court appointed guardian. All staff members are required to confirm that the presence of any minors complies with this licence condition. If the guardian or parent cannot reasonably confirm this, then the staff members is required to decline service.

2. Suspected Intoxication of Customer.

- All staff members are trained to recognise the signs of intoxication. If a staff member believes that a customer is intoxicated on the premise, they are required to decline service. In the event of any dispute between the staff member and the customer, the duty manager is to take over the customer interaction and politely explain the reasons why the sale must be declined.
- This outlet works to the Intoxication Guidelines provided by the NZ Police and ALAC. Whilst this document was produced as a tool under the previous Sale of Liquor Act 1989 (amended 1999), the specific guidelines to intoxication still remain relevant to the new Sale and Supply of Alcohol Act 2012. A copy of the guidelines is included as part of this licence application.



ALCOHOL ADVISORY COUNCIL OF NEW ZEALAND
Kaitiaki Pihikete Whakarewa e Ahiora



Intoxication – What to watch for

The Sale of Liquor Act specifically prohibits the following:

Section 166: Sale or supply of liquor to an intoxicated person(s)

Section 167: Allowing a person to become intoxicated

Section 168: Allowing drunkenness or disorderly conduct on licensed premises

(This includes allowing an intoxicated person to be, or to remain on licensed premises).

'Intoxication' is not defined under the Sale of Liquor Act. Because of this, guidance is sought from elsewhere, such as decisions by the Courts and Liquor Licensing Authority. An intoxicated person will typically display signs of impairment that are recognisable. A useful description of 'intoxication' for the purposes of the Sale of Liquor Act is:

An 'Intoxicated' person must be observably affected by alcohol and/or other drugs to a sufficient degree that his or her speech, co-ordination, appearance or behaviour is clearly impaired.

There is some debate on whether this description should include 'other drugs' as the Sale of Liquor Act refers only to 'liquor.' However, intoxication can be caused by a number of other factors such as legal medicines, party pills and illicit substances, or the combination of these with alcohol.

ASSESSING INTOXICATION

Due to a range of impacting factors such as speed of consumption, individual health and so forth, alcohol affects people differently. Any assessment of a person's state of intoxication will always be a matter of judgement. There are, however, observable signs of impairment that are usually displayed by someone who is intoxicated. These observable signs can be divided into four categories – speech, co-ordination, appearance and behaviour. Commonly encountered indicators in each of these categories include (but are not restricted to) the following:

| | |
|----------------------|--|
| SPEECH | <i>Slurring, difficulty-forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible</i> |
| CO-ORDINATION | <i>Sways, staggers, stumbles, trips, weaves, walks into objects</i> |
| APPEARANCE | <i>Bloodshot-eyes, eyes-glazed, inability to focus, tired, asleep, dishevelled</i> |
| BEHAVIOUR | <i>Inappropriate actions or language, aggressive, rude, over-friendly, argumentative</i> |

Whilst the four main criteria can be used to assess and gather evidence of an intoxicated person, emphasis may be placed on speech and coordination as initial observable indicators of intoxication. Monitoring agencies may also distinguish between 'basic' and 'advanced' indicators of intoxication.

ALAC produces a range of *Host Responsibility* resources that focus on creating safer drinking environments by preventing intoxication. For more information, please see the ALAC website www.alac.org.nz or contact the ALAC National Office 0508 258 258.

3. Signage Specifications

- The liquor licence is displayed by the front door and is visible from the principal entrance of the outlet.
- The Manager on Duty is prominently displayed in front of the main point of sale and right beside the exit door.
- Prohibited Persons/Intoxication/Age ID signage has been provided by the brand owner and is displayed in the principal foyer entrance, and in prominent positions around the outlet.

**IT IS THE RESPONSIBILITY OF THE
OWNER/OPERATOR TO ENSURE THAT ALL
RELEVANT LICENCES AND LEGAL SIGNAGE ARE
KEPT UP TO DATE.**

henry's
centre city, dunedin

henry's

centre city, dunedin

HOST RESPONSIBILITY POLICY

The management and staff of Henry's Centre City actively support the practice of Host Responsibility.

These following steps help to ensure operational adherence to our legal obligations under The Sale & Supply of Alcohol Act 2012.

- Prominent signage of the Duty Manager currently responsible for the legal operation of the outlet is visible at the point of sale, and business hours of trading signage on the outside of the premise.
- Signage advertising the legal purchasing age for alcohol and the penalty fines relating to the sale of liquor to customers under the legal age.
- Signage promoting that parental consent is required for any persons purchasing or supplying alcohol to persons under the legal purchasing age.
- Training programs are undertaken to ensure staff members are aware of all legal requirements under the Act, specifically not to serve intoxicated persons or prohibited persons or minors at any time.
- Provide complimentary food items for sale with wine and beer products to encourage host responsibility. Staff members are trained to offer customers advice and directions to a range of nearby eating establishments or retailers that offer a range of substantial foods.
- Offer and promote a wide variety non-alcoholic and low-alcohol beverages instore. These include:
 - ❖ **Low alcohol beer**
 - ❖ **Lower alcohol wine**
 - ❖ **Non-alcoholic wines and beer**
 - ❖ **Bottled water, spring water, carbonated drinks and juices.**
- Staff members will ask for ID from all members of a group that appear under the age of 25 years, regardless if only one person is purchasing alcohol, thereby actively discouraging the practice of potentially on-selling liquor to a third party.
- Staff members are trained to offer customers the transport option of a taxi, and will call the preferred company, as directed by the customer.

Kevin Mechen

From: Leonie Kurta <Leonie.Kurta@henrysbws-si.co.nz>
Sent: Wednesday, 27 July 2022 10:46 a.m.
To: Tanya Morrison
Subject: RE: Off Licence renewal visit - confirmation of licensing hours sought

Good morning and apologies for the late response.
Can we please amend the hours from 7am-10pm Mon through Sunday, to **9am-10pm** Monday through Sunday.

Kind regards

From: Tanya Morrison [mailto:Tanya.Morrison@dcc.govt.nz]
Sent: Friday, 22 July 2022 9:39 am
To: Leonie Kurta <Leonie.Kurta@henrysbws-si.co.nz>; adrian-hills@henrysbws-si.co.nz
Subject: Off Licence renewal visit - confirmation of licensing hours sought
Importance: High

CAUTION: External Sender
Morning Leonie & Adrian,

Following on from my visit with you yesterday, can you please confirm the hours which you'd be seeking for your Off licence renewal application.

Once received, I will forward this information to the Police and Public Health.

Thanks,

Tanya

Tanya Morrison

Environmental Health Officer
Alcohol Licensing Inspector
CUSTOMER & REGULATORY SERVICES

P 03 477 4000 | E tanya.morrison@dcc.govt.nz
Dunedin City Council, 50 The Octagon, Dunedin
PO Box 5045, Dunedin 9054
New Zealand
www.dunedin.govt.nz



Central Police Station
25 Great King street
Private Bag 1924
DUNEDIN
Telephone (03) 4714800
Fax (03) 479 9363

1st August 2022

Re: Super Liquor Cumberland Street, Dunedin

Dear Sir/Madam

On 17/06/2022 Police received an application from Aysonic Limited for the renewal of the Off-Licence for the premises known as Henry's City Centre.

This is a busy premises situated on the corner of Hanover and Great King Street, Dunedin Central. The target market for this premises is the student population that resides nearby, as well as the central Dunedin business district.

It is undisputed that this student population is regarded as a vulnerable community in regard to Alcohol Harm. Furthermore, this premises is directly opposite the Dunedin Public Hospital and their Early Childhood Learning centre.

As such Police oppose the renewal of this licence under Section 105:

- (a) Object of the Act
- (b) Suitability of the applicant
- (h) amenity and good order
- (i) amenity and good order already badly effected

It also falls short of section 106(iii), in regard to number of current premises of the same kind in the area.

Object of the Act

(1) *The object of this Act is that-*

- (a) *The sale, supply and consumption of alcohol should be undertaken safely and responsibly; and*
- (b) *The harm caused by the excessive or inappropriate consumption of alcohol should be minimized.*

(2) *for the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes-*

- (a) *any crime, damage, death, disease, disorderly behavior, illness or injury, directly or indirectly caused or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*

Sgt Ian Paulin - Dunedin Police – Alcohol Harm Reduction Officer

ian_paulin@police.govt.nz DDI- 4714980 Cell 021 1914981

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

The sale of single serve, high octane alcohol at a cheap price does not align with the object of the act in that the vulnerable community in which this premises is situated are exposed to higher levels of harm. Furthermore, the advertising of alcohol on the external surrounds of the premises is exposing an already vulnerable community to further harm, particularly within the Early Childhood Centre.

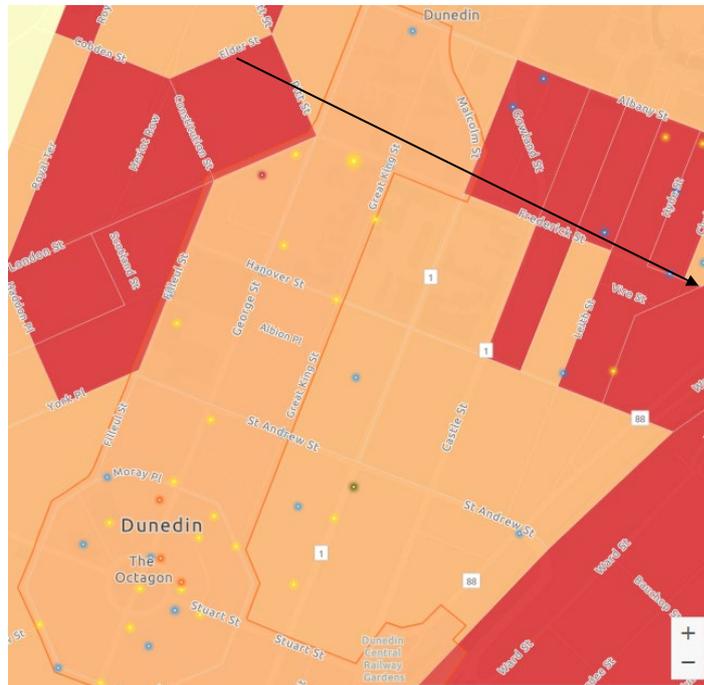
Suitability of the Applicant

Single sales of high octane alcohol at a cheap price adversely effects the suitability of the applicant.

Amenity and good order

Police records of alcohol related incidents in the area indicate high calls for Police service in Dunedin City where alcohol is a contributing factor. Flat parties in the surrounding areas of London Street, and further east into Frederick Street, and Hyde/Clyde Streets are a weekly occurrence that are attended by Police. Alcohol consumed at these events are all purchased at nearby off-licences, of which Henrys City Centre is one of the closest. Whilst Police have no statistics that directly correlate alcohol harm back to this premises, it is almost certain alcohol purchased at this premises results in nearby harm. The NZ Police Geospatial mapping application has provided the map below showing the location of the premises well within an area of the highest deprivation.

Henry's Centre
City



Conditions Sought

To mitigate further risk, Police seek the following licence conditions:

- 1) No external Alcohol advertising or promotion
- 2) No single sales of RTD's, shots, or beer or cider 500ml or less (excluding craft beer)

For your consideration,

Steve Jones
Sgt SJCT35
Dunedin Police

INSPECTOR'S REPORT OFF-LICENCE APPLICATION

| | |
|----------------------------|---|
| Applicant | Aysonic Limited |
| Trading Name | Henry's Centre City |
| Address of premises | 95 Hanover Street, Dunedin |
| Type of licence | OFF-Licence |
| Application type | Renewal |
| Pathway number | OFF-2-2015 |
| Date of application | 15 June 2022 |
| Interviewee | Adrian Hills & Leonie Kurta – Owner/Operators |
| Date of interview | 21 July 2022 |

Applicant details

AYSONIC LIMITED
Company number: 1801723
NZBN: 9429034175750
Incorporation Date: 12 April 2006
Company Status: Registered
Entity type: NZ Limited Company

The director is Adrian Francis Peter Hills of Dunedin and Shareholders are Adrian Francis Peter Hills, Leonie Mary Rose Kurta & McKenzie Holmes Trustees Limited (80% share), Adrian Francis Peter Hills (10% share) and Leonie Mary Rose Kurta (10% share).

General nature of the business (description/background/previously licensed)

Henry's Beer wine and spirits is part of a chain of liquor stores under the Foodstuffs (South Island) brand. The store has been recently renovated with new shelving and carpets and is well laid out, appealing to the higher end in terms of products and target customers. Some minimal other products are sold such as Tobacco.

Site Location (zoning/surrounding uses or activities)

Central Business District. This premises is adjacent to The New World Supermarket (also Foodstuffs Owned/Operated) and is opposite the Dunedin Hospital and Dunedin Hospital Childcare centre.

Manager details

Adrian Francis Peter Hills – Expires 09/02/24
Leonie Mary-Rose Kurta – Expires 04/07/25

A third staff member also works within the business, primarily stocking shelves or assisting with sales. One of the two operators (Manager Certificate holders) are always present onsite, with the Managers taking alternative days off to ensure coverage at all times. Adrian and Leonie are Husband and Wife and are very hands on owner/operators – hence one (if not for the majority of the time both) of them are always present when the store is open.

Licensing hours sought

The applicant requested 7am until 10pm on their application, however following discussions around their actual trading times, the applicant has revised this request to 9am – 10pm (seven days). Confirmation of this request in an accompanying email to the application. No issues with the proposed reduction in hours to 9am – 10pm.

Current trading hours (Winter 2022) are:

Mon-Tues: 10am – 7pm
Wed-Thurs: 10am – 8pm
Fri-Sat: 10am – 9pm
Sun: 10am – 6pm

On Occasion, some pre-arranged (pre-paid) orders can be collected from site from 9am E.g. for large functions – hence the operators seeking a licensing start time from 9am to allow this activity to continue. The applicant otherwise has no intention of ever trading before 9am – hence the reduction in requested licensing hours from 7am to 9am daily.

Are there any changes from the existing licence or Temporary Authority?

Slight reduction in licensed hours sought as above.

Designation sought

Supervised

Correct signage on display?

1. Copy of licence at principal entrance? Yes

2. Duty Manager? Yes

3. Prohibited persons? Yes

Host Responsibility

Extensive policy included with application – no issues

Does the premises utilise DCC owned footpath?

No.

What is the maximum occupancy number for the premises?

N/A

Public Notification process

ODT 22 June 2022 & 29 June 2022

Public Objections (interest in the application/reasons for)

None

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

The object of this Act:

No issues.

The suitability of the applicant:

There are no suitability issues with this applicant. See comments later in report Re: Police opposition (Single Sales and advertising).

Any relevant local alcohol policy:

No issues

The days on which and the hours during which the applicant proposes to sell alcohol:

No issues.

The design and layout of any proposed premises:

No issues.

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

None.

Whether the applicant has appropriate systems, staff, and training to comply with the law:

(a) Building. Current BWOF in place, expires 28/03/23

(b) Sale of food. The business holds a Food Act 2014 Registration as a National Programme Level 3, for the supply of rigors (fill your own rigors). This registration expires 30/04/23

(c) Fire. No issues as of 17/06/22.

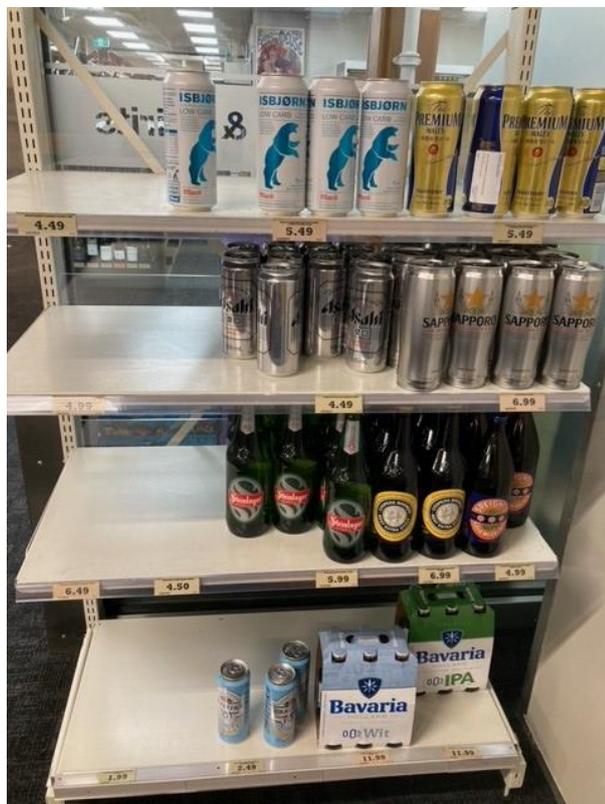
(d) Security. N/A

Any matters dealt with in any report from the Police or a Medical Officer of Health
Police Opposition on the basis of single serve products and external advertising. No Opposition from MOoH.

Whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:
No issues.

The manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.
No known issues.

A discussion point with most Off licensed premises currently is around single serve products, particularly high strength, low cost beers. Below is a photo taken from within the walk-in chiller at the rear of Henry's premises during the interview/site visit with the operators on 21 July 2022 which shows the range of single serve products:



(Note: The bottom shelf products are all zero percent beers.)
The lowest price point for products in the photos was \$4.49 per 500ml can of beer (Kingfisher brand, which would be located top left of photo but was out of stock at the time the photo was taken). The Kingfisher product at 7.2% Alcohol is one of the strongest single serve products Henry's stocks as per the photo above. Other retailers sell this same product for approximately \$3.99, so Henry's is not the cheapest retailer for this particular product within a nearby radius.

Henry's also stocks a large range of single serve craft beers (outside of the walk-in chiller) however the price point of these products deems them to not potentially pose as much harm as other mainstream brands labelled as 'high strength, low cost'.

In my opinion, the limited range of mainstream high strength, low cost beers at Henry's is in itself an indication that the operators are very aware of the potential for such products to cause potential harm. As part of a chain store, the owners are also bound to stock certain products and are not legally limited to the types/varieties of products they choose to sell in terms of brands, ABV strength etc.

Though I acknowledge the potential harm such products can cause to communities, I cannot provide any evidence that such products sold from this store are key contributors to such harm. Based upon the limited range stocked by Henry's and the price points for such products (which are notably higher than other nearby outlets selling similar or the same brands), I have no opposition to the applicant's suitability with regards to selling these products.

I would however, support The Police's Opposition for possible licence conditions around the types (namely strength and price point) of such products being allowed to continue to be sold in the interests of again minimising potential alcohol related harm across all Off-licensed premises.

With regards to external advertising, no external advertising is on the Hanover street external wall of this premises (which directly faces the childcare centre), and the advertising on the Great King Street entrance (main entrance) is very discreet and minimal – hard to read from far away.

I do not believe the current advertising externally visible demonstrates the applicant is unsuitable, however again would support the Police's proposal for conditions to be placed on the licence limiting external advertising especially given the proximity to a childcare centre nearby.

Inspector's comment

This report is prepared for the District Licensing Committee's consideration.

I raise no matters in opposition to the suitability of the applicant or nature of the application, however, would support The Police's proposal for conditions to be imposed around single serve products and external advertising in the interests of further reducing possible alcohol related harm in general and creating consistency across all Off-licensed premises.



Tanya Morrison
Licensing Inspector
08/08/22

From: [Melissa Joyce](#)
To: [Dunedin Licensing Agency](#)
Subject: No Opposition OFF-2-2015 Henrys Centre City
Date: Friday, 29 July 2022 01:29:00 p.m.
Attachments: [image004.png](#)
[image005.png](#)

29 July 2022

Ref: OFF-2-2015
Application received: 20 June 2022
Applicant: Aysonic Limited
Application type: Renewal Off
Premises: Henry's Centre City
Premises address: 95 Hanover Street, Dunedin

Dear DLC Secretary,

This application is not opposed.

Yours sincerely,

Aaron Whipp
Delegated by the Medical Officer of Health, under section 151 of the Sale and Supply of Alcohol Act 2012

Melissa Joyce

Office Administrator | Kaiwhakahaere Tari
Public Health/Southern

waea pūkoro: 03 476 9864 | imēra: melissa.joyce@southern.dhb.govt.nz
369 Taieri Road, Dunedin | Private Bag 1921, Dunedin 9054

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From: [White, Nikki](#)
To: [Dunedin Licensing Agency](#)
Subject: FW: OFF-2-2015 - Aysonic Limited, Henry's Centre City, 95 Hanover Street Dunedin
Date: Friday, 17 June 2022 02:26:11 p.m.
Attachments: [0.png](#)
[image002.png](#)
[OFF-2-2015 Henry's Centre City cover sheet.doc](#)
[OFF-2-2015 Henry's Centre City application.pdf](#)

Hi team

No issues with this one.

Ngā mihi

Nikki White

Business Services Coordinator

Otago District – Dunedin
Te Kei Region
Dunedin Central Fire Station
85 Castle Street, Dunedin 9016
PO Box 341, Dunedin 9054

Phone: 03 367 9599

Mobile: 027 559 1825



nikki.white@fireandemergency.nz

www.fireandemergency.nz



From: Karen Tytsma <Karen.Tytsma@dcc.govt.nz>

Sent: Friday, 17 June 2022 10:52 am

To: Aaron Whipp <Aaron.Whipp@southerndhb.govt.nz>; Admin DHB <admin@phsouth.co.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Otago Risk Reduction <OtagoRiskReduction@fireandemergency.nz>; Melissa Joyce <Melissa.Joyce@southerndhb.govt.nz>; Steve Jones Police <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>



PUBLIC NOTICE DECLARATION

To the Secretary, Dunedin District Licensing Committee

Premises Name: Henry's Centre City
Premises Address: 95 Hanover Street Dunedin
Reference number: OFF-2-2015

The Public Notice of the above application was displayed on or adjacent to the site of the premises in accordance with the requirements of the Sale and Supply of Alcohol Act 2012

The notice was displayed (describe where):

Eye level next to trading hours left of entrance.

From Date: Wednesday, 22 June 2022

To Date: Thursday, 14 July 2022

Name: LEONIE MARY-ROSE KURTA

Signature: 

- Within 10 working days after filing the application with the District Licensing Committee the applicant must ensure that notice of the application in accordance with form 1A is attached in a conspicuous place on or adjacent to the site to which the application relates.
- The notice shall be displayed until the close of the public objection period. (The public objection period is 15 working days from the first public notice being advertised in the newspaper).
- This declaration shall be forwarded to the Secretary of the District Licensing Committee via email dla@dcc.govt.nz, posted to: Alcohol Licensing, Dunedin City Council, P.O Box 5045, Dunedin

ALCOHOL LICENCE APPLICATIONS

Off-2-2015 – Aysonic Limited, Henry's Centre City,
95 Hanover Street, Dunedin. First notice. Closes
Thursday, 14 July 2022.

On-2-2021 – Steamer Basin Brewing Limited,
Steamer Basin Brewery & Taproom, 389 Princes
Street, Dunedin. Second notice. Closes Thursday,
7 July 2022.

Visit www.dunedin.govt.nz/alcohol-applications for
full details of the applications.

ALCOHOL LICENCE APPLICATION

Off-2-2015 – Aysonic Limited, Henry's Centre
City, 95 Hanover Street, Dunedin. Second notice.
Closes Thursday, 14 July 2022.

Visit www.dunedin.govt.nz/alcohol-applications for
full details of the application.
