

Notice of Meeting:

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

Date: Friday 12 May 2023
Time: 1.00 pm
Venue: Council Chamber, top floor, Dunedin Public Art Gallery, the Octagon, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee
PUBLIC AGENDA – OPPOSED OFF-LICENCE
MCDONALD HOLDINGS LIMITED T/A PAK ‘N’ SAVE

MEMBERSHIP

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

Lynne Adamson
Governance Support Officer

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

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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.

PART A REPORTS

REPORT FOR RENEWAL OF OFF-LICENCE, "PAK 'N SAVE DUNEDIN", 86 HILLSIDE ROAD, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

APPLICATION DESCRIPTION

Applicant's Name:	McDonald Holdings Limited
Site Address	86 Hillside Road, Dunedin
Trading Name:	Pak 'n' Save Dunedin
Style of Licence	Supermarket
Application Number	OFF-3646-2006
Date received by Council	03 August 2022

EXECUTIVE SUMMARY

- 1 This is a report for an application for the renewal of an off-licence for the premises situated at 86 Hillside Road, Dunedin, and known as "Pak 'n' Save Dunedin". The criteria found at section 131 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- 2 The applicant does not seek any changes to the licence. The inspector comments that there are no suitability concerns with the applicant and that the premises complies with the relevant legislation.
- 3 Public notice of the application did not attract any objections and the Medical Officer of Health has no matters in opposition. The Police do, however, oppose the renewal of the application.

APPLICANT AND APPLICATION

- 4 The applicant has been the licensee of the premises since August 1997. During that time there has been no compliance issues with the premises.
- 5 The premises used to be open 24 hours per day however, with the introduction of the Sale and Supply of Alcohol Act 2012 (the Act), and then Dunedin's Local Alcohol Policy (LAP), the trading hours are now 7.00 am to 10.00 pm. The applicant is not seeking any change to the current licence conditions.
- 6 While the supermarket is situated in South Dunedin, it is the only "Pak 'n' Save" in Dunedin therefore attracts shoppers from around the city.

PUBLIC NOTICE

- 7 Public notice of the renewal did not attract any public objection.
- 8 The Medical Officer of Health has not opposed the renewal.
- 9 The Police have opposed the renewal. The grounds for their opposition are:
 - a) Section 105(1)(a): Object of the Act – the sale of single serve, high alcohol content alcohol at cheap prices is contrary to the Act’s object. The premises is situated in a vulnerable community which is being exposed to higher levels of alcohol-related harm. The external advertising of alcohol further exposes the community to harm.
 - b) Section 105(1)(b): Suitability of the Applicant – the sale of single serve, high strength alcohol at cheap prices raises questions regarding the applicant’s suitability.
- 10 The Police also have concerns relating to the amenity and good order of the location. They highlight the locations of family harm and disorder incidents within a 1 km radius of the premises and, while they cannot link the harm to alcohol purchased from the premises, they say it is ‘almost certain’ alcohol purchased from this premises has contributed to some of the harm.
- 11 The Police have suggested the addition of two extra conditions to the licence:
 - i. No external advertising or promotion of alcohol; and,
 - ii. No single serve sales of RTDs, beer or cider in containers 500ml or less, excluding craft beer.
- 12 The Licensing Inspector has not opposed the renewal stating there are no issues in relation to the suitability of the applicant and the premises is compliant with all relevant legislation.

CONCLUSION AND CONDITIONS

- 13 While the Police have opposed the renewal of this licence, they would be satisfied with the addition of two extra conditions relating to single serve sales of RTDs, beer and cider and the external advertising and promotion of alcohol.
- 14 The Committee will need to consider the evidence presented by the parties at the hearing.

Signatories

Author:	Kevin Mechen - Secretary, District Licensing Committee
Authoriser:	

Attachments

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PUBLIC NOTICE

Section 101(a), Sale and Supply of Alcohol Act 2012

McDonald Holdings Limited has made application to the District Licensing Committee at Dunedin for the renewal of a off licence number OFF-3646-2006 in respect of the premises situated at 86 Hillside Road Dunedin and known as Pak 'n' Save Dunedin.

The general nature of the business conducted under the licence is Supermarket.

The applicant seeks the licence on the following hours:

Monday to Sunday 7.00 am to 10.00 pm.

First publication date: Wednesday, 10 August 2022

Second publication date: Wednesday, 17 August 2022

Objections Close 5:00 pm Wednesday, 31 August 2022

- The application may be inspected during ordinary office hours at the office of the Dunedin District Licensing Committee at 50 The Octagon, Dunedin, or on-line at <https://www.dunedin.govt.nz/services/licensing/beer-licence-applications>
- 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
- Any person who is entitled to object and who wishes to object to the issue of the application may, not later than 15 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the Dunedin District Licensing Committee at 50 The Octagon, PO Box 5045, Dunedin 9058

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 dlc@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
- 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**
- Letter of authorisation for a consultant where a consultant is completing form

