

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

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.

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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/alcohol-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 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 ☐
- 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 ☐

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: William David McDonald
Phone No.: 03 455 5129 Ext 9827
Mobile No.: 021 228 4669
Email address: william.mcdonald@fssi.co.nz
Postal address for documents: 86 Hillside Road, South Dunedin 9012
Preferred mode of contact: Email

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

McDonald Holdings Limited

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"/> Licencing 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

<p>Have there been any changes to the licensee status? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>(A change would include a change of any shareholders, directors or partners)</i></p> <p>If yes, detail changes:</p>
<p>Address:</p>
<p>Occupation: <u>Owner Operator</u></p>
<p><i>(if individual)</i> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other</p>
<p><i>(if individual)</i> Applicants place and date of birth:</p>
<p>Postal address for documents:</p> <p><u>86 Hillside Road, South Dunedin 9012</u></p>
<p>Is this your principal business? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please state any other businesses:</p>

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>(Use a separate sheet if necessary)</i>		

Details of Premises

Trading name: PAK 'N SAVE Dunedin

Name of the building (if applicable):

Address of premises: 86 Hillside Road, South Dunedin 9012

Does the building have a current Building Warrant of Fitness (BWOF)? ☒ Yes ☐ No

What is the maximum occupancy of your entire premises including outside areas? 908

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:

Toilets in staff areas

Unisex toilet for customer use

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 03.08.2022

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	7 am	7 am	7 am	7 am	7 am	7 am	7 am
End time	10 pm	10 pm	10 pm	10 pm	10 pm	10 pm	10 pm

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:

Please see attached

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

If yes, provide details: Please see attached

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: Please see attached

Manager Details			
Provide the below details for each manager or proposed manager			
Full Name	Date of Birth	Managers Certificate Number	Expiry Date
Please see attached			

(Use a separate sheet if necessary)

Conditions

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

Please see attached

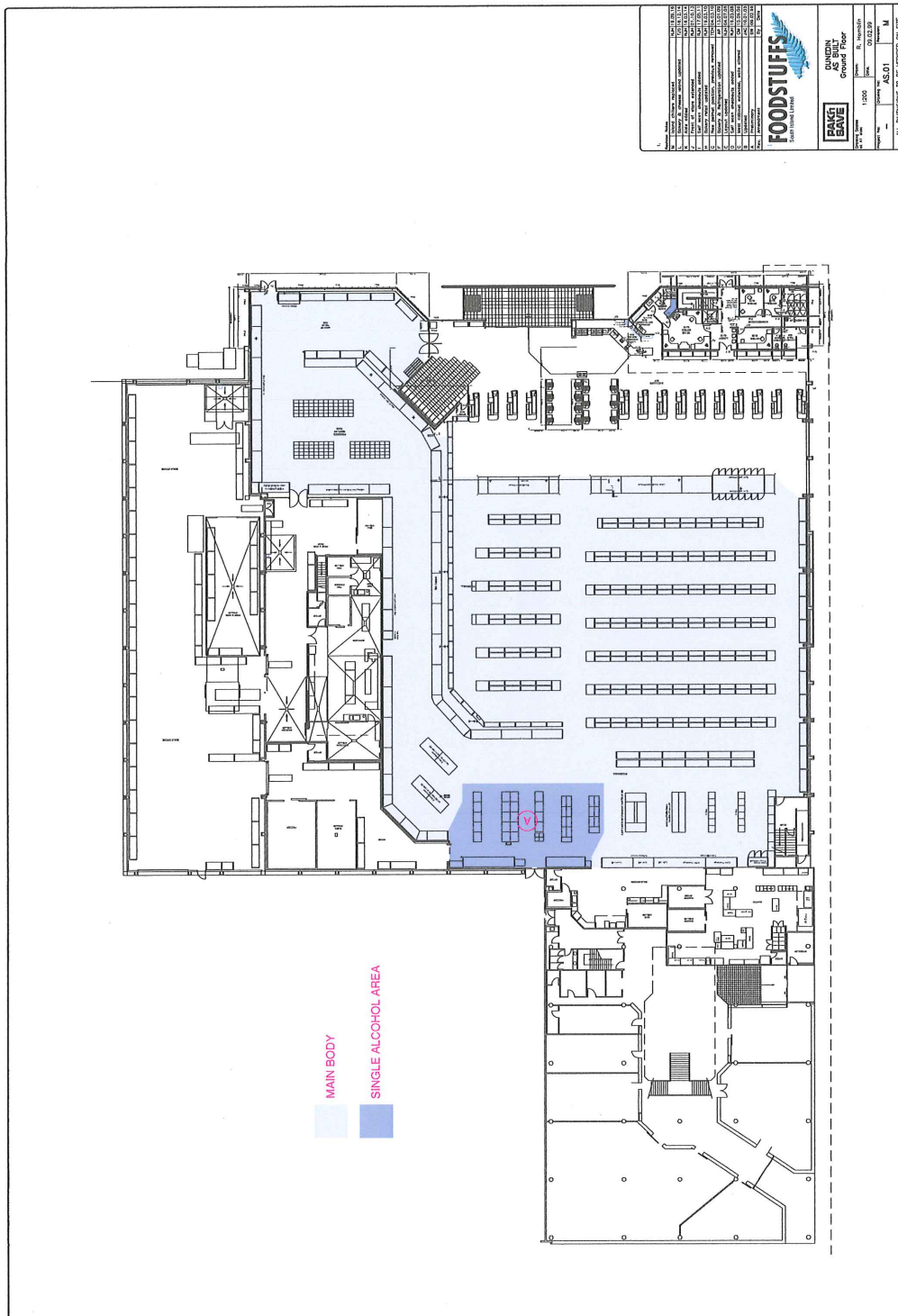
- 2) How does the applicant train staff to ensure compliance with the Act?

Please see attached

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

Please see attached

Signed N. J. Del Date 02.08.2023 Place Dunedin





HOST RESPONSIBILITY POLICY

1. MINORS

- All staff are conversant with the requirements of the Sale and Supply of Alcohol Act 2012, which prohibits the sale of alcohol to persons under the age of 18 years.
- Signage is displayed on the premises stating minors will not be served.
- Staff may require any person appearing to be under the age of 25 years to produce proof of identification.
- The accepted forms of identification are: photo drivers licence, passport, 18 plus card. Identification will be requested where any doubt as to age exists.
- Where proof of age cannot be produced and doubt exists as to age sales will not be made to that person.
- PAK'nSAVE will not sell alcohol to anyone in school uniform even if that person shows valid identification proving they are aged 18 or over.

2. INTOXICATION

- All staff are aware that the Sale and Supply of Alcohol Act 2012 prohibits the sale of alcohol to intoxicated persons and the presence of intoxicated persons on licensed premises.
- Signage is displayed on the premises stating intoxicated persons will not be served.
- Staff have been trained in how to recognise the signs of intoxication.
- Alcohol will not be sold to any person displaying signs of intoxication.

3. NON-ALCOHOLIC AND LOW-ALCOHOL BEVERAGES

- A range of non-alcoholic and low-alcohol beverages are available for purchase.

4. SAFE AND RESPONSIBLE CONSUMPTION OF ALCOHOL

- PAK'nSAVE does not condone the excessive consumption of alcohol, and encourages you to drink responsibly.
- No promotions encouraging the rapid consumption of alcohol or consumption of an excessive volume of alcohol will be either initiated or conducted on these premises.

Refusal of service should be viewed as an indication we are concerned for your welfare. It is pointed out that staff must comply with their legal obligations under the Sale and Supply of Alcohol Act 2012.

Thank you for your support and patronage

Is the sale of alcohol the principal purpose of the business?

No - As a Supermarket we provide an extensive range of food, non-alcoholic drinks and other non-food household grocery items.

Does the applicant supply or sell any goods other than alcohol and food?

Yes - See details above

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

Yes – See details above



DCC Liquor Licence Holder Details							
Name:	D.O.B:	Sex:	Updated Licence No after Alcohol Act 2012:	Expiry Date:	Date of Appointment:	Date of Termination:	Date DLC & Police notified of Termination:
Christopher James McDonald	11/12/1965	M	069/CERT/450/2015	30/10/2024	29/09/2021		
William David McDonald	15/10/1962	M	069/CERT/449/2015	29/10/2024	29/09/2021		
Lance Raeburn Baird	24/02/1985	M	069/CERT/113/2014	8/03/2023	14/02/2020		
Kevin David Beaufort	18/06/1961	M	069/CERT/235/2016	29/07/2025	4/07/2019		
Phillip James Todd	15/04/1981	M	069/CERT/262/2016	20/07/2023	11/08/2020		
Maalke Hewson	20/04/1989	F	069/CERT/378/2014	11/09/2023	9/09/2020		
Tracy Munro	1/10/1987	F	069/CERT/377/2014	6/09/2023	31/08/2020		
David James East	2/12/1975	M	069/CERT/393/2014	11/09/2023	9/09/2020		
Alyse Charlotte McDonald	4/10/1991	F	069/CERT/261/2016	20/07/2023	8/07/2020		
Adam McDonald	7/02/1994	M	069/CERT/225/2016	24/06/2023	8/07/2020		
Sean Ibbotson	28/07/1996	M	069/CERT/263/2017	15/11/2024	1/11/2021		
Tania Maria Waters	13/11/1960	F	069/CERT/056/2019	30/04/2023	17/03/2020		
Amit Aung Myint	10/08/1980	M	069/CERT/250/2019	14/10/2023	17/09/2020		
Vaciseva Rokonaco Vakalala	5/07/1994	F	069/CERT/254/2019	14/10/2023	6/10/2020		
Natasha Shaira Magallanes Kolimilim	12/02/1997	F	069/CERT/050/2020	16/04/2024	30/03/2021		
Aimee Kata Arthur	15/07/1998	F	069/CERT/175/2021	20/09/2022	20/09/2021		
Rhiannon Cassidy Alice McFarlane	11/08/1998	F	069/CERT/176/2021	20/09/2022	20/09/2021		
Ami Dillipghai Patel	10/02/1992	F	069/CERT/177/2021	20/09/2022	20/09/2021		
Stephanie Louise Duncan	30/01/1997	F	069/CERT/174/2021	17/09/2022	17/09/2021		
Jaspreet Kaur	1/05/1996	F	069/CERT/40/2022	4/04/2023	4/04/2022		
Daylin McClintock	2/12/1999	M	069/CERT/058/2022	29/04/2023	29/04/2022		
Amanda Rose Fiveash	29/10/2001	F	069/CERT/115/2022	25/07/2023	25/07/2022		

3/08/2022

Set out below is details of the steps that PAK'nSAVE Dunedin takes to prevent the sale and supply of alcohol to prohibited people and to promote the responsible consumption of alcohol and ensure compliance with the Act.

1. A non-negotiable policy that requires all customers under 25 that are buying age restricted items to produce the required form of identification.
2. Point of sale software that automatically prompts the checkout operators to ask the age of any customer purchasing age restricted items. Junior staff require supervisors to approve these sales.
3. In addition to this PAK'nSAVE Dunedin employs an outside agency to conduct mystery shopping exercises that check to ensure the checkout operators and supervisors are following PAK'nSAVE Dunedin's policies and legal requirements for the sale and supply of alcohol.
4. PAK'nSAVE Dunedin is also saturated with CCTV both the inside and outside of the premises. This allows us to monitor customer behavior, protect staff and prevents any possibility of staff contemplating breaking the law by serving alcohol to underage or intoxicated people.
5. PAK'nSAVE Dunedin uses a web based training system – Redseed – that requires all of its authorized operators to undergo training and then an online test covering the sale and supply of alcohol.
6. As a member of Foodstuffs South Island Limited PAK'nSAVE has access to all training resources provided as well as dedicated managers that deal with alcohol and the responsibilities associated with the sale and supply.
7. PAK'nSAVE Dunedin's customer service team is trained to watch out for multiple purchases by at risk customers in addition to the usual attempts to purchase alcohol by intoxicated or underage customers.
8. PAK'nSAVE Dunedin holds regular meetings to ensure that all duty liquor duty managers and the authorized operators are fully aware of the obligations under the Sale and Supply of Alcohol Act and also any changes or any case law that is developing. All changes are communicated to the checkout operators and updated in our Redseed training software.
9. PAK'nSAVE Dunedin does not sell to minors or customers who are intoxicated.
10. PAK'nSAVE Dunedin takes its host responsibility practices seriously (a copy of the Host Responsibility Policy is attached).
11. Lastly, PAK'nSAVE Dunedin considers itself to be socially responsibly hosts and a good corporate citizen. It will always ensure that alcohol is sold within the law responsibly and in such a way that assists in the minimization of harm caused by excessive alcohol consumption.

INSPECTOR'S REPORT OFF-LICENCE APPLICATION

Applicant McDonald Holdings Limited
Trading Name Pak N Save Dunedin
Address of premises 86 Hillside Road, Dunedin
Type of licence OFF-Licence
Application type Renewal
Pathway number OFF-3646-2006
Date of application 3 August 2022
Interviewee William McDonald (Owner/Operator)
Date of interview 15 September 2022

Applicant details

McDonald Holdings Limited
Company number: 855009
NZBN: 9429038096686
Incorporation Date: 24 April 1997
Company Status: Registered
Entity type: NZ Limited Company

McDonald Holdings Limited has two directors: Christopher James McDonald and William David McDonald, both of Dunedin. The Company Shareholders (six allocations total across all shareholders) are Anderson Lloyd Trustee Company (2013) Limited with two allocations of 59000 shares (each 49.16%), and two allocations of 1000 shares (0.83%) and 3 shares (0%) each to William David McDonald and Christopher James McDonald of Dunedin.

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

Pak N Save is a large supermarket franchise under the Foodstuffs group, having been licensed for several years. General grocery and food items are the main items sold.

Site Location (zoning/surrounding uses or activities)

Local Activity zone 1, Principal Centre (Retail Park).

Manager details:

Name:	D.O.B:	Sex:	after Alcohol Act 2012:	Expiry Date:	Date of Appointment:
Christopher James McDonald	11/12/1965	M	069/CERT/450/2015	30/10/2024	29/09/2021
William David McDonald	15/10/1962	M	069/CERT/449/2015	29/10/2024	29/09/2021
Lance Raeburn Baird	24/02/1985	M	069/CERT/113/2014	8/03/2023	14/02/2020
Kevin David Beaufort	18/06/1961	M	069/CERT/235/2016	29/07/2025	4/07/2019
Phillip James Todd	15/04/1981	M	069/CERT/262/2016	20/07/2023	11/08/2020
Maaikhe Hewson	20/04/1989	F	069/CERT/378/2014	11/09/2023	9/09/2020
Tracy Munro	1/10/1987	F	069/CERT/377/2014	6/09/2023	31/08/2020
David James East	2/12/1975	M	069/CERT/393/2014	11/09/2023	9/09/2020
Alyse Charlotte McDonald	4/10/1991	F	069/CERT/261/2016	20/07/2023	8/07/2020
Adam McDonald	7/02/1994	M	069/CERT/225/2016	24/06/2023	8/07/2020
Sean Ibbotson	28/07/1996	M	069/CERT/263/2017	15/11/2024	1/11/2021
Tania Maria Waters	13/11/1960	F	069/CERT/056/2019	30/04/2023	17/03/2020
Amit Aung Myint	10/08/1980	M	069/CERT/250/2019	14/10/2023	17/09/2020
Vaciseva Rokonaco Vakalala	5/07/1994	F	069/CERT/254/2019	14/10/2023	6/10/2020
Natasha Shaira Magallanes Kolimilim	12/02/1997	F	069/CERT/050/2020	16/04/2024	30/03/2021
Aimee Kata Arthur	15/07/1998	F	069/CERT/175/2021	20/09/2022	20/09/2021
Rhiannon Cassidy Alice McFarlane	11/08/1998	F	069/CERT/176/2021	20/09/2022	20/09/2021
Ami Dilipghai Patel	10/02/1992	F	069/CERT/177/2021	20/09/2022	20/09/2021
Stephanie Louise Duncan	30/01/1997	F	069/CERT/174/2021	17/09/2022	17/09/2021
Jaspreet Kaur	1/05/1996	F	069/CERT/40/2022	4/04/2023	4/04/2022
Daylin McClintock	2/12/1999	M	069/CERT/058/2022	29/04/2023	29/04/2022
Amanda Rose Fiveash	29/10/2001	F	069/CERT/115/2022	25/07/2023	25/07/2022

Licensing hours sought

The applicant requested 7am until 10pm daily, which is the same as the store's trading hours.

Are there any changes from the existing licence or Temporary Authority?
No.

Designation sought
Undesignated.


Correct signage on display?

1. Copy of licence at principal entrance? Yes – displayed amongst other premises signage by exit/entrance and customer services desk area

2. Duty Manager? Yes

3. Prohibited persons? Yes - at point of sale/checkouts

Host Responsibility:



HOST RESPONSIBILITY POLICY

1. **MINORS**
 - All staff are conversant with the requirements of the Sale and Supply of Alcohol Act 2012, which prohibits the sale of alcohol to persons under the age of 18 years.
 - Signage is displayed on the premises stating minors will not be served.
 - Staff may require any person appearing to be under the age of 25 years to produce proof of identification.
 - The accepted forms of identification are: photo drivers licence, passport, 18 plus card. Identification will be requested where any doubt as to age exists.
 - Where proof of age cannot be produced and doubt exists as to age sales will not be made to that person.
 - PAK'nSAVE will not sell alcohol to anyone in school uniform even if that person shows valid identification proving they are aged 18 or over.
2. **INTOXICATION**
 - All staff are aware that the Sale and Supply of Alcohol Act 2012 prohibits the sale of alcohol to intoxicated persons and the presence of intoxicated persons on licensed premises.
 - Signage is displayed on the premises stating intoxicated persons will not be served.
 - Staff have been trained in how to recognise the signs of intoxication.
 - Alcohol will not be sold to any person displaying signs of intoxication.
3. **NON-ALCOHOLIC AND LOW-ALCOHOL BEVERAGES**
 - A range of non-alcoholic and low-alcohol beverages are available for purchase.
4. **SAFE AND RESPONSIBLE CONSUMPTION OF ALCOHOL**
 - PAK'nSAVE does not condone the excessive consumption of alcohol, and encourages you to drink responsibly.
 - No promotions encouraging the rapid consumption of alcohol or consumption of an excessive volume of alcohol will be either initiated or conducted on these premises.

Refusal of service should be viewed as an indication we are concerned for your welfare. It is pointed out that staff must comply with their legal obligations under the Sale and Supply of Alcohol Act 2012.

Public Notification process

ODT 10 August 2022 & 17 August 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:

No issues.

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. The single-serve alcohol area has not changed from previous applications/renewals.

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:

A wide range of general household grocery and convenience items are available, predominantly food items.

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

(a) Building. Current BWOF in place, expires 12/09/23

(b) Sale of food. The business holds a Food Act 2014 Registration with The Ministry for Primary Industries.

(c) Fire. No issues as of 09/08/22

(d) Security. N/A

Any matters dealt with in any report from the Police or a Medical Officer of Health

Police Opposition based on single serve products and external advertising.

No Opposition from MOoH.

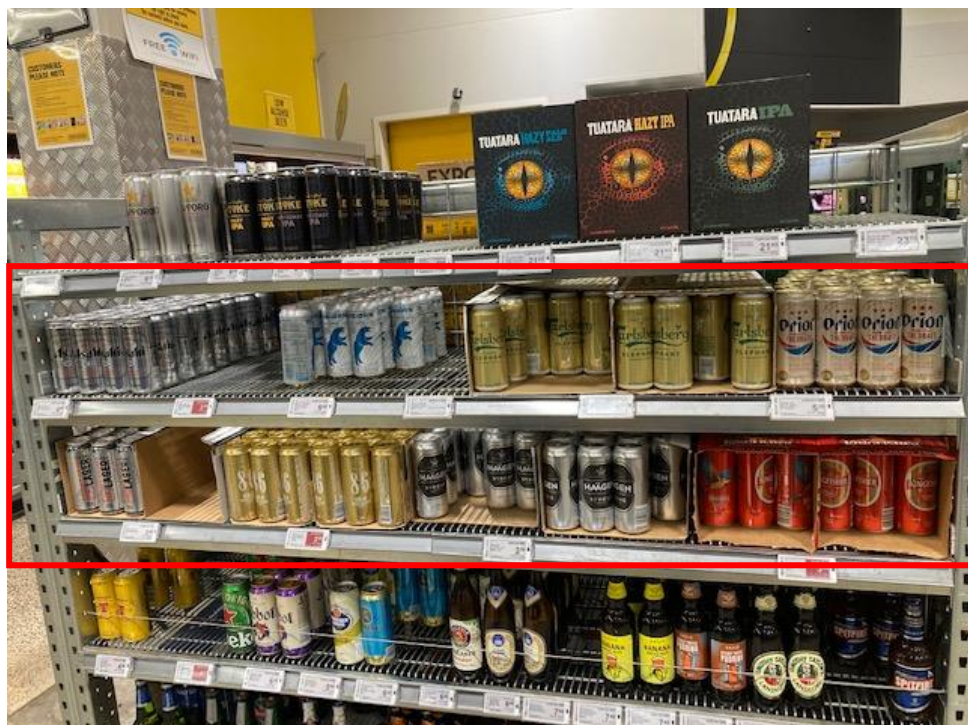
Whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:

No issues.

The manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

On occasion, broken boxes/cartons of beer are individually priced and placed in a trolley to be sold singularly within the designated alcohol area. These products are 'mainstream' products, typically ranging from \$1.69 - \$2 (on average) per bottle/can, typically all 330ml volume and under 5% ABV strength. This activity only occurs when stock is damaged/cartons broken and is not advertised beyond the trolley physically being present within the designated alcohol area.

Photo of single-serve beers within alcohol area – Photo take 15/09/22 - TM



The above photo shows the extent of the single serve products available (un-chilled) within the designated alcohol area (excluding craft beers). The following products were available for sale over 5% ABV strength seen within the highlighted red area in the above photo (as of 15/09/22):

- Carlsburgh Elephant Beer, 7.2% ABV, 500ml, \$4.75
- Kingfisher Beer, 7.2% ABV, 500ml, \$3.69 (Special)
- Haagen Strong, 7.2% ABV, 500ml, \$3.79
- 8.6 Gold Beer, 6.5% ABV, 500ml, \$2.99 (Special)
- New Zealand Lager, 7.0% ABV, 500ml, \$3.59

High strength, low-cost products such as those listed above have the potential to cause harm within communities. For context, this position has been referred to in recent case law, namely:

Two Brothers wholesale Ltd [2021] NZARLA 32:

[124] In terms of the type of products being sold on the premises, the evidence is that Mr Singh considered that Kingfisher beer which has 7.2% alcohol by volume, is "just like everything else in the store, there's quite a few other products that are 7.2%" and he sells it, including as single cans because "there's a demand for it". The Authority considers that the DLC was right to be concerned about this especially given the vulnerability of Tokoroa. As this Authority said in Shady Lady Lighting Ltd v Lower Hutt Liquormart Ltd, the vulnerability of an area raises the threshold of suitability in terms of whether the grant of the licence will result in an increase in alcohol-related harm.

On appeal Churchman J found no error of law arising from the Authority's conclusion in this regard.

Nekita Enterprises Ltd [2021] NZARLA 139-145:

[300] Before the Authority, Mrs Singh also accepted that Nekita's Pages Road premises in Aranui is in one of the most deprived suburbs in Christchurch. Despite this, when questioned about why a fridge for single sales was located at the entry to the store and why there was a trolley of single sale ciders and beers on display with a sign saying "Seven for \$10.00" (which ACG said equated to a unit price of \$1.43 and said was "extremely cheap alcohol"), Mrs Singh replied that they only have a handful of customers who buy those and they are not promoted.

[301] Moreover, in response to whether Mrs Singh saw a problem with her Wainoni Road manager (also in deprived Aranui), saying that Woodstock (a 'ready-to-drink') and single cans were the most popular purchase at Wainoni Road, Mrs Singh replied that Woodstock was 'just a core product' and that 'they have not caused any harm by selling single beers'.

[302] The Authority finds these responses most underwhelming. These responses demonstrate that Mrs Singh either does not understand or is not bothered by the risks associated with single sales, and the promotion of very cheap alcohol in deprived localities. These matters are of considerable concern to the Authority in such localities and are matters that go to the object of the Act.

Whilst considering the above-mentioned case law I cannot however provide any direct evidence that such products sold from this store have contributed to such harm.

I support the Police's request for the DLC to consider a condition being put on this licence (and all off-licensed premises) moving forward of:

"No sales of single serve cans 500mls or below, of high alcohol, low-cost products (except craft beers)"

Inspector's comment

This report is prepared for the District Licensing Committee's consideration. The premises complies with all relevant legislation. There are no suitability concerns with this applicant.

No opposition overall.



Tanya Morrison
Licensing Inspector
09/11/22

From: [Melissa Joyce](#)
To: [Dunedin Licensing Agency](#)
Subject: No Opposition OFF-3646-2006 Pak'N'Save Dunedin
Date: Thursday, 15 September 2022 1:58:21 PM
Attachments: [image004.png](#)
[image005.png](#)

15 September 2022

Ref: OFF-3646-2006
Application received: 8 August 2022
Applicant: McDonald Holdings Limited
Application type: Renewal Off
Premises: Pak'N'Save Dunedin
Premises address: 86 Hillside Road, 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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Health New Zealand

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From: [Dunedin AHPU](#)
To: [Dunedin Licensing Agency](#)
Subject: FW: [EXTERNAL] OFF-3646-2006, McDonald Holdings Limited, Pak "n" Save Dunedin, 86 Hillside Road Dunedin
Date: Wednesday, 12 October 2022 1:31:12 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
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[image005.png](#)
[0.png](#)
[Cover Sheet.doc](#)
[OFF-3646-2006, McDonald Holdings Limited, Pak "n" Save Dunedin, 86 Hillside Road Dunedin.pdf](#)

Kia ora,

Police submit interim opposition to this licence renewal based on the following correspondence.

Please let me know if you need any further information.

Nga mihi,

Steve Jones
Sergeant SJCT35
Alcohol Harm Prevention
Dunedin Central

P +64 3 471 4800  M +64 21 191 2755 E sjct35@police.govt.nz



*Kaua e rangiruatia te hā o te hoe;
e kore tō tātou waka e ū ki uta*

From: William McDonald <William.McDonald@paknsave-si.co.nz>
Sent: Monday, 3 October 2022 8:44 AM
To: Dunedin AHPU <Dunedin.AHPU@police.govt.nz>
Cc: Tanya Morrison <Tanya.Morrison@dcc.govt.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Aaron Whipp <Aaron.Whipp@southerndhb.govt.nz>
Subject: Re: [EXTERNAL] OFF-3646-2006, McDonald Holdings Limited, Pak 'n' Save Dunedin, 86 Hillside Road Dunedin

Good morning, Steve,Tanya,Alison,Aaron,

Further to our correspondence last week, I was in Christchurch Thurs ,Fri and was able to consult further regarding the proposed conditions sought for our license renewal.

I do have concerns regarding a potential competitive trading disadvantage that I would like to respond to and discuss further in a constructive manner.
I hope to formalise a more thorough response soon and ask for some time to complete this.
If that was to require an application extension or temporary trading licence I would respectfully ask that that be granted.

Regards,
William McDonald
Owner/Operator.
PAK'nSAVE Dunedin.
T/A McDonald Holdings Ltd.

Sent from my iPad

On 27/09/2022, at 10:12 AM, William McDonald <William.McDonald@paknsave-si.co.nz> wrote:

Hi Steve,
Thanks for your email and information on proposed conditions received Fri 23rd.
Yes, it was a constructive joint conversation regarding our renewal and responsibilities.

I'm just getting some advise after the long weekend as I hadn't considered the single cider range being captured in this proposal.
There is range rationalisation implications as well that I need to consider from a customer perspective.
I expect to get back to you in the next day or two.
Trust this short delay meets with the proposed timeframe for our renewal process?

Kind Regards,

William McDonald
Owner/ Operator

Dunedin PAK'nSAVE
[86 Hillside Road, Dunedin 9012](#)



Phone: [03 455-5129](tel:034555129) Ext 9827
Web: www.paknsave.co.nz

On 23/09/2022, at 12:19 PM, Dunedin AHPU
<Dunedin.AHPU@police.govt.nz> wrote:

CAUTION: External Sender

Kia ora William,

Firstly, thank you for meeting with myself and the other members of

the regulatory agencies last week. I felt we held some very constructive dialogue, particularly around the prevalence of single serves.

In the spirit of transparency, I am emailing to advise you that Police will be seeking conditions on your off licence, with the support of the other agencies. These are:

1. No single sales of RTD's, beer, or cider 500ml or less (excluding craft beer)
2. No external alcohol advertising or promotion on the external building premises

I have included RTD's in this condition due to the fact there are wine based ready to drink products also.

If you are amenable to these conditions going on your off licence please email me back and I will include this in my report to the District Licensing Committee.

Once again, thank you for your time and I look forward to hearing from you.

Nga mihi,

Steve Jones
Sergeant SJCT35
Alcohol Harm Prevention
Dunedin Central

P +64 3 471 4800  +64 21 191 2755 E sjct35@police.govt.nz

*Kaua e rangiruatia te hā o te hoe;
e kore tō tātou waka e ū ki uta*

From: Holly Maxwell <Holly.Maxwell@dcc.govt.nz>
Sent: Monday, 8 August 2022 2:37 PM
To: Aaron Whipp <aaron.whipp@southerndhb.govt.nz>; Admin DHB <admin@phsouth.co.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; fire <OtagoRiskReduction@fireandemergency.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Dunedin AHPU <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>
Subject: [EXTERNAL] OFF-3646-2006, McDonald Holdings Limited, Pak 'n' Save Dunedin, 86 Hillside Road Dunedin

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi All,

Please find attached renewal for Off Licence at Pak N Save Dunedin.

Many thanks,

Holly Maxwell

Alcohol Licensing Administrator
Dunedin District Licensing Committee

P 03 477 4000 E holly.maxwell@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz

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Please note that the views and opinions expressed in this message may be those of the individual and not necessarily those of Foodstuffs South Island Ltd.

Thank you.



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

28th October 2022

Re: OFF-3646-2006 Pak 'n' Save Dunedin

Dear Sir/Madam

On 08/08/2022 Police received an application from McDonald Holdings Limited for the renewal of the Off-Licence for the premises known as Pak 'n' Save Dunedin.

This is a busy supermarket premises situated on Hillside Road, South Dunedin. Being a large and popular supermarket chain, the target market for this premises is not only the locality of South Dunedin in which it is situated, but also the wider Dunedin population.

Anecdotal and factual evidence regards this locality as a vulnerable community in regard to Alcohol Harm.

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 Steve Jones - Dunedin Police – Alcohol Harm Reduction Officer

sjct35@police.govt.nz DDI- 4714980 Cell 021 1912755

(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.

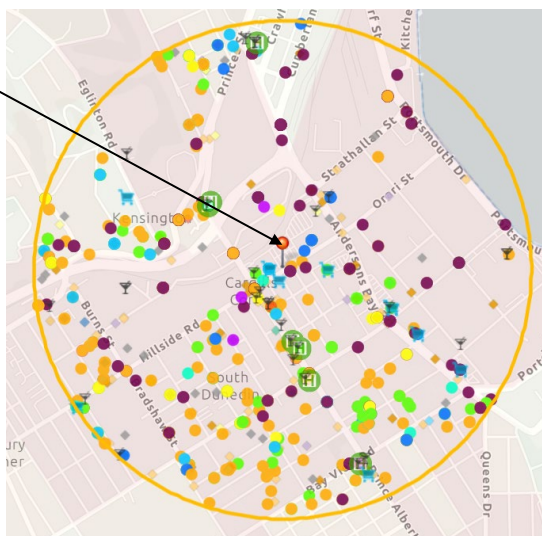
Suitability of the Applicant

Single sales of high strength 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 that the 1km radius surrounding the premises is one of the worst areas for calls for Police service in Dunedin City. Frequent incidents of family harm and disorder are attended by Police within this area. Alcohol consumed at these incidents are all purchased at nearby off-licences, of which Pak 'n' Save Dunedin is the most prevalent and commonly frequented by the surrounding vulnerable community. 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 (red) and incidents where alcohol is a contributing factor.

Pak 'n' Save
Dunedin



Conditions Sought

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

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

NOTE: The agencies met with the applicant in early September and engaged in email communication regarding these conditions. The applicant emailed back commending the agencies joint efforts and requesting time to seek advice. This was agreed to by Police and interim opposition was entered. Police have since emailed the applicant back asking for an update but have received no response.

For your consideration,

Steve Jones
Sgt SJCT35
Dunedin Police

From: [White, Nikki](#)
To: [Dunedin Licensing Agency](#)
Subject: FW: OFF-3646-2006, McDonald Holdings Limited, Pak 'n' Save Dunedin, 86 Hillside Road Dunedin
Date: Tuesday, 9 August 2022 02:06:17 p.m.
Attachments: [0.png](#)
[image001.png](#)
[Cover Sheet.doc](#)
[OFF-3646-2006, McDonald Holdings Limited, Pak 'n' Save Dunedin, 86 Hillside Road Dunedin.pdf](#)

Hi team

No issues with this one.

Ngā mihi / Many thanks

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: Holly Maxwell <Holly.Maxwell@dcc.govt.nz>

Sent: Monday, 8 August 2022 2:37 pm

To: Aaron Whipp <aaron.whipp@southernhb.govt.nz>; Admin DHB <admin@phsouth.co.nz>;
Alison Blair <Alison.Blair@dcc.govt.nz>; Otago Risk Reduction
<OtagoRiskReduction@fireandemergency.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>;
Police <dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>

Subject: OFF-3646-2006, McDonald Holdings Limited, Pak 'n' Save Dunedin, 86 Hillside Road
Dunedin



PUBLIC NOTICE DECLARATION

To the Secretary, Dunedin District Licensing Committee

Premises Name: Pak 'n' Save Dunedin
Premises Address: 86 Hillside Road Dunedin
Reference number: OFF-3646-2006

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):

Front Entrance Foyer

From Date: Wednesday, 10 August 2022

To Date: Wednesday, 31 August 2022

Name: William McDonald

Signature: [Handwritten 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

First Public Notice: 10/08/2022

ALCOHOL LICENCE APPLICATIONS

Off-3646-2006, McDonald Holdings Limited, Pak 'n' Save Dunedin, 86 Hillside Road, Dunedin. First notice. Closes Wednesday, 31 August 2022.

On-10-2022, Baby Loaf Limited, Karitane General Store and Kitchen, 130 Stornoway Street, Karitane. First notice. Closes Wednesday, 31 August 2022.

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

Second Public Notice: 17/08/2022

ALCOHOL LICENCE APPLICATIONS

Off-3580-2006, Cableways Bar Bistro and Liquorland Limited, Cableways Liquorland, 2 Mellor Street, Dunedin. First notice. Closes Tuesday, 6 September 2022.

Off-3-2018, Taste Nature Limited, Taste Nature, 131 High Street, Dunedin. First notice. Closes Tuesday, 6 September 2022.

Off-3646-2006, McDonald Holdings Limited, Pak 'n' Save Dunedin, 86 Hillside Road, Dunedin. Second notice. Closes Wednesday, 31 August 2022.

On-15-2018, Sessions Dunedin Limited, Sessions, 138 Princes Street, Dunedin. First notice. Closes Tuesday, 6 September 2022.

On-3579-2006, Cableways Bar Bistro and Liquorland Limited, Cableways Tavern, 2 Mellor Street, Dunedin. First notice. Closes Tuesday, 6 September 2022.

On-10-2022, Baby Loaf Limited, Karitane General Store and Kitchen, 130 Stornoway Street, Karitane. Second notice. Closes Wednesday, 31 August 2022.

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