

APPLICATION FOR OFF-LICENCE OR RENEWAL OF OFF-LICENCE



Form 4, Sections 100 and 127(2), Sale and Supply of Alcohol Act 2012

Send or deliver your application to:

The Secretary
District Licensing Committee
Kāpiti Coast District Council
Private Bag 60601, Paraparaumu 5254
175 Rimu Road, Paraparaumu 5032
Telephone (04) 296 4700 Toll Free: 0800 486 486

For Council use

File #

Once this application is complete you may make an appointment for a pre-lodgement meeting with a Licensing Inspector at the numbers given above.

Application forms cannot be accepted by the District Licensing Committee (DLC) over the counter until they have been signed off as complete by the Inspector and a fee category has been calculated. **Instructions on how to complete this application are attached at the back of the form.**

This application is made in accordance with the particulars set out below:

1. Application Type

<input type="checkbox"/> New Off-Licence	<input checked="" type="checkbox"/> Renewal of Off-Licence Licence number: 45/OFF/053/2023	<input type="checkbox"/> Renewal of Off-Licence with variation of conditions Licence number:
--	---	---

2. Endorsements

Tick the appropriate box if you want an endorsed licence only

Auctioneer Remote Sales

3. Details of Applicant

Full legal name or names to be on licence (if a company, must be a company name):

Elemental Cider Ltd
NZBN 9429051082246

Whether licence already held for premises concerned: Yes No, and if 'Yes', state kind of licence

Off Licence (Remote Sales)

4. Applicant Status: by reference to section 28 of Sale and Supply of Alcohol Act 2012

Natural person(s) Private Company
 Body Corporate Public Company

Partnership Other (please specify).....

5. For Applicant that is a Natural Person(s)

Full legal name:

Any aliases (and/or maiden name):

Usual residential address: Number

Street:

Suburb:

City:

Postcode:

Sex:

Occupation:

Date of birth:

Place of birth:

Telephone:

Mobile:

Email:

Preferred mode of contact:

6. For Applicant that is a Body Corporate, Authority under which Incorporated

7. For Applicant that is Not a Natural Person(s), Details of Contact Person

Name: Carmen Gray

Designation/Position: Director

Telephone:

Email:elementalcider@gmail.com

Mobile:0272487786

Preferred mode of contact:email

8. Postal Address for Service

Number/Street/PO Box:129 Taylors Rd

Suburb:RD3

City:Otaki

Postcode:5583

9. Business Details

Describe principal business, any other businesses

Elemental Cider produces award-winning apple and pear based ciders and sells on-line as a small home business from their garage at Taylors rd, Otaki. The fruit is grown at their home orchard on Taylors Rd. The cider is manufactured elsewhere in the Horowhenua district. Elemental Ciders are also sold under a special off-site licence at markets/fairs or direct to retailers with Licences. The cider will be sold as 4-pack caddies (RRP \$36) and boxed dozens (RRP \$100), plus courier costs.

10. Criminal Convictions

Does the applicant(s) have any criminal convictions (other than convictions for offences against provisions of the Land Transport Act 1998 not contained in Part 6, and offences to which the Criminal Records (Clean Slate) Act 2004 applies). Yes No, and if "Yes", then please provide nature of the offence, details of conviction, and penalty imposed.

11. For a Company whether Incorporated under the Companies Act 1993 or Equivalent Foreign Legislation

Full Legal Names of Directors:

Carmen Louise Gray (50% shareholder) Warren Ivan Gray (50% shareholder)		
12. For a Private Company Incorporated under the Companies Act 1993		
Authorised capital: 100 Shares	Paid up capital:	
Name: Carmen Gray	Address: Street number 129	
Street: Taylor's Rd	Suburb: RD3	
City: Otaki	Postcode: 5583	
Date of birth: 25/09/1970	Place of birth: Taupiri NZ	
Designation: Director	Face value of shares held: 50%	
13. For a Partnership		
Full legal name of partner:		
Usual residential address: Number	Street:	
Suburb:	City:	Postcode:
Full legal name of partner:		
Usual residential address: Number	Street:	
Suburb:	City:	Postcode:
14. Details of Premises		
Address: Number 129	Street: Taylor's Rd	
Suburb: RD3	City: Otaki	Postcode: 5583
Trading Name: Elemental Cider		
If not Owned by Applicant:		
Tenure: <i>(state whether to be held as leasehold, or under tenancy agreement or licence)</i>		
Full legal name of owner:		
Address: Number	Street:	
Suburb:	City:	Postcode:
Type: <i>state whether grocery, hotel, retail shop (other than grocery), or tavern</i>		
Is the licence conditional on completion of building work: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No , and if "Yes", state details:		

--

15. Details of Duty Manager(s)/Proposed Manager(s) <i>If more than two certified managers please attach details separately</i>	
Full legal name: Carmen Louise Gray	
Number of manager's certificate: 45/CERT/891/ 2020	Expiry Date: 14 December 2024
Full legal name:	
Number of manager's certificate:	Expiry Date:
16. Business Details	
<p>Is the sale of alcohol intended to be the principal purpose of business: <input type="checkbox"/> Yes <input type="checkbox"/> No, and advise the intended principal purpose of business <i>(for example: sale of alcohol, sale of food; entertainment; accommodation).</i></p> <p>Remote sale of alcohol via mail order/e-commerce for off site consumption</p>	
<p>Is the applicant engaged, or intending to be engaged, in the sale or supply of any goods other than alcohol, non-alcoholic refreshments and food, or in the provision of any services other than those directly related to the sale or supply of alcohol and non-alcoholic refreshments, and food: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - and if "Yes", advise the nature of other goods or services. This is to assess whether other goods and services provided are compatible with the sale of alcohol.</p>	
<p>State the days and hours proposed for sale of alcohol (this is your current licensed hours not trading hours):</p> <p>The remote sale of alcohol may be made at any time on any day on the website. Deliveries will not be made between 7pm and 7am, Good Friday, Easter Sunday, Christmas Day or before 1pm on ANZAC day</p>	
17. Conditions	Doc attached? Number.
<ul style="list-style-type: none"> • Write answer below or attach relevant documents that demonstrate compliance. • When including attachments please number the hard copies, and in the first column circle 'Yes box and write the document number on '#.....' 	
<p>Describe experience and training of applicant: Carmen has been selling Elemental Cider from Taylors Rd since August 2023 under an Off licence (remote sales) and since 2019, under special licence or direct to wholesalers. She has: - Over 12 years experience working in different wineries in NZ, Australia and Europe (including a degree in Wine Science); - Been conducting In-Store Cider tastings in Foodstuffs Supermarkets and Liquorlands in accordance with their In-Store Sale & Supply of Alcohol Demonstrator responsibilities and Safe In Store Pass; - Been conducting cider sales and tastings at NZ Cider Festival 2019, 2020 2022, & 2023; - Sold cider at markets/fairs such as Petone Market, Marton Harvest Fair ,Newton Fair, NZ Home & Lifestyle Show, NZ Home & Garden, Show & Manawatu & Kapiti Women's Expo events , Xmas Festivals plus stalls at Community Markets across the bottom of the North Island; - Manager's Certificate for Sale & Supply of Alcohol; - Facilitator of NZ Cider Association 2019-2022;</p>	<p>Yes / No #.....</p>

<p>- Co-Chair NZ Cider Association 2023-present.</p>	
<p>Describe the steps proposed to be taken to prevent the sale and supply of alcohol to prohibited people:</p> <p>In case of order using internet:</p> <p>- Only those aged 18 years or older will be sold alcoholic beverages on elementalcider.co.nz using an age verification declaration tool on the entry page and again before the sale is complete. If they are under 18 years of age/fail to check the age box, they are not allowed to shop with ElementalCider.co.nz. Warnings will be clear on the entry page, that it is illegal to falsely declare your age in order to buy alcohol if you are under the age of 18 years and that a false declaration of age in order to buy alcohol is an offence under the Sale & Supply of Alcohol Act 2012. Submitting an order and agreeing to the Terms & Conditions of our website, is confirmation they are over the age of 18 and legally allowed to buy alcohol in New Zealand.</p> <p>In case of mail order:</p> <p>- a form will be used requiring the prospective buyer to tick a box stating they are 18 yrs of age or over, and also to sign the form at the end that they (and the prospective receiver) are the correct age. No sales will be made if the box is not ticked and form not signed.</p> <p>In case of order by telephone:</p> <p>- we will direct the prospective buyer to the website ensuring they must navigate the age verification tool and the two age check boxes.</p>	<p>Yes / No #.....</p>
<p>Describe any other steps the applicant proposes to promote the responsible consumption of alcohol (for instance host responsibility practices):</p> <p>We will provide a safe and secure website for our customers, and we will do everything possible to maintain the highest standards of host responsibility. It is a premium, handcrafted, locally made product that is not sweet or mass produced. The higher price point, and the low sugar content reduces any risk of minors attempting to make a purchase. Any promotion of ciders on the website will always be conducted in a responsible manner</p>	<p>Yes / No #.....</p>
<p>Describe any other systems (including training systems), and staff in place (or to be in place) for compliance with the Act:</p> <p>We are regularly working with our web designer to ensure we operate within the requirements of the Sale & Supply of Alcohol Act 2012, particularly the age-declaration tick box on entry and at a second point during the transaction process.</p>	<p>Yes / No #.....</p>
<p>Describe any actions that have been taken to ensure the good order and amenity of the locality would not be likely to be:</p> <ul style="list-style-type: none"> • reduced, by more than a minimal extent, by granting the licence; or • increased, by more than a minimal extent, by the refusal to renew the licence. <p>This licence is for a remote off-site mail order / on-line sales business. Our rural premises is relatively remote on a no-exit road and not prominent. Neighbouring activities and uses within the immediate vicinity include lifestyle blocks and</p>	<p>Yes / No #.....</p>

farms. Members of the public will not be able to purchase directly, as there is not an on-site store. Only courier vehicles will be visiting the address and only between the hours of 7am – 7 pm as per district plan. The operation is discrete and does not draw attention. Therefore the good order and amenity of the locality will not be affected at all

For Licence Renewal Only: Describe any conditions of the licence the applicant seeks to vary or cancel:
To be filled in for each condition the applicant seeks to vary or cancel – attach additional pages as necessary

Terms of condition at present:

We do not wish to vary any conditions of the licence. Our present conditions, which we are wanting to keep include:

This licence is subject to the following conditions:

1. The remote sale of alcohol may be made at any time on any day.
2. Alcohol may only be delivered Monday to Sunday between the hours of 6am and 6pm.
3. No alcohol is to be delivered on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day.
4. All deliveries of alcohol must be signed for by a person aged 18 years or over.
5. Ordering of alcohol must require the buyer to declare in two places that they, and the recipient of the alcohol if a person other than the customer, are both 18 years of age or over.
6. The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed.
7. The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the safe and responsible consumption of alcohol, and minimising alcohol related harm.
8. A copy of, or a link to, the licence must be prominently displayed on the website used for online ordering.

Action sought: **Variation** **Cancellation.** If Variation, in what respect does the applicant seek to vary the condition?

Full reasons for variation or cancellation:

Yes / No
 #.....
 #.....
 #.....
 #.....

18. Attachments <ul style="list-style-type: none"> • <i>When including attachments please number the hard copies, and in the first column circle 'Yes box and write the document number on '#.....')</i> 	Doc attached? Number.
A statement, or signed declaration, regarding the premises need for an evacuation scheme, as set out in section 100(d) of the Act for new applications, or section 127(e) of the Act for renewals. A copy of the 'Evacuation of Declaration Scheme' is available on the website.	Yes / No #.....1.....
Please attach certificate to show that proposed use meets the requirements of the Resource Management Act 1991. <i>Not required for renewal unless the business activity or type has changed since the last version.</i>	Yes / No #.....
Copy of Building Compliance Certificate. Please attach certificate to show that the premises meet the requirements of Building Code 2004. <i>Not required for renewal unless structural changes have been undertaken since the last issue</i>	Yes / No

<i>or renewal.</i>	#.....
Where the premises are a grocery store, the statement of annual sales revenue required by regulation 12 or 13 (as the case requires) of the Sale and Supply of Alcohol Regulations 2013.	Yes / No #.....
Where the premises are a grocery store or supermarket, a scale floor plan must be provided clearly defining the single alcohol area, or sub-area, and layout of the premises including entry/exit and checkouts.	Yes / No #.....
Where the premises are a bottle store or tavern off licence, a plan must be provided showing designations and the principal entrance.	Yes / No #.....
For body corporate applicant, please attach a copy of certificate of incorporation (or equivalent document). <i>Not required for renewal unless there have been changes since the last issue or renewal.</i>	Yes / No #.....
Advise if a Crime Prevention Through Environmental Design (CPTED) assessment has been undertaken or any improvements to the design and layout in accordance with CPTED. <input type="checkbox"/> Yes <input type="checkbox"/> No , and if 'Yes' attach a copy. If 'No', discuss with the Licensing Inspector if you need to complete a CPTED checklist for this application (see <i>HPA and the Ministry of Justice websites for more information</i>).	Yes / No #.....
If premises owned by another party, please attach an owner's statement or copy of lease to show there is no objection from the owner to the issue of licence to this premise. <i>Not required for a renewal unless the lease or ownership arrangements have changed.</i>	Yes / No #.....

19. Further Details where Applicant is a Company

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

Name:Carmen Louise Gray	Address: 129 Taylors Rd
Suburb:RD3	City:Otaki
Postcode:5583	Date of birth:25/09/1970
Place of birth:Tauripiri NZ	Designation:Director
Name:Warren Ivan Gray	Address: 129 Taylors Rd
Suburb: RD3	City:Otaki
Postcode:5593	Date of birth:10/04/1971
Place of birth:Lambeth, UK	Designation:Director
Name:	Address:
Suburb:	City:
Postcode:	Date of birth:
Place of birth:	Designation:

Are additional sheets attached? Yes / No - Doc number #.....

20. Further Details where Applicant is a Partnership

Name:	Address:
Suburb:	City:

Postcode:	Date of birth:	
Place of birth:	Date:	Signature:
Name:	Address:	
Suburb:	City:	
Postcode:	Date of birth:	
Place of birth:	Date:	Signature:
Name:	Address:	
Suburb:	City:	
Postcode:	Date of birth:	
Place of birth:	Date:	Signature:
Are additional sheets attached? Yes / No - Doc number #.....		

21. Signature of Applicant (this must be signed by applicant not their agent)

I authorise New Zealand Police to disclose any personal information it considers relevant to my application to the Medical Officer of Health and/or the Licensing Inspector for the purpose of assessing my suitability.

Name: Carmen Louise Gray

Date: 27/6/2024

Signature:



Dated at location: Otaki

Privacy Statement

Information contained in your application and any supporting information will be held by Kapiti Coast District Council to enable your application to be processed under the Sale and Supply of Alcohol Act 2012. This information will be made available to the public on request. The information will be provided to the Kapiti Coast District Licensing Committee, the NZ Police, the Medical Officer of Health and Council's Licensing Inspectors. This information may form part of a public hearing of your application before the Kapiti Coast District Licensing Committee and may be used in the Committee's decision for your application. Decisions will be made publically available.

Council is required to keep a statutory register of all applications and the District Licensing Committee's decisions on them. Council is required to report statistics about applications to the Alcohol Regulatory and Licensing Authority. Any member of the public may request access to this information under the Local Government Official Information and Meetings Act 1987. This information may also be used under the Privacy Act 1993. You have the right to see and correct personal information that Council holds about you.

Method of payment (must be made at time of application)

I have paid at a Kāpiti Coast District Council Service Centre when I delivered this application.

I have paid by electronic transfer (Council Bank Account Number: 03-0732-0306101-00) and quoted my name and "alcohol" in the reference fields; and

I have included proof of electronic payment with this application. See invoice #179860 regarding this renewal

I have enclosed a cheque with this form.

How I would like to receive my alcohol licence (please select one only)

I will collect my alcohol licence – please contact me when it is ready by Phone or Email

OR

Please post my alcohol licence to me.

Next Step: Once your application is complete, if you would like to make an appointment for an optional pre-lodgement meeting with the Licensing Inspector then please Telephone (04) 296 4700 or Toll Free: 0800 486 486.

- 1 This form must be accompanied by the prescribed fee.
- 2 This form must be accompanied by the required attachments (refer Points 19 or 20).
- 3 Within 20 working days after filing your application with the District Licensing Committee (or 10 working days if it is an application for renewal), the application must be publically notified. The public notice template will be provided on receipt of your application by the Alcohol Licensing Team.

For Office Use: Application Fee Risk Categories

Very Low

High

Low

Very High

Medium

Application Fee Payable: \$ _____ Signature of Licensing Inspector _____

Name of Licensing Inspector _____ Date: _____

Guidance for Completing Off-Licence Application/Renewal Form

Background		
<p>The object of the Sale and Supply of Alcohol Act 2012 is that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.</p> <p>It is a legal requirement of the Sale and Supply of Alcohol Act 2012 that you must have a licence before you can sell or supply alcohol.</p>		
Before lodging application		
<p>Once this application is complete then you must ring and make an appointment for a pre-lodgement meeting with the Licensing Inspector. Please Telephone (04) 296 4700 or Toll Free: 0800 486 486. The application forms cannot be accepted by the DLC over the counter until they have been signed off as complete by the Inspector and a fee category has been calculated.</p> <p>You should also apply for certificate of compliance with the Resource Management Act and the Building Act from the Kapiti Coast District Council.</p>		
Completing your application		Who should complete which fields
1	Type of Application	All applicants to complete.
2	Endorsements	Only complete if you are <u>only</u> seeking a licence for use as an Auctioneer, or for remote sales (the 'sale for delivery', or 'sales from a distance').
3	Details of Applicant	All applicants to complete. If a company takes profits must apply in company name.
4	Applicant Status	All applicants to complete.
5	For Applicant that is Natural Person(s)	Only complete if applicant is a natural person. A natural person is an individual.
6	For Applicant that is Body Corporate	Only complete if applicant is a body corporate.
7	For Applicant that is <u>not</u> a Natural Person(s)	Only complete if applicant is a body corporate, partnership, private company or public company.
8	Postal Address for Service	All applicants to complete.
9	Business Details	What is your principal business? For example supermarket/ bottlestore/grocery store.
10	Criminal Convictions	All applicants to complete.
11	For a Company full legal names of directors	Only complete if applicant is a public or private company.
12	For a Private Company	Only complete if applicant is a private company incorporated under the Companies Act 1983.
13	For a Partnership	Only complete if applicant is a partnership.
14	Details of Premises	All applicants to complete.
15	Details of Duty Manager(s)/Proposed Managers	All applicants to complete. If more than two, please attach separately.
16	Business Details	All applicants to complete.

17	Conditions	All applicants to complete.
18	Attachments	All applicants to complete.
19	Further Details where Applicant is a Company	Only complete if private or public company.
20	Further Details where Applicant is a Partnership	Only complete if a partnership.
21	Signature of Applicant	All applicants to complete.

After your Application is Lodged

Public Notices

You are responsible for giving notice in the Kapiti Observer or Kapiti News within 20 working days of the Council formally accepting your application (or 10 working days if it is an application for renewal) and the Council will sent you a template to complete this, along with further information. Unless notified otherwise by a Licensing Inspector, the notice must be published twice and there must not be less than five days and not more than 10 days between the two dates of publication. The notices must be worded according to Form 7 (and in compliance with regulations 36, 37 and 38 of the Sale and Supply of Alcohol Regulations 2013). A Form 7 notice must also be displayed in a conspicuous place on the premises or conveyance to which this application relates for 10 days from the first newspaper notification.

Fire Evacuation Statement

This statement must be accompanied with all new or renewal applications for on-licence (including BYO licences), off-licence, special and club licences in accordance with section 100 and 127 of the Sale and Supply of Alcohol Act 2012.

1. Applicant details

Premises name:

Applicants name:
(Individual or Company)

Elemental Cider

Premises address:

129 Taylors Rd
RD3
Otaki, 5583

Contact phone:

Home:

Mobile: 0272487786

Contact email:

Elementalcider@gmail.com

2. Fire evacuation scheme

Most commonly a building requires an evacuation scheme because it is used for the following purposes:

- The gathering together, for **any purpose of 100 or more persons**:
- Providing **employment facilities for 10 or more persons**:
- Providing **accommodation for more than 5 persons** (other than in 3 or fewer household units):
- **Storing or processing hazardous substances in quantities exceeding the minimum amounts** prescribed in Schedule 3 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018.

See Fire and Emergency New Zealand Act 2017 section 75 and 76 for further information.

*If you are unsure that the building has or requires an approved evacuation scheme, check with the **building owner**. For the requirements of an evacuation scheme or to apply for an evacuation scheme, refer to Fire and Emergency New Zealand web site. **www.fireandemergency.nz** or Contact Fire and Emergency New Zealand, wellingtondistrict-rteams@fireandemergency.nz.*

Statement

I hereby state that (tick one):

the **owner** of the building in which the premises are situated provides and maintains an evacuation scheme as required by section 76 of the Fire and Emergency New Zealand Act 2017;

OR

because of the building's current use, its owner is not required to provide and maintain such a scheme;

OR

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

NOTE:

If an approved evacuation scheme is not required, the building must have evacuation procedures that meet Part 1 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 – this does not require approval by Fire and Emergency New Zealand.

Name:

Carmen Gray

Signature:



Date:

27/6/2024

Submitting applications

Email completed forms to: licence.application@kapiticoast.govt.nz

Post to:

Alcohol Licensing Team
Kāpiti Coast District Council
Private Bag 60601
Paraparaumu 5254

or deliver to:

Kāpiti Coast District Council
175 Rimu Road
Paraparaumu