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Decision No. 2019/06/CL

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Fairfield Bowling Club Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 84 Main Road, Fairfield, known as "Fairfield Bowling Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Fairfield Bowling Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 84 Main Road, Fairfield, and known as the "Fairfield Bowling Club".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the Act and is satisfied that the premises is being operated properly.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 4 April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 3rd day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Harbour Rugby
Football Club Incorporated pursuant to
s.127 of the Act for renewal of a club
licence in respect of premises situated
at 28A Albertson Avenue, Port
Chalmers, known as "Harbour Rugby"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Harbour Rugby Football Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 28A Albertson Avenue, Port Chalmers, and known as "Harbour Rugby".

The applicant has requested the addition of a condition which allows them to sell and supply alcohol to guests of people with reciprocal visiting rights with the club as allowed by section 60(1)(b) of the Act. All other conditions will remain unchanged.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the Act and is satisfied that the premises is being operated properly.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 11 March 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 3rd day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/08/CL

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by University of Otago
Rugby Incorporated pursuant to s.127
of the Act for renewal of a club licence
in respect of premises situated at 2A -
20 Logan Park Drive, Dunedin, known
as "University of Otago Rugby Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by University of Otago Rugby Incorporated for the renewal of an alcohol club licence in respect of the premises situated at 2A - 20 Logan Park Drive, Dunedin, and known as the "University of Otago Rugby Club".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has advised there were management issues at an event covered by a special licence earlier in 2019. While the issues resulting from the event have been addressed it has highlighted the need for closer scrutiny by the regulatory agencies when there are high-risk events taking place at this, and other, venues.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 23 March 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 15th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Samgan Limited
pursuant to s.127 of the Act for renewal
of an off-licence in respect of premises
situated at 233 Leith Street Dunedin,
known as "Leith Liquorland"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Samgan Limited for the renewal of an alcohol off-licence in respect of premises situated at 233 Leith Street, Dunedin, and known as "Leith Liquorland".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 4th April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 2nd day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/15/OFF

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Lone Hill Vineyard Limited pursuant to s.127 of the Act for renewal of an off-licence, endorsed pursuant to s.40 of the Act, in respect of premises situated at 21 Greenacres Street, Macandrew Bay, known as "Lone Hill Vineyard Ltd"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Lone Hill Vineyard Limited for the renewal of an alcohol off-licence, endorsed pursuant to section 40 of the Act as a remote seller, in respect of their premises situated at 21 Greenacres Street, Macandrew Bay, and known as the "Lone Hill Vineyard Ltd".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the Act and is satisfied that the business is being operated properly.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 24 April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry, and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 3rd day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Sefton Holdings Limited pursuant to s.127 of the Act for renewal of an off-licence in respect of premises situated at 14 George Street Port Chalmers, known as "Mackies Hotel"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Sefton Holdings Limited for the renewal of an alcohol off-licence in respect of premises situated at 14 George, Street Port Chalmers, and known as the "Mackies Hotel".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 13th April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 10th day of May 2019

Angie Symon

For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Noisy Brewing Company Limited for an off-licence pursuant to s.99 of the Act in respect of premises situated at 23 McNab Street, Dunedin, and known as "Noisy Brewing Company"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Noisy Brewing Company Limited for an off-licence in respect of new premises situated at 23 McNab Street, Dunedin, and known as the "Noisy Brewing Company".

The application is in respect of premises in which the principal business is the manufacture of alcohol.

The premises has not been previously licensed but the application is accompanied by certificates stating the activity meets the requirements of the Resource Management Act 1991 and District Plan and also complies with the Building Act 2004 and Building Code.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The premises is a new micro-brewery established in an industrial area. It is anticipated the retail part of the business will only be open Thursday to Saturday afternoons. As the business develops they will sell their product through a website.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant an off-licence authorising the sale and supply of alcohol for consumption on the premises, to any person who is present on the premises.

The applicant's attention is drawn to ss.56 and 57(a) of the Act obliging the holder of an off-licence to display:-

1. A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol; AND,
2. A copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance; AND,
3. A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.

The licence will be subject to the following conditions:

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day

(b) Alcohol may be sold only on the following days and during the following hours:

Monday to Friday 10.00 am to 7.00 pm

Saturday 10.00 am to 5.00 pm

- (c) The whole of the premises is designated a supervised area.
- (d) While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
- (e) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

A copy of this licence must be displayed at the principal entrance(s) to the premises as outlined in the plan received by the Dunedin District Licensing Committee on 9 April 2019. The entrance from McNab Street is designated as the principal entrance.

DATED at Dunedin this 27th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by McCarthy Enterprises Limited pursuant to s.127 of the Act for renewal of an off-licence in respect of premises situated at 500 Andersons Bay Road Dunedin, known as "Super Liquor Andersons Bay"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by McCarthy Enterprises Limited for the renewal of an alcohol off-licence in respect of premises situated at 500 Andersons Bay Road, Dunedin, and known as "Super Liquor Andersons Bay".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 16th April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 2nd day of May 2019

Angie Symon

For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Ozone Holdings Limited for an off-licence pursuant to s.99 of the Act in respect of premises situated at 186 Main Road, Waikouaiti, and known as "Waikouaiti Foodcentre"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Ozone Holdings Limited for an off-licence in respect of **new** premises situated at 186 Main Road, Waikouaiti, and known as the "Waikouaiti Foodcentre".

The premises is a grocery store in terms of s.32(1)(f) of the Act.

This is a new premises therefore there is no temporary authority.

The application was duly advertised and one objection was received. The objector stated there was no need for another off-licence and that it would increase the risk of robbery. The objector did not wish to be heard at a hearing. The reporting agencies did not raise any matters therefore we deal with the matter on the papers.

The premises is in the main street of Waikouaiti and meets the criteria for a grocery store. The location of the single alcohol area meets the requirements of the Act.

The objector was not available to explain their concerns and there was no supporting information from the reporting agencies. We are therefore satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant an off-licence authorising the sale and supply of alcohol for consumption on the premises, to any person who is present on the premises.

The applicant's attention is drawn to ss.56 and 57(a) of the Act obliging the holder of an off-licence to display:-

1. A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol; AND,
2. A copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance; AND,
3. A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.

The licence will be subject to the following conditions:

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day

(b) Alcohol may be sold only on the following days and during the following hours:

Monday to Saturday 7.00 am to 7.00 pm

Sunday 7.00 am to 6.00 pm

(c) No alcohol may be sold other than—

- i) beer that complies with the appropriate New Zealand food standard for beer; or
- ii) mead that complies with the appropriate New Zealand food standard for mead; or
- iii) fruit or vegetable wine that complies with the appropriate New Zealand food standard for fruit or vegetable wine; or
- iv) grape wine that complies with the appropriate New Zealand food standard for grape wine; or
- v) a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.

(d) While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being provided

(e) Only the area delineated on the attached plan is a permitted area for the display and promotion of alcohol.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

A copy of this licence must be displayed at the principal entrance(s) to the premises as outlined in the plan received by the Dunedin District Licensing Committee on 13 February 2019. The entrance from the Main Road designated as the principal entrance.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen
For the Secretary

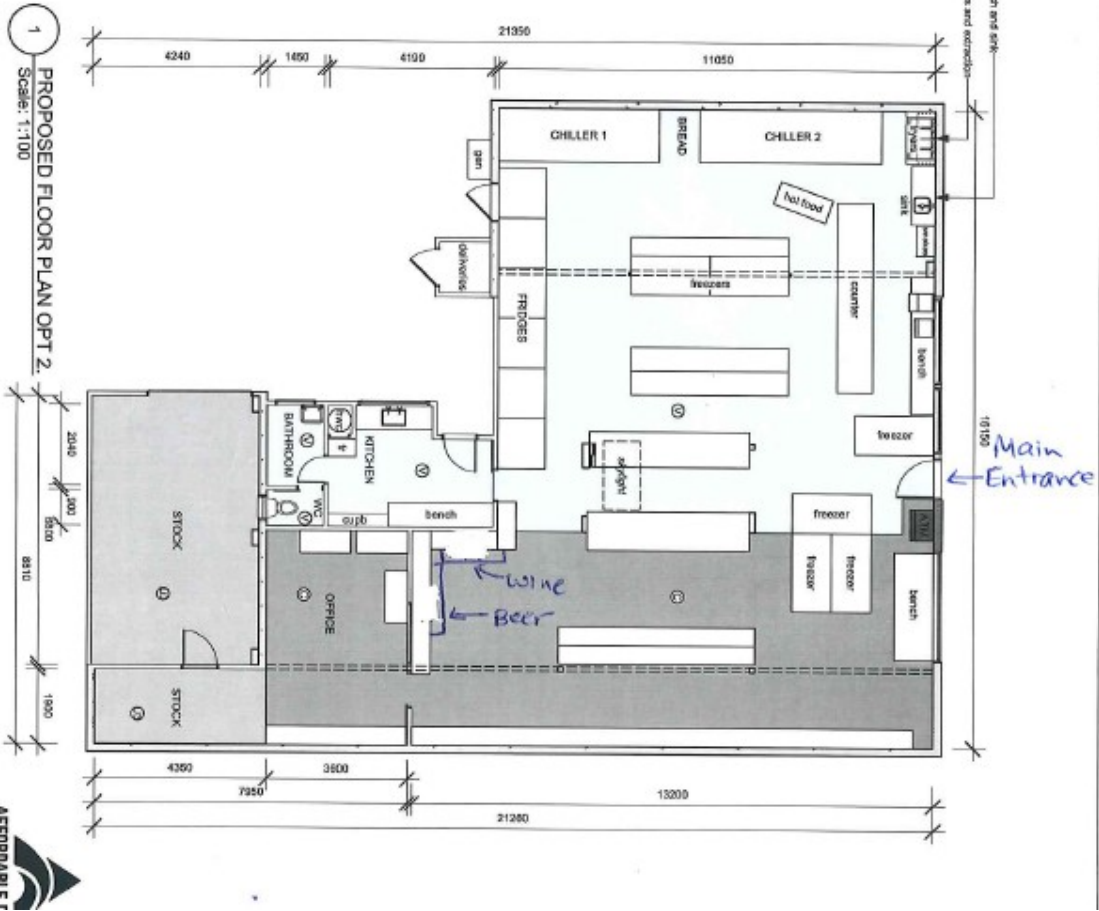
DUNEDIN DISTRICT LICENSING COMMITTEE

WAIKOUAITI FOODCENTRE

Dunedin District Licensing Committee

Plans Dated: 13 February 2019

DLC Reg. No. 06910FF137/2019



IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by St Kilda Tavern (2002) Limited pursuant to s.127 of the Act for renewal of an off-licence in respect of premises situated at 2 Prince Albert Road Dunedin, known as "St Kilda Tavern"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by St Kilda Tavern (2002) Limited for the renewal of an alcohol off-licence in respect of premises situated at 2 Prince Albert Road, Dunedin, and known as the "St Kilda Tavern".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 14 April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 15 day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of a request by Baaa Sports Bars Limited for a rehearing of a determination on local alcohol policy trading hours pursuant to s.201(4) of the Act in respect of premises situated at 746 Great King Street, Dunedin, and known as "Baaa Sports Bar and Grill"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Mr C Lind

HEARING at Dunedin on 7 March 2019

Appearances: Mr A Frankpitt – for the Applicant
Mr H Clucas – for the Applicant

Mr T Mole – Licensing Inspector
Ms T Paterson – for Medical Officer of Health
Sgt I Paulin – Police Alcohol Harm Prevention Officer

Mr K Mechen –Secretary to DLC/Alcohol Advisor
Mrs L Adamson – Governance Support Officer

INTRODUCTION

- [1] Dunedin's Local Alcohol Policy (LAP) was adopted by the Alcohol Regulatory and Licensing Authority on 23 October 2018 and the Dunedin City Council decided the policy would take effect in its entirety on 1 February 2019.
- [2] In the lead up to when the LAP took effect, the premises identified as having one or more characteristics one would expect to see in residential areas were referred to the District Licensing Committee (DLC) for their assessment.
- [3] The DLC determined that 19 premises in the Dunedin area could, on face value, be deemed to be 'in or adjacent to' a residential area. The Licensees of those premises were given an opportunity to seek a rehearing of the Committee's decision because they, the licensees, were not present to argue their points of view or provide additional, relevant information.
- [4] The element of the LAP referring to the maximum trading hours for premises 'in or adjacent to metropolitan residential areas' is unchanged from the Dunedin Sale of Liquor Policy adopted in July 2006. The only difference is the inclusion of the reference to 'metropolitan' areas and the interpretation of the element.
- [5] Before deliberating on this matter, the Committee took legal advice and discussed the issues confronting us.

HEARING

- [6] In this matter the Committee must consider the area in which the "Baaa Sports Bar and Grill" is situated and whether it should still be deemed to be in or adjacent to a residential area.
- [7] Mr Frankpitt stated that he did not believe the area in which the premises was situated had the characteristics of a residential area. The premises is on State Highway 1 (SH1) and has thousands of cars go past on a daily basis. The premises either side of it are commercial as are those on the other side of the street. The only place that can be used to live in is diagonally across the intersection and Mr Frankpitt was not sure it was occupied.
- [8] He said that when he is standing outside the premises he does not get the impression of it being in a residential area. The proposed 2GP District Plan has its location in a 'neighbourhood convenience centre'.
- [9] Mr Clucas further described the premises location. Outside there is time restricted parking at the kerb which is not generally found in a residential area. They also have a TAB as part of the business.
- [10] The usual hours of trade are Monday to Saturday 10.00 am to 1.00 am the following day and on Sundays, 10.00 am to 10.00 pm, although the doors are usually opened at about 11.00 am each day.
- [11] When asked by the Committee, Mr Clucas said there is a core of locals that come in to the premises at about 4.00 pm and leave between 7.00 and 8.00 pm. The students come in at about 9.00 pm and leave when the premises close. He said they do target the student market, although about 60% of their custom is from that sector.
- [12] They often have a person playing an acoustic guitar for entertainment with the volume being controlled from behind the bar. Thursday nights is a karaoke night and there is a live sports focus in the premises generally.
- [13] Mr Clucas said they have had two noise complaints. One was on a Monday night in 2016 and the second on a Tuesday in 2009 when the staff cleaning left the windows open on a hot night. The windows are now closed all the time and the doors most of the time. He said he was unaware of any other complaints.
- [14] Mr Frankpitt said when they have live entertainment the traffic noise can still be heard outside. In response to a question from the Committee Mr Frankpitt said the noise from events at the Forsyth Barr Stadium cannot be heard at their premises.
- [15] The Committee asked the agencies for their comments. Sgt Paulin accepted that if, no matter which way one faced, the location did not give the impression of being residential. He said that if the drinkers can be in a safe environment it would be ideal.
- [16] Sgt Paulin said they have not had any issues coming out of this premises. If there were more bars like thins one in the area for young people they, the Police, would be happy.

DECISION

- [17] The Committee must focus itself on determining whether this premises is in or adjacent to a residential area.
- [18] The LAP does not define 'in or adjacent' with regards to existing premises. It does, however, state that a new hotel, tavern or bottle store will not generally be established within 100m of the nearest boundary of a 'sensitive facility'. A 'sensitive facility' is defined in the policy as being *"any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age and any health facility."* There is no mention of residential activity.

- [19] The LAP does not make use of the District Plan when considering 'areas' however the Committee will consider it as part of their overall assessment of the premises.
- [20] In the current District Plan, the Baaa Sports Bar and Grill is situated in a 'Residential 3' zone. However, the proposed 2GP has the location in a 'Neighbourhood Convenience Centre' which is more in keeping with the visual appearance of the area. Other than a residence on the opposite side of SH1, the predominant use of the area is food and alcohol outlets.
- [21] When the Committee considers a residential area, we believe one of the main characteristics is that domestic housing would be the predominant activity.
- [22] We have looked at the area I which the Baaa Sports Bar and Grill is situated and find that it is not sitting in a predominantly residential area. It is on SH1, which is the main route north out of Dunedin. There are three fast food outlets in the immediate area, including one that operates 24 hours per day. There is a bottle store across the road and an automotive workshop immediately next door.
- [23] The Committee is satisfied that the Baaa Sports Bar and Grill is not in or adjacent to a residential area for the purposes of the Dunedin Local Alcohol Policy and therefore the licence hours will revert to the pre-LAP hours.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of a request by Cableways Bar Bistro and Liquor land Limited Limited for a rehearing of a determination on local alcohol policy trading hours pursuant to s.201(4) of the Act in respect of premises situated at 2 Mellor Street, Dunedin, and known as "Cableways Tavern"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Mr C Lind

HEARING at Dunedin on 8 March 2019

Appearances: Mr M Galland

Mr T Mole – Licensing Inspector
Ms T Paterson – for Medical Officer of Health
Sgt I Paulin – Police Alcohol Harm Prevention Officer

Mr K Mechen –Secretary to DLC/Alcohol Advisor
Mrs L Adamson – Governance Support Officer

INTRODUCTION

- [1] Dunedin's Local Alcohol Policy (LAP) was adopted by the Alcohol Regulatory and Licensing Authority on 23 October 2018 and the Dunedin City Council decided the policy would take effect in its entirety on 1 February 2019.
- [2] In the lead up to when the LAP took effect, the premises identified as having one or more characteristics one would expect to see in residential areas were referred to the District Licensing Committee (DLC) for their assessment.
- [3] The DLC determined that 19 premises in the Dunedin area could, on face value, be deemed to be 'in or adjacent to' a residential area. The Licensees of those premises were given an opportunity to seek a rehearing of the Committee's decision because they, the licensees, were not present to argue their points of view or provide additional, relevant information.
- [4] The element of the LAP referring to the maximum trading hours for premises 'in or adjacent to metropolitan residential areas' is unchanged from the Dunedin Sale of Liquor Policy adopted in July 2006. The only difference is the inclusion of the reference to 'metropolitan' areas and the interpretation of the element.
- [5] Before deliberating on this matter, the Committee took legal advice and discussed the issues confronting us.

HEARING

- [6] Mr Galland has been the licensee of the Cableways Tavern since 1997. When the premises was first built, at about the same time as the Normanby and Concord Taverns, it was considered a 'community pub'.
- [7] He said they do not believe the premises is 'in or adjacent to' a residential area. Mr Galland said that while there was no legal definition of 'residential', the premises was not surrounded by 'residential properties'.
- [8] Mr Galland said he spoke to Council's Planning Department in June 2018 and was told that under the current District Plan the premises was designated as being in a 'residential' area but under the proposed new Plan, the premises will be situated in a commercial and mixed-use neighbourhood convenience centre. He said he was a bit confused: whereas one Council Department has the premises in a zone called a 'Neighbourhood Convenience Centre', the licensing staff has the premises in a residential area. Mr Galland believes the planners have the zone right.
- [9] He said in the time they have operated the premises they have adapted their operation to fit in with how the community is living. In 2019 customers are dining later and some want to stay after they have finished their meals. Some of the events at the premises, for example community darts, poker and quiz events, sometimes go later than 11.00 pm on the nights they are on.
- [10] The Cableways Tavern has operated the same for the 22 years Mr Galland has been involved. He said they now open an hour later and stay open a bit longer which is to cater for their patrons. Thursday nights still attract the traditional tradespeople who also tend to stay a bit later.
- [11] Mr Galland said they do not usually have live entertainment at the premises.
- [12] Cableways have never had any concerns raised by the reporting agencies nor have there been complaints about how the premises has been operating, including closing times, from its neighbours.
- [13] If the proposed trading hours were to be reduced there will be problems removing patrons from the premises and there would be no control over where they went then. Some would go home while others will find somewhere else to go and continue drinking.
- [14] The premises is situated at the intersection of Kaikorai Valley Road and Mellor Street. While Kaikorai Valley Road is one of the main arterial routes into the city, Mellor Street is also a very busy road. It is also very close to Taieri Road, another main route into the city. The area is subjected to a lot of traffic noise at all times of the day.
- [15] On the other side of Kaikorai Valley Road there are several food outlets and immediately beside the premises is a KFC outlet. Further down Kaikorai valley Road, across Mellor Street, there is a 10-Pin bowling complex and the Otago Squash Club, both of which have alcohol licences.
- [16] The next to the tavern is a video outlet and another retail outlet with a large carpark in the front separating the premises from some Council owned flats. There is a gate in the fence to allow the occupiers of the flats access to the tavern and other businesses.
- [17] Across Mellor street there are more Council owned flats which are, for the most part, below the level of the road. Across Kaikorai Valley Road there are some dwellings but the tavern is situated below the level of the road.
- [18] The Committee asked Mr Galland what the usual closing time of the premises was. He said on Friday and Saturday nights most patrons are gone by about 12.30 am with the staff gone between 1 – 1.30 am. The premises does not have a courtesy coach but staff are in a position to take people home if required.

- [19] In response to another question, Mr Galland said food was becoming a more major part of the business with it now being about 50% of their business. Thursday nights is the main 'drinking' night with the tradespeople but the other nights it is a good mix with food. People are often staying later to enjoy a drink after their meals.
- [20] The Licensing Inspector asked if it was necessary to have midnight as a closing time earlier in the week. Mr Galland said it would be a backwards step. Midnight was practical and allowed staff to better manage their patrons.
- [21] The Inspector confirmed for the Committee that this premises does not cause any problems.

DECISION

- [22] The Committee must determine whether it considers Cableways Tavern to be 'in or adjacent to' a residential area.
- [23] The LAP does not define 'in or adjacent' with regards to existing premises. It does, however, state that a new hotel, tavern or bottle store will not generally be established within 100m of the nearest boundary of a 'sensitive facility'. A 'sensitive facility' is defined in the policy as being *"any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age and any health facility."* There is no mention of residential activity.
- [24] While the District Plan was used in the development of the LAP it is not mentioned in the document. However, it offers the Committee some guidance in this matter. In the current, operative District Plan the wider area is zoned as 'Residential 1'. However, in the proposed 2GP, the premises is in a 'Neighbourhood Convenience Centre' which is to provide for the needs of the neighbourhood as well as those of passing motorists.
- [25] Cableways Tavern is on a small area bounded by three regional roads. They carry large numbers of vehicles through the day and night and with that there is a lot of traffic noise. There are some Council units across a fence but the main activity in the area are food outlets, including a fish and chips shop, and KFC and Domino's Pizza outlets.
- [26] There have been no complaints relating to the premises and the regulatory agencies do not have issue. The tavern is part of the local community.
- [27] When the Committee considers a residential area, we believe one of the main characteristics is that domestic housing would be the predominant activity.
- [28] The Committee is satisfied the predominant activity in the area in which Cableways Tavern is situated is not domestic housing therefore, for the purposes of the Dunedin Local Alcohol Policy, this premises is not 'in or adjacent to' a residential area and therefore the licence hours will revert to the pre-LAP hours.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/75/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Staged Left Limited for an on-licence pursuant to s.99 of the Act in respect of premises situated at 12 Manse Street, Dunedin, and known as "Dunedin Musicians Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Staged Left Limited for an on-licence in respect of premises situated at 12 Manse Street, Dunedin, and known as the "Dunedin Musicians Club". The general nature of the business to be undertaken is that of promoting music, and in particular, local music as well as providing a venue for music enthusiasts.

The premises has been operating as a club for the last 45 years however, because of the introduction of the Dunedin Local Alcohol Policy (LAP), their hours of operation have been severely cut back to 11pm Sunday to Thursday and midnight on Friday and Saturdays. Most bands and their supporters prefer to be out until 2am which was their club closing time.

To overcome the constraints of the LAP the members have decided to form a company and apply for this alcohol licence. While the premises will remain being run as it has while using a club licence, this will provide greater flexibility and they will no longer require special licences for public gigs.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant an on-licence authorising the sale and supply of alcohol for consumption on the premises, to any person who is present on the premises.

The applicant's attention is drawn to ss.56 and 57(a) of the Act obliging the holder of an on-licence to display:-

1. A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol; AND,
2. A copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance; AND,
3. A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.

The licence will be subject to the following conditions:

- (a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day to any person who is not present on the premises to dine.
- (b) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 2.00 pm to 2.00 am the following day: EXCEPT THAT on the Thursday before Good Friday, and on Easter Saturday, and on Christmas Eve and on the day before Anzac Day, alcohol may only be sold between 2.00 pm and 12.00 midnight.
- (c) The following steps must be taken to promote the responsible consumption of alcohol:
 - (i) A range of food choices must be readily available at all times that the premises is open. Menus must be visible, and food should be actively promoted. A minimum of three types of food should be available. The range or style of food will be shown on any menu submitted. Alternatively, the range of food should include such items as paninis, pizzas, lasagne, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.
 - (ii) A range of low alcohol and non-alcoholic drinks must be readily available at all time the premises is open.
 - (iii) Water must be freely available at all times that the premises is open.
- (d) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- (e) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

A copy of this licence must be displayed at the principal entrance(s) to the premises as outlined in the plan received by the Dunedin District Licensing Committee on 27 March 2019. The entrance from Manse Street is designated as the principal entrance.

DATED at Dunedin this 13th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of a request by Keltoi Enterprises Limited Limited for a rehearing of a determination on local alcohol policy trading hours pursuant to s.201(4) of the Act in respect of premises situated at 118 Albany Street, Dunedin, and known as "Eureka Café & Bar"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Mr C Lind

HEARING at Dunedin on 8 March 2019

Appearances: Mrs S Smith – for the Applicant

Mr T Mole – Licensing Inspector
Ms T Paterson – for Medical Officer of Health
Sgt I Paulin – Police Alcohol Harm Prevention Officer

Mr K Mechen –Secretary to DLC/Alcohol Advisor
Mrs L Adamson – Governance Support Officer

INTRODUCTION

- [1] Dunedin's Local Alcohol Policy (LAP) was adopted by the Alcohol Regulatory and Licensing Authority on 23 October 2018 and the Dunedin City Council decided the policy would take effect in its entirety on 1 February 2019.
- [2] In the lead up to when the LAP took effect, the premises identified as having one or more characteristics one would expect to see in residential areas were referred to the District Licensing Committee (DLC) for their assessment.
- [3] The DLC determined that 19 premises in the Dunedin area could, on face value, be deemed to be 'in or adjacent to' a residential area. The Licensees of those premises were given an opportunity to seek a rehearing of the Committee's decision because they, the licensees, were not present to argue their points of view or provide additional, relevant information.
- [4] The element of the LAP referring to the maximum trading hours for premises 'in or adjacent to metropolitan residential areas' is unchanged from the Dunedin Sale of Liquor Policy adopted in July 2006. The only difference is the inclusion of the reference to 'metropolitan' areas and the interpretation of the element.
- [5] Before deliberating on this matter, the Committee took legal advice and discussed the issues confronting us.

HEARING

- [6] Mrs Smith is one of the owners of the Eureka Café & Bar. She and her husband have owned the premises for over 20 years. In that time there have been no issues with intoxication or noise and they have not had any contact with the police regarding the premises.
- [7] She said she and her husband were 'put out' by the decision. There are some residences in the area but there are also a lot of businesses.
- [8] Mrs Smith said that the Hyde Street area is unique. People live in the street, but it is different, unlike streets elsewhere. There are no families, no children, schools or anything else that would support a 'normal' street. Most of the people living there are only stay for one year before moving elsewhere.
- [9] The social behaviour of the people living in the area extends past the closing time of the premises. Mrs Smith said they have a very good relationship with the people in the area with them providing the premises staff with their contact details in case their socialising in the flats becomes a problem for Eureka.
- [10] Mrs Smith said the residents in the street can do what they like when they like but they are tied to the rules set out in the legislation. When the students hold their Hyde Street Party Mrs Smith said they have to close to avoid the problems in the street and this causes them a financial loss.
- [11] There is CCTV in the area. It was put in for the protection of the students and to keep a watch in the street. Mrs Smith said they did not contribute to the harm or disorder in the street.
- [12] They do not target the student market although students and staff from the university do use the place, along with a lot of people from other areas of the city. They do not offer discounted drinks and they are not a late-night venue. They specialise in the high-priced craft beers rather than Speight's.
- [13] Mrs Smith described the view from the front of her premises. They are surrounded by university properties and car parks. Either side of the premises in Albany street there are food outlets, a grocer, bottle store and the Otago University Students' Association complex.
- [14] When asked by the Committee what their usual trading hours were, Mrs Smith said they were generally closed between 10 – 11.00 pm Monday to Thursday and by midnight on Friday and Saturday. They do not open on Sunday. When there is an event on at the Forsyth Barr Stadium they may stay open after midnight. For example, on the night of the Eagles Concert they stayed open until 1.00 am.
- [15] The premises is not event focussed. They do not have 21st functions even though it is in an area where there may be demand. They would like to retain their current hours so they have the flexibility to operate depending on what is happening in town.
- [16] People can go to Emerson's or the Lone Star until 3.00 am but they are limited. When there is something on they would like the opportunity to make the most of the occasion.
- [17] In response to a question, Mrs Smith said approximately 60% of their trade is from food. Their full menu is available whenever they are open and described the premises as a restaurant with craft beers.

DECISION

- [18] The Committee must determine whether Eureka Café & Bar is 'in or adjacent to' a residential area.

- [19] The premises is situated in a unique location. At the front there is the University of Otago, to the side commercial premises and behind them a student flatting area. The student's living in the area make it unique when compared to other areas of the city. Mrs Smith said the majority are only there for one year before moving to areas which, we assume, are more conducive to their study. This statement was not challenged by the agencies present.
- [20] The LAP does not define 'in or adjacent' with regards to existing premises. It does, however, state that a new hotel, tavern or bottle store will not generally be established within 100m of the nearest boundary of a 'sensitive facility'. A 'sensitive facility' is defined in the policy as being *"any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age and any health facility."* There is no mention of residential activity and the term 'residential' is not defined.
- [21] The operative District Plan has the premises in the 'Residential 3' zone while the proposed 2GP has it in an 'Inner City Residential' zone.
- [22] The Committee has determined that one of the main characteristics of a residential area is that its predominant activity is domestic housing.
- [23] In this matter there is housing in the street beside the premises but overall, we are not satisfied that the predominant activity of the area is domestic housing. We believe the area around the premises is predominantly non-residential activity, being a mixture of commercial business and the University of Otago.
- [24] The people living in the area younger people who are only present for part of a single year. We believe they chose to live in the area because of the social atmosphere.
- [25] We do not consider Eureka Café & Bar to be 'in or adjacent to' a residential area for the purposes of the Dunedin Local Alcohol Policy and therefore the licence hours will revert to the pre-LAP hours.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Asian Garden Hospitality Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 388 George Street Dunedin, known as "Hutong Restaurant"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Asian Garden Hospitality Limited for the renewal of an alcohol on-licence in respect of premises situated at 388 George Street, Dunedin, and known as the "Hutong Restaurant"

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 27th April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 8th day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by McLean and Stevens Sports Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 89 Crawford Street Dunedin, known as "Metro Indoor Sports and Inflatable World"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by McLean and Stevens Sports Limited for the renewal of an alcohol on-licence in respect of premises situated at 89 Crawford Street Dunedin, and known as the "Metro Indoor Sports and Inflatable World"

This is the first renewal for the premises under the new Sale and Supply of Alcohol Act therefore it must be considered against the criteria detailed in s.105 of the Act. The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 7th March 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 8th day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of a request by Mornington Tavern
2010 Limited for a rehearing of a
determination on local alcohol policy
trading hours pursuant to s.201(4)
of the Act in respect of premises
situated at 36 Mailer Street,
Dunedin, and known as "Mornington
Tavern"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Mr C Lind

HEARING at Dunedin on 7 March 2019

Appearances: Mr B Miskimmin

Mr T Mole – Licensing Inspector
Ms T Paterson – for Medical Officer of Health
Sgt I Paulin – Police Alcohol Harm Prevention Officer

Mr K Mechen –Secretary to DLC/Alcohol Advisor
Mrs L Adamson – Governance Support Officer

INTRODUCTION

- [1] Dunedin's Local Alcohol Policy (LAP) was adopted by the Alcohol Regulatory and Licensing Authority on 23 October 2018 and the Dunedin City Council decided the policy would take effect in its entirety on 1 February 2019.
- [2] In the lead up to when the LAP took effect, the premises identified as having one or more characteristics one would expect to see in residential areas were referred to the District Licensing Committee (DLC) for their assessment.
- [3] The DLC determined that 19 premises in the Dunedin area could, on face value, be deemed to be 'in or adjacent to' a residential area. The Licensees of those premises were given an opportunity to seek a rehearing of the Committee's decision because they, the licensees, were not present to argue their points of view or additional, relevant information.
- [4] The element of the LAP referring to the maximum trading hours for premises 'in or adjacent to metropolitan residential areas' is unchanged from the Dunedin Sale of Liquor Policy adopted in July 2006. The only difference is the inclusion of the reference to 'metropolitan' areas and the interpretation of the element.
- [5] Before deliberating on this matter, the Committee took legal advice and discussed the issues confronting us.

HEARING

- [6] In this matter the Committee must consider the area in which the "Mornington Tavern" is situated and whether it should still be deemed to be in or adjacent to a residential area.
- [7] Mr Miskimmin said he has been the licensee of the tavern since 2010 but considers himself to be the guardian rather than the owner. The premises was established in 1974 and has always had a good relationship with its neighbours. In the time he has owned the premises, Mr Miskimmin said there has never been an objection to the premises being there.
- [8] The main bar and restaurant are on the main street level with the function area now on the lower level, below that of the street. The premises has a large carpark opening off Mailer Street which also provides good separation from all the boundaries.
- [9] He said the premises is usually closed by 8.30 pm Monday to Wednesday, although Wednesdays are occasionally later when there is a rugby league game being televised. On Fridays and Saturdays, they stay open later. Being able to stay open until 2.00 am is not so much a commercial decision but is used more as a management tool.
- [10] Mr Miskimmin quoted the LAP where it talks about the alcohol-related harm happening between midnight and 4.00 am. He doesn't like to put patrons out at a time where the younger people are likely to want to go into town. The Police have stated they don't want people who have been drinking arriving in the centre of town late at night.
- [11] He said the Mornington Tavern is one of the last places that stays open later in the suburbs; it is places like this that are safe for people to congregate away from town. They manage the late-night patrons, often taking them home in courtesy vans to as far away as Outram. If they were required to close earlier the younger patrons are more likely to go into town to continue their drinking.
- [12] He detailed several meetings held at his premises in 2015 regarding the LAP including those with the regulatory agencies, representatives of the DLC and the Mayor. He said he and the local Hospitality New Zealand members were told by the Mayor that the provisional LAP reflected the wishes of the community.
- [13] Mr Miskimmin pointed out that the LAP must be reviewed in six years but urged the Committee request the council to carry out a review much sooner.
- [14] He said the council refers to his premises as a 'suburban pub'. Mr Miskimmin said there are five houses in the immediate area of his premises and 38 commercial premises. Of the houses, three are rental properties, one a bed & breakfast business and the fifth has been bought to renovate and sell on. He suggested that those houses should be considered to be commercial because all are being operated for profit.
- [15] When asked, Mr Miskimmin said they would have about 90 functions per year. They have spent a lot of time and money refurbishing the premises including the functions area. When people book a function one of the first things asked is how late they can stay. Weddings have become popular at the premises because the functions area is now a lot more attractive and there is good car parking for guests.
- [16] Mr Miskimmin said they struggle to make any money from the sale of food. They have rebranded their restaurant in an attempt to increase sales in this area.
- [17] They have entertainment upstairs once a month on a Saturday night and they occasionally have a DJ in the functions area when it hasn't been booked. The Mornington Tavern has become a destination for people.
- [18] The Committee asked if there was a smokers' area at the premises. Mr Miskimmin said there is an area at the back of the premises that is protected by a shade sail. There are no outdoors activities at the premises at night.

- [19] The Committee also asked how the premises contributed to the minimisation of alcohol-related harm. Mr Miskimmin said the premises was a 'good local pub' with a safe environment where patrons were looked after. It is clearly accepted that on-licensed premises provide a managed and controlled environment. They did not allow problem patrons in the premises and were happy and willing to remove such people as required by the Act.

DECISION

- [20] The Committee must focus itself on determining whether this premises is in or adjacent to a residential area.
- [21] The LAP does not define 'in or adjacent' with regards to existing premises. It does, however, state that a new hotel, tavern or bottle store will not generally be established within 100m of the nearest boundary of a 'sensitive facility'. A 'sensitive facility' is defined in the policy as being *"any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age and any health facility."* There is no mention of residential activity.
- [22] The LAP does not make use of the District Plan when considering 'areas' however the Committee will consider it as part of their overall assessment of the premises.
- [23] In the current, operative District Plan the Mornington Tavern is in a 'Local Activity Zone 1' and in the proposed 2GP it is in a 'Suburban Centre'. This indicates to the Committee that the location has been and still is a service centre for the area. This premises was established to 'service' the hill suburbs of the Mornington and surrounding areas.
- [24] When the Committee considers a residential area, we believe one of the main characteristics is that domestic housing would be the predominant activity.
- [25] We have looked at the area surrounding the Mornington Tavern and it clear that domestic housing is not the predominant activity. Next to the premises is a BP service station and directly across the road is a shopping centre at the heart of which is a large Countdown supermarket. Mair Street itself is classified a 'District Road' because it is one of the main routes in to and out of the central city.
- [26] While there are three houses next to the tavern's property and three across a road at the rear of the site, there is a minimum 10m separation between the tavern building and the nearest boundary and 35m to the dwellings across the road.
- [27] The applicant advised there have never been objections from neighbours during his time at the premises and is unaware of any prior to him becoming the licensee.
- [28] The Committee is satisfied that the Mornington Tavern is not in or adjacent to a residential area for the purposes of the Dunedin Local Alcohol Policy and therefore its licence hours will revert to the pre-LAP hours.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of a request by Mosgiel Tavern
(2014) Limited for a rehearing of a
determination on local alcohol policy
trading hours pursuant to s.201(4)
of the Act in respect of premises
situated at 150 Factory Road,
Mosgiel, and known as "Mosgiel
Tavern"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Mr C Lind

HEARING at Dunedin on 7 March 2019

Appearances: Ms C Maaka – for the Applicant

Mr T Mole – Licensing Inspector
Ms T Paterson – for Medical Officer of Health
Sgt I Paulin – Police Alcohol Harm Prevention Officer

Mr K Mechen –Secretary to DLC/Alcohol Advisor
Mrs L Adamson – Governance Support Officer

INTRODUCTION

- [1] Dunedin's Local Alcohol Policy (LAP) was adopted by the Alcohol Regulatory and Licensing Authority (ARLA) on 23 October 2018 and the Dunedin City Council decided the policy would take effect in its entirety on 1 February 2019.
- [2] In the lead up to when the LAP took effect, the premises identified as having one or more characteristics one would expect to see in residential areas were referred to the District Licensing Committee (DLC) for their assessment.
- [3] The DLC determined that 19 premises in the Dunedin area could, on face value, be deemed to be 'in or adjacent to' a residential area. The Licensees of those premises were given an opportunity to seek a rehearing of the Committee's decision because they, the licensees, were not present to argue their points of view or provide additional, relevant information.
- [4] The element of the LAP referring to the maximum trading hours for premises 'in or adjacent to metropolitan residential areas' is unchanged from the Dunedin Sale of Liquor Policy adopted in July 2006. The only difference is the inclusion of the reference to 'metropolitan' areas and the interpretation of the element.
- [5] Before deliberating on this matter, the Committee took legal advice and discussed the issues confronting us. One of the matters raised was that of the ability of the applicant to appeal the decision of the Committee. It was confirmed that there is an ability for the decision

made at the conclusion of this hearing to be appealed to ARLA by the applicant if there is dissatisfaction with the decision.

HEARING

- [6] Ms Maaka is one of two directors and shareholders of the applicant company. They have had the premises since 2014.
- [7] The Mosgiel Tavern was established in 1974. At that time Ms Maaka said the premises was known as 'the pub in the paddock' because it was surrounded by farmland. At that time there was a dwelling next door which was owned and occupied by the manager of the premises. When they took over the premises in 2014 it was still surrounded by paddocks.
- [8] In the past four years there has been rapid expansion in the area because the owner of the neighbouring land has subdivided it for residential activity. The licensee has a good relationship with the neighbours and they have offered to write letters of support for the applicant.
- [9] The premises has become a part of the local community. During the day elderly people use it as a meeting place to have a drink, lunch, etc and catch up with friends. The food component of the business is very strong with people in the area being the main customers. The premises is a community hub for the area.
- [10] When the draft LAP was made available for consultation in September 2014 Ms Maaka made a submission because she saw issues with how 'in or adjacent to' residential areas would be interpreted.
- [11] When the provisional LAP (PLAP) was publicly notified Ms Maaka said she arranged two meetings to be held so licensees could discuss the implications of the policy in their businesses. In attendance were affected licensees and DLC members and staff. They were given assurances that each matter would be dealt with on its merits. On the basis of the assurances Hospitality New Zealand withdrew their appeal against the PLAP.
- [12] Ms Maaka said in the time they have had the premises there have been no noise complaints and the 'authorities' have not needed to speak to them about any issues. In 2018 the applicant applied for an increase in trading hours for Sunday which was successful after a DLC hearing. No issues were raised during that hearing with the agencies supporting the variation.
- [13] She said she has been trying to seek a definition of 'residential' and 'metropolitan' as mentioned in the LAP, but no one has provided definitions to her. She said that without definitions it is difficult to understand why her premises has been deemed to be in or adjacent to a residential area while other premises, such as "Hotel Motel Taieri", have not been similarly classified.
- [14] Ms Maaka also referred to the Fair Trading Act. She said it refers to agencies not being able to give an unfair business advantage to one business over another. She believes the Dunedin City Council has done this with its introduction of the LAP.
- [15] The Committee asked if she felt her premises was unique. Ms Maaka said it was really no different to premises like the Carey's Bay Hotel which has had the development built around them.
- [16] When asked, Ms Maaka told the Committee there was a Jehovah Witness hall across Factory Road and a childcare centre on the next corner. The premises itself is set on a large section and has, at its shortest distance, an 11m separation between the beer garden area and the nearest boundary of the property. There is fencing and vegetation on all of the boundaries.
- [17] Ms Maaka described the operation. Most of the patrons later at night use the bar entrance at the front of the premises. There is a strong food trade during the evening and through the day elderly people use the premises to meet. Most of the patrons come from the area

around the premises. Bands do not play at the premises. Such an activity is not in keeping with the area. It tends to operate as a community hub. There has been some work done on the inside of the premises with more to do in the bar. A courtesy van operated Wednesday to Sunday inclusive.

- [18] Sgt Paulin asked for a comparison of sizes between the Mosgiel Tavern and the Church hall across the road. Ms Maaka said along the Factory Road side it would be approximately 50% residential and 50% non-residential and the Church opposite being a little bit smaller than the tavern.

DECISION

- [19] The Committee must determine whether the Mosgiel Tavern is 'in or adjacent to' a residential area for the purposes of the LAP.
- [20] The phrase 'in or adjacent to' is not defined in the policy with regards to existing premises. It does, however, state that new hotels, taverns or bottle stores will not generally be established within 100m of the nearest boundary of a 'sensitive facility' (defined as *"any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age and any health facility"*).
- [21] While the LAP does not define 'residential area', we take it to mean an area that is predominantly domestic housing, that is, an area situated in a quieter traffic area and filled with dwellings occupied by families.
- [22] When the Mosgiel Tavern was established in 1974 it was situated in a paddock with one neighbouring dwelling which was occupied by the manager of the premises. The premises is situated on a road which is very busy carrying commuter traffic to and from Dunedin via Three Mile Hill. It is classified as a 'district road' in the 'Road Hierarchy' stated in the District Plan as is the nearby intersecting Hagart-Alexander Drive.
- [23] Across the road from the premises is a large Church with associated carpark and about 75m along the road is an early childhood service. Both of these have recently been established with the knowledge that a tavern was operating nearby.
- [24] Over the past five years there has been rapid development in the Mosgiel area. There has been housing development to the back of their site, but there is a minimum 11m buffer between the premises and the nearest boundary.
- [25] The applicant has also changed the business model to better reflect the neighbourhood they now find themselves in. They no longer provide live entertainment at the premises and are committed to improving the premises by putting in double glazing and retaining the fencing and vegetation on the boundaries.
- [26] From the front of the premises one does not get a sense of being in, or adjacent to, an area where domestic housing is the predominant activity. On one side there is the older dwelling mentioned above between the premises and the busy Hagart-Alexander Drive. On the other side there is a new dwelling between the premises and the intersection of a small street. Across the intersection is the early childhood service. Across Factory Road is the Kingdom Hall of Jehovah's Witnesses.
- [27] There is sufficient other activity in the area, for example the Church and early childhood service as well as one of the main vehicle thoroughfares into and out of Mosgiel, for us to be satisfied the predominant use of the area is not domestic housing. There is housing in the area behind the premises but there is a buffer between the premises structure and boundary which, along with the changed business model, provides an adequate noise and visual barrier. The entrance and exit from the premises' carpark are on Factory Road.
- [28] After considering all information presented to it, the Committee does not consider the Mosgiel Tavern to be 'in or adjacent to' a residential area for the purposes of the Dunedin Local Alcohol Policy. The licence hours for this premises will revert to their pre-LAP hours.

[29] While the premises is in a unique position and acts as a de facto 'community hub', with the support of the people in the area, the applicant must remain aware that if the amenity and good order of the location begins to decline because of activities at the premises, the trading hours may be curtailed.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/41/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Wendy Lorraine Stenning (the "Applicant") pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 2 Saunders Road, North Taieri, known as "North Taieri Tavern"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Wendy Lorraine Stenning (the "Applicant") for the renewal of an alcohol on-licence in respect of the premises situated at 2 Saunders Road, North Taieri, and known as the "North Taieri Tavern".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector reported that the Fire and Emergency New Zealand (FENZ) had advised the Fire Evacuation Scheme (FES) had not been maintained and that the applicant had not responded to emails. Further, the Environmental Health Team Leader advised they had not paid their Food Registration fee.

Contact was eventually made, and they arranged for a trial evacuation to be completed for the FES and a payment plan for the Food Registration arranged.

We are now satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 19 October 2021, that being the anniversary date of the licence and three years from the most recent date of expiry, and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 17 day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No 069/ON/01/2018

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Otago Central Hotel Hyde Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 9079 Hyde-Middlemarch Road, Hyde, known as "Otago Central Hotel Hyde"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Otago Central Hotel Hyde Limited for the renewal of an alcohol on-licence in respect of their premises situated at 9079 Hyde-Middlemarch Road, Hyde, and known as the "Otago Central Hotel Hyde".

This is the first renewal for the premises and is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector advised there were issues with the status of the Fire Evacuation Scheme. This has been resolved and now the matter can be completed.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 22 January 2022, that being three years from the first anniversary of the licence, and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 15th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by The Old Karitane Store Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 130 Stornoway Street Karitane, known as "Salt & Sugar General Store"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by The Old Karitane Store Limited for the renewal of an alcohol on-licence in respect of premises situated at 130 Stornoway Street, Karitane, and known as "Salt & Sugar General Store".

This is the first renewal for the premises under the new Sale and Supply of Alcohol Act therefore it must be considered against the criteria detailed in s.105 of the Act. The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 30th April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry, and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 2nd day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of a request by St Kilda Tavern (2002) Limited Limited for a rehearing of a determination on local alcohol policy trading hours pursuant to s.201(4) of the Act in respect of premises situated at 2 Prince Albert Road, Dunedin, and known as "St Kilda Tavern"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Mr C Lind

HEARING at Dunedin on 18 March 2019

Appearances: Mr I Tolerton – for the Applicant
Mr G Alexander – for the Applicant

Mr T Mole – Licensing Inspector
Ms T Paterson – for Medical Officer of Health

Mr K Mechen –Secretary to DLC/Alcohol Advisor
Ms L McDonald – Governance Support Officer

Apology: Sgt I Paulin – due to operational requirements

INTRODUCTION

- [1] Dunedin's Local Alcohol Policy (LAP) was adopted by the Alcohol Regulatory and Licensing Authority on 23 October 2018 and the Dunedin City Council decided the policy would take effect in its entirety on 1 February 2019.
- [2] In the lead up to when the LAP took effect, the premises identified as having one or more characteristics one would expect to see in residential areas were referred to the District Licensing Committee (DLC) for their assessment.
- [3] The DLC determined that 19 premises in the Dunedin area could, on face value, be deemed to be 'in or adjacent to' a residential area. The Licensees of those premises were given an opportunity to seek a rehearing of the Committee's decision because they, the licensees, were not present to argue their points of view or provide additional, relevant information.
- [4] The element of the LAP referring to the maximum trading hours for premises 'in or adjacent to metropolitan residential areas' is unchanged from the Dunedin Sale of Liquor Policy adopted in July 2006. The only difference is the inclusion of the reference to 'metropolitan' areas and the interpretation of the element.
- [5] Before deliberating on this matter, the Committee took legal advice and discussed the issues confronting us.

HEARING

- [6] Mr Tolerton has been the owner of the St Kilda Tavern since 2002. Mr Alexander has been the manager at the premises for the past 15 years.

- [7] Mr Tolerton said the premises was established in 1875 by Mr Jones who went on to become the first Mayor of the St Kilda Borough Council. It was then considered a 'commercial zone' and all the other business premises were established around the hotel. People purchasing properties at that time were aware there was a hotel at that location and would have been aware of the activities that would be taking place.
- [8] The premises is situated on a corner of a major arterial intersection. The roads feed major traffic flows to and from the central city which leads to major traffic noise.
- [9] He said he believed the spirit of the changes in the LAP were to preserve the 'quiet enjoyment and use of residential properties'. However, there are other noise factors at this location that disturb the residents' quiet enjoyment of the area.
- [10] Mr Tolerton acknowledged that the premises is sitting in a 'Residential 2' zone in the District Plan. He said he had a discussion with the Council's Planning Department and was told that it was zoned residential after the amalgamation of the St Kilda Borough into the Dunedin City Council because it had been anticipated that it would revert to residential use. Nearly 30 years after the amalgamation and the anticipated change of use has not taken place and the commercial activity in the area is still going strong.
- [11] He said that a 'reasonable person' walking or driving along King Edward Street and Prince Albert Road would consider the area near the premises to be continuous retail and small business area.
- [12] Mr Tolerton said there has only been one noise complaint relating to the premises that he is aware of and that only resulted in a warning. There have been no objections to licence renewals which would indicate that the neighbourhood has no issues with the premises nor the trading hours.
- [13] If the premises was to be required to change its trading hours there would be, at time, close to 200 people being put onto the street at around midnight on Friday and Saturday nights. If they want to carry on with their evening they will either move to the nearby on-licence premises that can trade until 3.00 am or go into town. With the current hours, the staff in the premises begin slowing service at about midnight and this leads to people leaving in small, manageable groups.
- [14] Mr Alexander described the premises as a community-based tavern. They host darts and pool competitions and while some may say otherwise, both are considered sports. The premises also televise sport, generally between 9.00 pm and midnight.
- [15] Times have changed. There is no longer a traditional 4 – 5.00 pm end to the working day. People now work later and expect to be able to have a drink in a premises if they wish.
- [16] When asked, Mr Alexander said the ages of patrons range from the early 20s to their 80s. He said about 50% would be older than 50 years and another 30% between 30 and 50 years. The majority of patrons are from the local catchment which takes in St Kilda, St Clair, Caversham and Waverley, but they do get people from further afield when there is something on at the premises like a band or a televised international sporting fixture.
- [17] He said they have a band on most Saturday nights from 8.00 pm to midnight. Security staff carry out regular checks outside to ensure the volume of the band does not get too high. If they need to, they will shut doors to keep noise down and if necessary, ask the band to reduce the volume.
- [18] The Committee asked about access to the premises. Mr Alexander said the two main entrances are from Prince Albert Road and the carpark at the rear of the premises. There is also a door onto Bay View Road but this is only used as an entrance on Saturdays and is available as an exit if required.
- [19] Functions can be held upstairs but generally only for the regular patrons. The functions can start at any time, but they cannot extend beyond midnight. Race meetings at the nearby Forbury Racecourse do not impact on the premises because they are usually finished by 10.30 pm.

- [20] The Licensing Inspector asked Mr Alexander about the electronic gambling machines in the premises. Mr Alexander said they are able to be operated whenever they are open but they are turned off at 11.30 pm.
- [21] The reporting agencies were asked if there were any issues relating the premises. The Inspector said there were problems in the South Dunedin area generally but a managerial change in one of the other licensed premises has seen the problems move away. There have no problems with the St Kilda Tavern. He said the premises is run well.

DECISION

- [22] The Committee must determine whether the St Kilda Tavern should be considered to be 'in or adjacent' to a residential area.
- [23] The LAP does not define 'in or adjacent' with regards to existing premises. It does, however, state that a new hotel, tavern or bottle store will not generally be established within 100m of the nearest boundary of a 'sensitive facility'. A 'sensitive facility' is defined in the policy as being *"any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age and any health facility."* There is no mention of residential activity.
- [24] The District Plan zones are not mentioned in the LAP. We have used them in previous decisions but in this instance both the operative District Plan and the proposed 2GP have the premises, and those around it, are sitting in a 'Residential' zone.
- [25] The premises is situated at the intersection of two main routes into and out of the city which is controlled by traffic lights. To the east of the premises along Prince Albert Road, commercial premises extend for five blocks. To the west of the premises, across Bay View Road, there is a block of two residential units between the premises and the main commercial area of South Dunedin. Directly across Prince Albert Road is the United Services Community Club and the Church of Christ and diagonally across the intersection is the South Dunedin Baptist Church and Rainbow Preschool.
- [26] There are houses adjacent to the premises in Bay View Road, across Bay View Road and diagonally across Prince Albert Road.
- [27] When the Committee considers a residential area, we believe one of the main characteristics is that domestic housing would be the predominant activity.
- [28] In this matter, domestic housing is not the predominant activity in this area, even if the District Plan zone suggests otherwise. The access to the premises is away from the few houses in the immediate area.
- [29] We do not consider the St Kilda Tavern to be 'in or adjacent' to a residential area for the purposes of the Dunedin Local Alcohol Policy and therefore the licence hours will revert to the pre-LAP hours.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by St Kilda Tavern (2002) Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 2 Prince Albert Road Dunedin, known as "St Kilda Tavern"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by St Kilda Tavern (2002) Limited for the renewal of an alcohol on-licence in respect of premises situated at 2 Prince Albert Road, Dunedin, and known as the "St Kilda Tavern".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 14 April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 15 day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of a request by Starters Bar (2015)
Limited for a rehearing of a
determination on local alcohol policy
trading hours pursuant to s.201(4)
of the Act in respect of premises
situated at 155 Frederick Street,
Dunedin, and known as "Starters
Bar"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Mr C Lind

HEARING at Dunedin on 12 March 2019

Appearances: Ms D Downs – CEO, Otago University Students' Association (OUSA)
Mr J Schroeder – events and Venues Operations Manager, OUSA

Mr T Mole – Licensing Inspector
Ms T Paterson – for Medical Officer of Health
Sgt I Paulin – Police Alcohol Harm Prevention Officer

Mr K Mechen –Secretary to DLC/Alcohol Advisor
Mrs L Adamson – Governance Support Officer

INTRODUCTION

- [1] Dunedin's Local Alcohol Policy (LAP) was adopted by the Alcohol Regulatory and Licensing Authority on 23 October 2018 and the Dunedin City Council decided the policy would take effect in its entirety on 1 February 2019.
- [2] In the lead up to when the LAP took effect, the premises identified as having one or more characteristics one would expect to see in residential areas were referred to the District Licensing Committee (DLC) for their assessment.
- [3] The DLC determined that 19 premises in the Dunedin area could, on face value, be deemed to be 'in or adjacent to' a residential area. The Licensees of those premises were given an opportunity to seek a rehearing of the Committee's decision because they, the licensees, were not present to argue their points of view or provide additional, relevant information.
- [4] The element of the LAP referring to the maximum trading hours for premises 'in or adjacent to metropolitan residential areas' is unchanged from the Dunedin Sale of Liquor Policy adopted in July 2006. The only difference is the inclusion of the reference to 'metropolitan' areas and the interpretation of the element.
- [5] Before deliberating on this matter, the Committee took legal advice and discussed the issues confronting us.

HEARING

- [6] The Starters Bar is currently being operated on a Temporary Authority by the Otago University Students' Association (OUSA) and is available because there is a current alcohol licence for the premises. The current licensee of the premises was present during the hearing but did not take part. While the current licensee did not seek this rehearing, the Committee has accepted that the OUSA has a financial interest and therefore will hear the evidence.
- [7] Ms Downs gave a brief summary of the history of the OUSA. She emphasised that they focus not only on ensuring the students have the best possible experience at Otago University, but also the safety and wellbeing of their members.
- [8] Whenever the OUSA runs an event for its members they provide the highest level of safety services possible, beyond what is required by the various legislation and more than other groups running similar events.
- [9] As an example of their activities, Ms Downs said that up to 2012 the Hyde Street kegs Party was unregulated and, in that year, attracted over 10,000 partygoers. There were multiple fires, large amounts of property damage including the collapse of a dwelling roof. The OUSA decided something needed to be done before someone was seriously injured and so they became involved by helping with the running of the event. The event has become more controlled and in 2018, there were no fires, minimal property damage and disruption to neighbours.
- [10] Ms Downs said there was a strong student bar culture in Dunedin. She said that while this meant students were socialising in licensed premises, generally speaking, there was a low behavioural expectation in these premises which has fuelled the present culture of drinking to excess. This was exacerbated by competition between licensed premises.
- [11] The city has seen the closure of many of the North Dunedin licensed premises over the last few years with many of the buildings now being used for other purposes.
- [12] The OUSA supports the work being done to curb binge drinking in the student population and that licensed premises should be held to account for what is happening. They are also supportive of the implementation of the LAP and its intent to reduce alcohol related harm. Ms Downs believes the OUSA can have a positive impact on alcohol consumption in the student sector and have a unique role to play in achieving this goal.
- [13] Ms Downs said there has been an unintended consequence of the closing of student orientated bars. There has been a significant increase in student flat and street parties because there are limited places available for students to gather and socialise. This is further exacerbated because the residents of the halls of residence must leave the residential colleges if they wish to consume alcohol.
- [14] The OUSA believes there is a need for places for young people to socialise and that one of the best places for that to happen is in licensed premises. They have been searching for a larger capacity venue for a while and it is for this reason that in late 2018 the OUSA purchased the Starters Bar. They intend to use it to support various harm prevention strategies.
- [15] OUSA's strategy for the Starters Bar is to provide a destination experience for students where they feel safe and a sense of ownership. It needs to be a place where they can socialise, drink responsibly and be safe. Ms Downs said that they want the students to leave the premises with the feeling that the night has finished and that they go home rather than go to flat or street parties or go into town. Students are most vulnerable when they are walking between North Dunedin and the centre of town.
- [16] Ms Downs suggested that by allowing this premises to remain open later, combined with the one-way door policy in place for the central city bars, there is an opportunity to limit the

number of students going into town as well as reducing the number of flat and street parties in the North Dunedin area.

- [17] In support of this strategy, Starters will provide high-quality entertainment on Wednesday through to Saturday nights. The quality of the food has been improved to encourage people to eat while they are drinking and to attract young people to come to the premises for their evening meal as an alternative to staying at their flats pre-loading and possibly not eating.
- [18] Ms Downs said the OUSA is a responsible owner who want to provide a service to the students in the area. The Starters Bar is not to be a money making, profit driven scheme by the OUSA. They have spent a lot of money upgrading the premises to encourage patronage and better behaviour by the people present.
- [19] Since the OUSA have been operating the premises they have been using the trading hours of the underlying licence before the LAP took effect. They have closing times of Sunday to Thursday 12.00 midnight and Friday and Saturdays 1.00 am. Since they have reopened the premises in mid-February, they have positive feedback from the Licensing Inspector, Police and patrons.
- [20] The only issue that has been brought to their attention is queue management and people entering the premises via the back fence. Ms Downs believe these were problems faced by the previous owners and therefore are not unique to the ownership by OUSA. Ms Downs said they were committed to finding a solution to the issues as soon as possible.
- [21] When they purchased the premises, the OUSA was aware that the hours might be reduced to those of the LAP if it was deemed to be in or adjacent to a residential area. However, the OUSA does not believe it is situated 'in or adjacent to' a residential area when one considers the intent of the LAP.
- [22] Ms Downs said there was no definition of 'residential area' in the LAP so they believe the Committee should consider the intent of the policy which is to protect communities from the negative impacts of noise pollution and alcohol-related behaviours. She also referred to the definition of 'in or adjacent to' for new premises being within 100m of sensitive facilities such as playgrounds and recreational areas. Residential areas are not referred to in that definition, so Ms Downs suggests this clearly emphasises a 'traditional' community where there are families with young children through to the elderly.
- [23] She said that students often choose flats according to how much they want to socialise. They pay premium rent to be in the Clyde and Frederick Street area. People living in the area are socially active long after the Starters Bar is closed.
- [24] Ms Downs presented a letter of support for the premises from the Campus Constable John Woodhouse. He is in support of a 1.00 am closing of Starters Bar at the weekend and midnight on Wednesday and Thursday. He believes this would encourage more students to stay in the North Dunedin area where the dedicated Campus Watch provide care and assistance to the people in the area, an expanded camera network in and around the campus area helps deter crime and the network of law-abiding students who are able to assist fellow students in distress.
- [25] When asked, Ms Downs said she was only aware of one 'traditional' family home within a 2km radius of the premises and that was an elderly gentleman in Ethel Benjamin Place. She said the majority of properties have small, usually unkept yards. They are not typical residences for families. The students who do not want to live in the socially active areas tend to live in places like St Clair and North East Valley.
- [26] Mr Schroeder described the area in which the premises is located. Across Frederick Street is ZenTech, a contract research organisation, a gas station and the licensed premises Megazone & Carbon Bar and Harrow Street is mostly commercial. In Clyde Street itself there is a Mosque and an adjacent technical glass products company.

- [27] Starters Bar itself has a carpark on the Clyde Street side which is also used for rubbish skips for the premises. There is a low fence between the carpark and first flat on Clyde Street. Across Clyde Street are student flats, one of which is known as a party flat. People queuing to get into the bar often mix with people who have spilled out of the flat.
- [28] The Committee asked about the marquee between the premises and the property on Frederick Street. Mr Schroeder said that it provides shelter from the weather. It is a temporary structure at the moment but the OUSA is looking at making it a more 'permanent' fixture. There is a small bar under the cover and it is a non-smoking area. The OUSA is unaware of any problems with the marquee and the neighbours so must assume it is OK.
- [29] Ms Downs was asked the students are 'controlled'. She said the University of Otago Code of Conduct provides the regulatory control. The OUSA doesn't tell its members how to behave but communicates the expected behaviour to them through various means.
- [30] She said the OUSA attempts to hold all student functions in the North Dunedin area where they can better keep an eye on their members. When there is someone in need of assistance the OUSA has various options including 'Are You OK' and 'Red Frog' for bigger events. There is a three-year turnover of students, so it is 'easier' to change the culture.
- [31] Ms Downs said when the Campus Constable or Proctor hear of a rogue party being organise they contact the OUSA and work together with OUSA talking to the organisers in the first instance.
- [32] When asked, Mr Schroeder said the food part of the business is only at about 10-15% but it is expanding, especially through the day.
- [33] The Committee asked why the OUSA want the extra trading hours. Mr Schroeder said the students party late. When they put entertainment on at the premises it is very hard to get the students in before 10 or 10.30 pm and they want to stay out until 2.00 am or later. If the premises was required to close earlier the students would leave earlier, if they went to the premises, and go into the Octagon. They wouldn't be able to 'hold' them at the premises.
- [34] The Committee asked the attending agencies for their thoughts. The Licensing Inspector said that he supported the applicant in this matter, along with previous licensees, and what they are attempting. The Police had similar views stating that it would be beneficial to keep the 400 students the premises could hold away from the Octagon late at night. The Medical Officer of Health agreed but wanted to ensure the integrity of the LAP is retained.

DECISION

- [35] The Committee must determine whether the Starters Bar is 'in or adjacent to' a residential area for the purposes of the LAP.
- [36] As Ms Downs commented, the LAP does not define 'in or adjacent' with regards to existing premises. It does, however, state that a new hotel, tavern or bottle store will not generally be established within 100m of the nearest boundary of a 'sensitive facility'. A 'sensitive facility' is defined in the policy as being *"any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age and any health facility."* There is no mention of residential activity and the term 'residential' is not defined.
- [37] The operative District Plan has the premises sitting in a 'Residential 3' zone, directly opposite an 'Industrial 2' zone. In the proposed 2GP, it is in an 'Inner City Residential' zone and opposite the 'Princes, Parry and Harrow Street' zone, which provides for a mix of inner-city residential living, training and education, visitor accommodation, industrial, trade and yard based retail activities.
- [38] The premises is situated in a unique position. It is at the end of a 'student quarter' that is generally made up of former family homes that have been converted into student

accommodation. There are also commercial properties in the immediate area as well as another licensed premises approximately 80m away and also on Frederick Street.

- [39] The Committee has determined that one of the main characteristics of a residential area is that its predominant activity is domestic housing.
- [40] In this matter it is clear that the predominant activity is not domestic housing. It is on the edge of an industrial area and on the other an area used as student accommodation. The OUSA has indicated that the people living in the student flats have elected to live in this area because of the social atmosphere that exists during the academic year. There is a high proportion of young people domicile in the area which makes it unlike any other in Dunedin.
- [41] The purpose of the LAP is to balance the statutory requirements and object of the Act with meeting the reasonable needs of residents and businesses. The LAP emphasises the role of safe and responsibly-managed drinking environments to achieve this outcome.
- [42] The OUSA have purchased the premises to implement various strategies to mitigate the alcohol-related harm amongst their membership. One of the main strategies was so they could offer a safe, alternative environment where students can still be entertained and socialise. They are not motivated by profit but will be doing what they can to offer alternatives to the current binge-drinking culture.
- [43] The Committee does not consider Starters Bar to be 'in or adjacent to' a residential area for the purposes of the Dunedin Local Alcohol Policy. Furthermore, the OUSA will be using the premises as 'tool' in their quest to change the current binge drinking culture prevalent amongst the student population.
- [44] The licence hours for this premises will revert to the pre-LAP hours.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of a request by University of Otago
Students Association Incorporated
for an on-licence pursuant to s.99 of
the Act in respect of premises
situated at 155 Frederick Street,
Dunedin, and known as "Starters
Bar"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr C Lind
Mr P Burrows

HEARING at Dunedin on 13 May 2019

Appearances: Ms D Downs – CEO, Otago University Students' Association (OUSA)
Mr J Schroeder – Events and Venues Operations Manager, OUSA

Mrs A Blair – Licensing Inspector
Ms T Paterson – for Medical Officer of Health
Sgt I Paulin – Police Alcohol Harm Prevention Officer
Mr M Bredenbeck – Fire and Emergency New Zealand
Mr S Lanauze – Fire and Emergency New Zealand

Mr K Mechen –Secretary to DLC/Alcohol Advisor
Mrs L Adamson – Governance Support Officer

INTRODUCTION

- [1] This is an application made by the Otago University Students Association Incorporated for an on-licence for the premises situated at 155 Frederick Street, Dunedin, and known as the "Starters Bar".
- [2] The premises has been licensed continuously since 1885. The licence was converted to a tavern style in 1968 when it was determined there was no longer a need to have a hotel in the area.
- [3] The applicant is seeking to trade Sunday to Wednesday 12 midday to 12 midnight and Thursday to Saturday 12 midday to 1am the following day.

- [4] The public notice of the application attracted one objection and the Police and Medical Officer of Health also opposed the grant of the licence pending the result of an earlier hearing to determine whether the premises was 'in or adjacent to' a residential area.
- [5] The Committee determined that, for the purposes of the Local Alcohol Policy (LAP) the "Starters Bar" was not deemed to be in or adjacent to a residential area (Dunedin decision number 2019/57/ON refers). The Medical Officer of Health withdrew their opposition before this hearing and the Police advised at the start of this hearing that their opposition is also withdrawn.
- [6] The objector was concerned that patrons were entering their properties and climbing over the boundary fences to gain entry to the premises and their properties were often leaving rubbish, including broken glass, as well as entering the properties to vomit and urinate.

HEARING

- [7] Ms Downes and Mr Schroeder
- [8] Ms Downes is the Chief Executive Officer of the Otago University Students Association Incorporated (OUSA) and Mr Schroeder is the Events and Venues Operations Manager for the OUSA.
- [9] Mr Schroeder said the OUSA had installed 7mm plywood along the fence on the landlord's side of 153 Frederick Street to prevent people using the fence rails as a ladder to gain entry to their premises.
- [10] They have a Security Plan developed which includes the construction of a fence in front of the empty section adjacent to the building on the Frederick Street side. The fence will be back from the footpath so there will be space to install permanent rubbish bins. A gate will be put in the fence for easy access to the area and to allow security to monitor the area. Unfortunately, there is a shortage of contractors in Dunedin with August being the earliest the OUSA can get anyone to complete the work. Mr Bredenbeck from Fire and Emergency New Zealand informed Mr Schroeder that the installation of a fence may impact on the approved Fire Evacuation Scheme, so they should contact him for advice.
- [11] Ms Downes explained that the OUSA had the opportunity to purchase the premises which is the last of the student bars in the city. She said the OUSA had been looking for a large venue in the student area for the last two to three years.
- [12] The OUSA is aware of the history of the premises and the impact it has had on neighbours over time. The closure of the bars in North Dunedin has seen an increase in flat parties as well as street parties which is not a good look for the university or Dunedin generally.
- [13] They see the purchase of the premises as an opportunity to introduce alcohol-harm reduction strategies with the aim of changing some of the traditional drinking behaviours. The premises has not been bought to make a profit for the OUSA, although it must at least break even, but instead they hope to be able to make a difference in the area by offering a safe place for students to socialise.
- [14] Ms Downes said that the "Starters Bar" and OUSA cannot be responsible for people's activities away from the premises. They can manage people once they are in the premises but not as they come to or leave the bar.

- [15] The security company used at the premises is SPS Security Services. They provide staff for the main entrances and the 'crush' points in the premises. They also have someone in the courtyard where they can keep an eye on the fence to ensure people do not jump over as well as another near the corner of the building watching both the carpark area as well as the people walking along Clyde Street. There were initial problems with people queuing to get in to the premises, but this has now been resolved. The OUSA has a weekly debrief with SPS to ensure any issue identified is resolved.
- [16] At the moment there are 17 CCTV cameras at the premises, both on the inside and out, including cameras looking along both Clyde and Frederick Streets and the OUSA is looking at installing two more. The cameras are high definition with about one month storage before images are over-written. Ms Downes said the system is set up so she and Mr Schroeder can access the cameras remotely on their smartphones at any time.
- [17] The OUSA has made it clear that the images are available to both the Police and Proctor if they are requested.
- [18] When a person causing an issue at the premises is identified as a student they can be referred directly to the university's Proctor. There is a high expectation of good behaviour and this is supported by the university 'Code of Student Conduct'. The odd person has been removed from the premises but there have been no issues.
- [19] A lot of money has been spent refurbishing the premises which has been positive. It has encouraged more people to come in. They are re-establishing the student bar but to a higher standard than previously seen. There is greater emphasis on food with a better quality now being made. The income from the food is increasing, including the sales from the more expensive items on the menu. The premises is becoming more attractive to older non-students, especially those wanting a place for 'after work drinks'.
- [20] In response to a question, Ms Downes said they want to see a reduction in the number of street parties in the North Dunedin area as the premises' reputation gets better. The long-term strategy is to get more bars going in the area over time. If someone wants a party in their flat there is nothing the OUSA can do but, by offering alternatives, there will hopefully be a reduction in both street and flat parties.
- [21] When asked by the Committee if they believed they had addressed the issues in the objection, Ms Downes said the boundary fence on the Frederick Street side is 1.8m high and in the time they have been there they have not had people coming over into the premises. However, to address those concerns the plywood was put on the fence to make it harder for people to climb over.
- [22] The objection mentioned underage people being in the premises. Ms Downes said they have not had a problem with underage people in the time they have had the premises.

Ms Seque

- [23] Ms Seque manages the properties on both the Frederick and Clyde Street sides of the premises.
- [24] She said the fence along the Frederick Street boundary is not 1.8m on the dwelling side. It is 'quite a bit' less because of the contours of the ground. She said the tenants at that address tell her people go along the side of the property away from the "Starters Bar", go across the back of the property and then jump over the fence into the carpark area opening off Clyde Street.

- [25] Ms Seque said she has been told there has been a lot of empty bottles thrown into their properties by people 'pre-loading' as they go to the premises as well as when they leave. The tenants of the neighbouring property in Clyde Street have told her that people go onto their driveway to urinate and/or vomit when there are no cars present. When cars are in the driveway, some damage is occurring with the windscreen wipers being bent or broken off.
- [26] She said she is aware that the "Starters Bar" is the last of the student bars in Dunedin. However, people going to and leaving the area are causing problems and her tenants are scared to open their curtains. If the premises was not there, there would be no reason for people to go down Clyde Street. Ms Seque lives in the area and has seen how quiet the area is during the summer when the bar is closed.
- [27] When asked, Ms Seque told the Committee her father had owned the Frederick Street property for about 20 years and Clyde Street for about 35 years. The Frederick Street property was rebuilt about three years ago and the Clyde Street property about eight years ago to try and deter people from 'abusing' them but recently, over the past three to four years, the behaviour seen by people in the area is getting worse. She believes this is caused by the other student premises closing, for example the "Gardies", and the liquor ban in the central city all compounding to keep students in the North Dunedin area
- [28] Sgt Paulin asked if Ms Seque had any evidence other than the anecdotes she has presented. She said that there was no evidence other than what she had been told by past and present tenants. One current tenant was going to appear but was not available for this day.
- [29] When asked for more detail about the bottles that are broken in the area Ms Seque said she had been told they come from people either walking to the premises or when they leave and collect their 'stashed' bottles, finish the contents and then discard them.

Sgt Paulin

- [30] Sgt Paulin is the Dunedin Police Alcohol Harm Reduction Officer.
- [31] He has checked the police data for the past three years and said there has been no increase in the number of alcohol-related incidents but, there has been a slight decrease to date this year compared to previous years. He said the "Starters Bar" gets blamed for the harms that occur in the area, but the reality is there is more harm from the flats directly across the road. They are known as the 'party houses' and cause grief for people walking as well as the people queuing to get into the bar.
- [32] In response to a query from the Committee Sgt Paulin said he was not aware of any complaints from the neighbours of the premises.

Ms Paterson

- [33] Ms Paterson is delegated to act for the Dunedin Medical Officer of Health.
- [34] She said the OUSA is very quick to respond to concerns expressed to them. An example is the two large events held at the Forsyth Barr Stadium in March. Issues with the premises were identified during the 'Eagles' weekend and after discussions with the regulatory agencies, corrected for the 'Six60' concert the following weekend.
- [35] Ms Paterson told the Committee that the OUSA had a very clear objective of minimising alcohol-harm in the North Dunedin area and improving the environment generally.

- [36] These sentiments were echoed by the Licensing Inspector.
- [37] Ms Downes ended by stating that they respected the neighbours and understood that at times, there will be problems for neighbouring tenants, but they are committed to improving the environment to make it as comfortable as possible for everyone. They will continue to communicate with the neighbours and agencies to ensure issues and harm is minimised.

DECISION

- [38] This application is unique in several ways. The OUSA is the student body representing the interests of students at the University of Otago. The Committee is aware of the reputation of the student aged population with regards to alcohol use and abuse. However, we are mindful that this reputation is being sustained by a small percentage of that population and it is tarnishing the reputation of the majority.
- [39] The number of premises catering specifically for the student population has decreased over the past ten years during which time two premises have closed and another has moved its focus from targeting the North Dunedin populace. The “Starters Bar” is the last of the student focussed premises.
- [40] There have always been flat and occasional street parties in North Dunedin, but the number has increased over the past ten years. While there will be several reasons for this increase we believe the closure of the licensed premises in the area will be a contributing factor.
- [41] The OUSA has made a commitment to improving the environment for students and have purchased the “Starters Bar” as one of their strategies. They want to create a safe place for their members to socialise, get a good quality meal and drink if they wish. They hope to move the focus away from the ‘traditional’ drink to get intoxicated mentality to one where alcohol is an accompaniment to socialising with friends.
- [42] The purchase of the bar is one of several strategies they are using to try and change the students’ traditional drinking behaviours and associated harms. Their goal is to see a general improvement in the North Dunedin area.
- [43] Ms Seque manages about 45 student flats in the North Dunedin area, including the two immediately adjacent to the premises. She opposed the application because people regularly went into the properties she managed to urinate and vomit. Bottles are broken in the properties and other damage is occurring. She said people are also climbing over the fence at the back of one of her properties to gain access to the bar.
- [44] The evidence presented by Ms Seque was based on complaints made to her by tenants. She did not bring any evidence such as signed statements or photographs and we could not be certain that the incidents described related to the premises under the current ownership.
- [45] Hearsay evidence is not generally admissible however the content of the information provided by Ms Seque is relevant to this matter in so much as it helps put context around the presence of a licensed premises at this location. It provides an insight to the OUSA of some of the issues for people in the area.
- [46] When the OUSA received a copy of the objection they communicated with Ms Seque to discuss how the concerns could best be addressed. They have fixed wood panels on the fence between Ms Seque’s property and the bar to reduce the potential of people climbing the fence, even though they have not had people attempting to enter their premises in this

fashion, and they have arranged for a fence to be built across the carpark area on the Clyde Street side of the premises. Unfortunately, the earliest opportunity for this to be done is August.

- [47] Ms Seque, in her objection, mentioned underage people being allowed to climb over the fence by security staff to enter the premises. While this point was not raised during Ms Seque's evidence the applicant did make the comment that in the time they have operated the premises there have been no issues with underage people gaining entry.
- [48] The OUSA has developed a management plan to address the issues raised in the objection and, through no fault of their own, there is a delay getting some improvements made to their premises.
- [49] This is an unusual application because the applicant has the support of the reporting agencies. They see there is a need to have a safe place for the student population to socialise and are committed to implementing harm reduction strategies. They want their premises to be a part of the North Dunedin community but with as few issues as possible. They will keep in contact with landlords and tenants in the area, as well as the reporting agencies, so if issues are raised they can be dealt with as soon as possible.
- [50] The matters we must consider are detailed in section 105 of the Act. The matters raised by Ms Seque relate to the amenity and good order of the locality however there was only hearsay evidence presented to the Committee. We accepted that evidence so we could understand the frustrations of the people in the area. However, the OUSA is also very aware of the issues are being very proactive in resolving them before they escalate.
- [51] Both Ms Seque and the OUSA have shown a willingness to work together for the betterment of the area. We encourage the parties to continue to communicate and work towards a better environment.
- [52] We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant an on-licence authorising the sale and supply of alcohol for consumption on the premises, to any person who is present on the premises.
- [53] The applicant's attention is drawn to sections 56 and 57(1) of the Act obliging the holder of an on-licence to display:
- (a) A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol; AND,
 - (b) A copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance: AND,
 - (c) A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.
- [54] The licence will be subject to the following conditions:
- (a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day to any person who is not present on the premises to dine.
 - (b) Alcohol may only be sold on the following days and during the following hours:
 - (i) **Sunday to Wednesday 12.00 midday to 12.00 midnight**

- (ii) **Thursday to Saturday 12.00 midday to 1.00 am the following day: EXCEPT THAT on the Thursday before Good Friday, and on Easter Saturday, and on Christmas Eve and on the day before Anzac Day, alcohol may only be sold between 12.00 midday and 12.00 midnight.**
- (c) The following steps must be taken to promote the responsible consumption of alcohol:
- (i) A range of food choices must be readily available at all times that the premises is open. Menus must be visible, and food should be actively promoted. A minimum of three types of food should be available. The range or style of food will be shown on any menu submitted. Alternatively, the range of food should include items such as paninis, pizzas, lasagne, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.
 - (ii) A range of low alcohol and non-alcoholic drinks must be readily available all times the premises is open.
 - (iii) Water must be freely available at all times that the premises is open.
- (d) The following steps must be taken to ensure the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
- (i) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
 - (ii) The whole of the premises is designated a supervised area.
- (e) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.

[55] A copy of this licence must be displayed at the principal entrance(s) to the premises as outlined in the plan received by the Dunedin District Licensing Committee on 12 February 2019. The entrance from Clyde Street is designated as the principal entrance.

[56] The licence will not be issued until after 10 working days from the date this decision is notified to the parties and no appeal has been lodged with the Authority.

DATED at Dunedin this 23rd day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Panwar Enterprises Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 735 Great King Street Dunedin, known as "The Maharajas"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Panwar Enterprises Limited for the renewal of an alcohol on-licence in respect of premises situated at 735 Great King Street Dunedin, and known as the "The Maharajas"

This is the first renewal for the premises under the new Sale and Supply of Alcohol Act therefore it must be considered against the criteria detailed in s.105 of the Act. The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 29th March 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 3rd day of May 2019

Angie Symon

For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

Decision No 2019/69/ON
of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by University of Otago
pursuant to s.127 of the Act for renewal
of an on-licence in respect of premises
situated at 132 Anzac Avenue Dunedin,
known as "University Plaza Café".

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by the University of Otago for the renewal of an alcohol on-licence in respect of premises situated at 132 Anzac Avenue, Dunedin, and known as the "University Plaza Café."

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 14th March 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 3rd day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Sunshine Green Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 326 Main South Road Green Island, known as "Village Green Cafe and Bar"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Sunshine Green Limited for the renewal of an alcohol on-licence in respect of premises situated at 326 Main South Road, Green Island, and known as the "Village Green Cafe and Bar".

This is the first renewal for the premises under the new Sale and Supply of Alcohol Act therefore it must be considered against the criteria detailed in s.105 of the Act. The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 18 April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 23 day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Go Fast Hospitality Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 21 Frederick Street Dunedin, known as "Joe's Garage"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Go Fast Hospitality Limited for the renewal of an alcohol on-licence in respect of premises situated at 21 Frederick Street, Dunedin, and known as "Joe's Garage".

This is the first renewal for the premises under the new Sale and Supply of Alcohol Act therefore it must be considered against the criteria detailed in s.105 of the Act. The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 7 May 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 22 day of May 2019

Angie Symon

For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

Decision No 2019/80/ON
of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by K and S Hospitality
Limited pursuant to s.127 of the Act for
renewal of an on-licence in respect of
premises situated at 42 Queens Gardens
Dunedin, known as "Moiety"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by K and S Hospitality Limited for the renewal of an alcohol on-licence in respect of premises situated at 42 Queens Gardens, Dunedin, and known as the "Moiety"

This is the first renewal for the premises under the new Sale and Supply of Alcohol Act therefore it must be considered against the criteria detailed in s.105 of the Act. The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 15 May 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 22 day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Sefton Holdings Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 14 George Street Port Chalmers, known as "Mackies Hotel"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Sefton Holdings Limited for the renewal of an alcohol on-licence in respect of premises situated at 14 George Street, Port Chalmers, and known as "Mackies Hotel".

The application is for a roll-over of the present conditions.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly, we deal with the matter on the papers.

The Licensing Inspector has assessed the application against the criteria in the new Act and is satisfied that if the application was made pursuant to the new Act, it would be granted.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 13th April 2022, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 8th day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/123/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Caversham Sports Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 40 Hazel Avenue, Dunedin, and known as "Caversham Sports Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Caversham Sports Club Incorporated for a special licence for their premises situated at 40 Hazel Avenue, Dunedin, and known as the "Caversham Sports Club".

The club is seeking a special licence to host a surprise 80th birthday celebration on Saturday 8 June 2019 from 3.00 pm to 12.00 midnight. They have asked the premises to be designated a supervised area for the evening.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 13th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/115/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Chisholm Park Golf Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 16 Tahuna Road Dunedin, and known as "Chisholm Links"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Chisholm Park Golf Club Incorporated for a special licence for premises situated at 16 Tahuna Road, Dunedin, and known as the "Chisholm Links".

The club is hosting the celebratory dinner for "Penelope Kinney Graduation" on Saturday 18 May 2019 between 7.00 pm and 12.00 midnight. They have asked for the premises to be designated a supervised area for the evening.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/118/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by University of Otago Department of Marine Science pursuant to s.138 of the act for a special licence in respect of the premises situated at 310 Castle Street, Dunedin, and known as "Department of Marine Science"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by University of Otago Department of Marine Science for a special licence for the premises situated at 310 Castle Street, Dunedin, and known as the "Department of Marine Science".

The applicant is located within the University of Otago and is hosting two happy hours for the Marine Science Department. They are on Friday 24 May and Friday 23 August 2019 and will run from 4.00 pm to 7.00 pm on each occasion. They have requested the premises be designated as a supervised area for the duration of each licensed period.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

There is no certified manager at this event however the people responsible hold positions of authority in the department and they are very low risk events. The applicant has therefore been granted an exemption by the Dunedin Licensing Committee from having a certified manager present for the event pursuant to section 213(2) of the Act.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 14th day of May 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/127/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Forbury Park Bowling Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 121 Victoria Road, Dunedin, and known as "Forbury Park Bowling Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Forbury Park Bowling Club Incorporated for a special licence for their premises situated at 121 Victoria Road, Dunedin, and known as the "Forbury Park Bowling Club".

The applicant has applied for a special licence to host Mathew Scobie's 40th Birthday Celebrations with family and friends on Saturday 1 June 2019 between 7.00 pm and 12.30 am the following day. Applicant has requested the premises be designated a supervised area for the event.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

There is no certified manager at this event however the person responsible has relevant experience. The applicant has therefore been granted an exemption by the Dunedin Licensing Committee from having a certified manager present for the event pursuant to section 213(2) of the Act.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 29th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

Of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

Of an application by Friends of The Globe Theatre pursuant to s.138 of the act for a special licence in respect of the premises situated at 104 London Street Dunedin and known as "The Globe Theatre."

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Friends of The Globe Theatre for a special licence for premises situated at 104 London Street Dunedin and known as "The Globe Theatre." The applicant is putting on a live performance of Richard II and have requested a special licence for the dates and times below:

Thursday 30th May 2019	6.30 pm to 10.30 pm
Friday 31st May 2019	6.30 pm to 10.30 pm
Saturday 1st June 2019	6.30 pm to 10.30 pm
Sunday 2nd June 2019	1.00 pm to 5.00 pm
Tuesday 4th June 2019	6.30 pm to 10.30 pm
Wednesday 5th June 2019	6.30 pm to 10.30 pm
Thursday 6th June 2019	6.30 pm to 10.30 pm
Friday 7th June 2019	6.30 pm to 10.30 pm
Saturday 8th June 2019	6.30 pm to 10.30 pm

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

There is no certified manager at this event however the person responsible has relevant experience. The applicant has therefore been granted an exemption by the Dunedin Licensing Committee from having a certified manager present for the event pursuant to section 213(2) of the Act.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

We must remind the applicant that, although the special licence was granted on this occasion, there is no guarantee that applications received within 20 working days of the event will be processed in time.

DATED at Dunedin this 21st day of May 2019

Angie Symon

For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Green Island Rugby Football Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 82 Neill Street, Green Island, and known as "Green Island Rugby Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Green Island Rugby Football Club Incorporated for a special licence for their premises situated at 82 Neill Street, Green Island, and known as the "Green Island Rugby Club".

The club has applied for a special licence to host a "Casino Night" to fundraise for the under 13 rugby team on Saturday 18 May 2019 between 7.00 pm and 12.00 midnight. The applicant has requested the premises be designated as a restricted area for the evening.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 13th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/114/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Kaikorai Rugby Football Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 25A Lynn Street, Dunedin, and known as "Kaikorai Rugby Football Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Kaikorai Rugby Football Club Incorporated for a special licence for their premises situated at 25A Lynn Street, Dunedin, and known as the "Kaikorai Rugby Football Club".

The applicant has applied for a special licence to host two birthday celebrations. The first is Jemma Dingley's 21st on Friday 24 May 2019 from 7.30 pm to 12.00 midnight and the second is Fil Rodrigues 51st on Friday 21 June 2019 from 6.00 pm to 12.00 midnight.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 13th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Laser Boys Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 170 Frederick Street, Dunedin, and known as "Megazone & Carbon Bar."

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Laser Boys Limited for a special licence for their premises situated at 170 Frederick Street, Dunedin, and known as "Megazone & Carbon Bar".

The applicant has applied for a special licence to host the 2019 Capping Show Opening Party and After Party. The purpose of the event is to allow the staff and actors to celebrate the opening and closing of the 2019 OUSA Capping Show.

The opening party is on Wednesday 15 May and the closing party is Saturday 25 May 2019. Both events will run from 10.30 pm to 3.00 am the following day and the applicant has asked for the premises to be designated a restricted area.

Alcohol sales will be managed by a token system where each guest will be provided four tokens when they arrive and during the evening one token can be exchanged for one drink, excluding cocktails.

A one-way door policy will apply from 2.00am for both events.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

We must remind the applicant that, although the special licence was granted on this occasion, there is no guarantee that future applications received within 20 working days of the event will be processed in time.

DATED at Dunedin this 13th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Mosgiel Memorial RSA Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 6 Church Street, Mosgiel, and known as "Mosgiel Memorial RSA"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Mosgiel Memorial RSA Incorporated for a special licence for their premises situated at 6 Church Street, Mosgiel, and known as "Mosgiel Memorial RSA"

The club is hosting three band events at their premises and would like a special licence to cover those attendees not being a member of the club. The first is a 'Bevan and James Night' on Saturday 1 June between 6.00 pm and 12.00 midnight. The second is a 'Free and Easy Band Night' on Saturday 8 June between 6.00 pm and 12.00 midnight and the third event is a "Town Meets Country" day on Sunday 16 June 2019 between 11.00 am and 7.00 pm. They have also asked that the premises is designated a supervised area for each of the events.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 27th day of May 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/120/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by New Edinburgh Folk Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 50 Dundas Street, Dunedin, and known as "New Edinburgh Folk Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by New Edinburgh Folk Club Incorporated for a special licence for their premises situated at 50 Dundas Street, Dunedin, and known as the "New Edinburgh Folk Club".

Applicant has applied for special licence to host two public gigs, "Matchmakers Concerts", where Dunedin Folk Club members will perform in groups over two Sundays.

The first is on Sunday 9 June and the second on Sunday 16 June 2019. Both concerts will run from 7.00 pm to 10.30 pm.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

There is no certified manager at this event however the people responsible have relevant experience and one of them has completed the Licence Controller qualification. The applicant has therefore been granted an exemption by the Dunedin Licensing Committee from having a certified manager present for the event pursuant to section 213(2) of the Act.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 27th day of May 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

Of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

Of an application by North End Rowing Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 55 Magnet Street, Dunedin, and known as "North End Rowing Club."

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by North End Rowing Club Incorporated for a special licence for premises situated at 55 Magnet Street, Dunedin, and known as "North End Rowing Club."

The applicant has applied for special licence to host a quiz night fundraiser for North End Rowing Club on Thursday 23rd May 2019 from 6.00 pm to 10.00 pm. Funds raised are to go towards purchase of 2 outboard motors for the rescue boat. They have asked for the premises to be designated as Supervised for the duration.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

There is no certified manager at this event however the person responsible has relevant experience. The applicant has therefore been granted an exemption by the Dunedin Licensing Committee from having a certified manager present for the event pursuant to section 213(2) of the Act.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

We must remind the applicant that, although the special licence was granted on this occasion, there is no guarantee that applications received within 20 working days of the event will be processed in time.

DATED at Dunedin this 21st day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Roslyn Wakari Association Football Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 49 Frasers Road, Dunedin, and known as "Roslyn Wakari AFC"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Roslyn Wakari Association Football Club Incorporated for a special licence for the premises situated at 49 Frasers Road, Dunedin, and known as the "Roslyn Wakari AFC".

The applicant has applied for a special licence to host an "International Food and Drinks Night" on Saturday 18 May 2019 from 6.00 pm to 12.00 midnight. This fundraising event is to celebrate the various cultures of the club's members through sampling the various foods and drink associated from club members' home countries.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

We must remind the applicant that, although the special licence was granted on this occasion, there is no guarantee that future applications received within 20 working days of an event will be processed in time. All applications are circulated to the above-mentioned reporting agencies. If any of the agencies cannot report on an application because of the short time frames the Committee will be left with no alternative but to decline the application.

DATED at Dunedin this 13th day of May 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/130/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Roslyn Wakari Association Football Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 49 Frasers Road, Dunedin, and known as "Roslyn Wakari AFC"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Roslyn Wakari Association Football Club Incorporated for a special licence for the premises situated at 49 Frasers Road, Dunedin, and known as the "Roslyn Wakari AFC".

The club are holding a mime night on Saturday 8 June 2019 from 7.00 pm to 12.00 midnight. The event is an annual occurrence to raise funds for the club. They have asked for the premises to be designated a restricted area for the duration of the evening.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 27th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

Of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

Of an application by Taieri Bowling Club
Incorporated pursuant to s.138 of the act
for a special licence in respect of the
premises situated at 12 Wickliffe Street,
Mosgiel, and known as "Taieri Bowling
Club"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Taieri Bowling Club Incorporated for a special licence for premises situated at 12 Wickliffe Street, Mosgiel, and known as "Taieri Bowling Club"

The applicant has requested a special licence to host Kirstyn Little's 40th Birthday with family and friends on Saturday 25th May 2019 from 7.00 pm to 12.00 midnight. The applicant has requested the premises be designated as Supervised.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

We must remind the applicant that, although the special licence was granted on this occasion, there is no guarantee that applications received within 20 working days of the event will be processed in time.

DATED at Dunedin this 21st day of May 2019

Angie Symon

For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/113/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Rotary Club of Taieri Charitable Trust pursuant to s.138 of the act for a special licence in respect of the premises situated at 285 Gladstone Road North, Wingatui, and known as "Wingatui Raceway"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by the Rotary Club of Taieri Charitable Trust for a special licence for the premises situated at 285 Gladstone North, Wingatui, and known as the "Wingatui Raceway".

Applicant has applied for a special licence to host the "Winter Crop Competition and Charity Auction" on Friday 31 May 2019 between 6.00 pm and 11.30 pm. They have asked for the venue to be designated a supervised area for the evening.

This is a charitable event to raise funds for the Otago Rescue Helicopter Trust, Hospice, St John Ambulance and the Mosgiel Pool Trust.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 13th day of April 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/110/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by University of Otago Rugby Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 1A - 20 Logan Park Drive, Dunedin, and known as "University of Otago Rugby Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by University of Otago Rugby Incorporated for a special licence for the premises situated at 1A - 20 Logan Park Drive, Dunedin, and known as "University of Otago Rugby Club."

The applicant has applied for a special licence to host the Otago Dance Association's social get together on Friday 17 May 2019 from 7.00 pm to 12:00 midnight.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 13th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

Of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

Of an application by The University of
Otago, on behalf of the Department of
Physics, pursuant to s.138 of the act for a
special licence in respect of the premises
situated at 730 Cumberland Street
Dunedin and known as "University Of
Otago Science 3 Building."

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by The University of Otago, on behalf of the Department of Physics, for a special licence for premises situated at 730 Cumberland Street, Dunedin, and known as "University Of Otago Science 3 Building."

The applicant has applied for a special licence to host happy hours for the University of Otago Physics Department students. The dates for the events are Friday 24th May 2019 from 5.30 pm to 8.30 pm and Friday 4th October 2019 from 5.30 pm to 8.30 pm. They have asked for the premises to be designated a supervised area for the duration.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

There is no certified manager at this event however the person responsible has relevant experience. The applicant has therefore been granted an exemption by the Dunedin Licensing Committee from having a certified manager present for the event pursuant to section 213(2) of the Act.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 21st day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Zingari-Richmond Football Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 40 Eglinton Road, Dunedin, and known as "Zingari Richmond Football Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by Zingari-Richmond Football Club Incorporated for a special licence for their premises situated at 40 Eglinton Road, Dunedin, and known as the "Zingari Richmond Football Club".

Applicant has requested a special licence to host a "Karaoke Night" to celebrate Chris Bell's 250 games of rugby. The event will be on Saturday 18 May 2019 from 7.00 pm to 11.30 pm. They have asked for the premises to be designated a supervised area.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

We have reluctantly accepted your reason for the very late application on this occasion. However, there is a history of late applications from the club which needs to be addressed.

All applications are required to be circulated to the above-mentioned reporting agencies. The agencies are coming under increasing pressure to report on applications so, in future, late applications from this club may not be accepted.

DATED at Dunedin this 13th day of May 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

Of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

Of an application by New Edinburgh Folk Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 50 Dundas Street Dunedin and known as "50 Dundas Street Dunedin."

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by New Edinburgh Folk Club Incorporated for a special licence for premises situated at 50 Dundas Street Dunedin and known as "50 Dundas Street Dunedin."

The applicant has requested a special licence to host "NZ Music Month Folk Concerts" featuring Graeme James, Jonathan Robinson and Friends on Thursday 23rd May 2019 from 7.00 pm to 10.30 pm and Sunday 26th May 2019 from 7.00 pm to 10.30 pm.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

There is no certified manager at this event however the person responsible has relevant experience. The applicant has therefore been granted an exemption by the Dunedin Licensing Committee from having a certified manager present for the event pursuant to section 213(2) of the Act.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 21st day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

Of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

Of an application by University of Otago Rugby Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 1A - 20 Logan Park Drive Dunedin and known as "University of Otago Rugby Club."

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

DECISION

This is an application by University of Otago Rugby Incorporated for a special licence for premises situated at 1A - 20 Logan Park Drive Dunedin and known as "University of Otago Rugby Club."

The applicant has applied for special licence to host "Graeme Sneddon 60th Birthday" with family and friends on Saturday 25th May 2019 from 7.00 pm to 12.00 Midnight.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. There are no extra conditions that need to be added to this licence.

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the special licence. A copy of the special licence setting out the conditions to which it is subject is attached to this decision.

DATED at Dunedin this 21st day of May 2019

Angie Symon
For the Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/16/TA

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by R C & P J Flannery
Limited for a temporary authority
authorising the holder to carry on the
sale and supply of alcohol pursuant to
s.136 of the Act in respect of premises
situated at 133 Great King Street,
Dunedin, and known as "New World
Centre City"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall

Members: Mr C Lind
Mr P Burrows

DECISION

This is an application by R C & P J Flannery Limited for an order allowing them to carry on the sale and supply of alcohol pursuant to the underlying licence no. 069/OFF/02/2019 in respect of premises situated at 133 Great King Street, Dunedin, and known as "New World Centre City". The premises will continue to operate under this name.

The general nature of the business to be undertaken is that of a supermarket.

The Licensing Inspector advises that there have been no issues of concern raised in relation to this premises and the applicant comes from owning and managing similar stores elsewhere.

The Committee is satisfied that the applicant will operate the premises properly and therefore issues an order authorising the applicant to carry on the sale and supply of alcohol, under the same conditions as were granted initially, for a period of three months from 27 May 2019.

DATED at Dunedin this 14th day of May 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/18/TA

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Well Food NZ
Limited for a temporary authority
authorising the holder to carry on the
sale and supply of alcohol pursuant
to s.136 of the Act in respect of
premises situated at 17 St Andrew
Street, Dunedin, and known as "Sila
Turkish Café, Restaurant and
Takeaway"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Cr M Lord

DECISION

This is an application by Well Food NZ Limited for an order allowing them to carry on the sale and supply of alcohol pursuant to the underlying licence no. 069/ON/21/2017 in respect of the premises situated at 17 St Andrew Street, Dunedin, and known as the "Sila Turkish Café, Restaurant and Takeaway". The premises will continue to operate under this name.

The general nature of the business to be undertaken is that of a café/restaurant.

The Licensing Inspector advises that there have been no issues of concern raised in relation to the premises. The maximum occupancy for the premises is 50 people.

The Committee is satisfied that the applicant will operate the premises properly and therefore issues an order authorising the applicant to carry on the sale and supply of alcohol, under the same conditions as were granted initially, for a period of three months from 3 June 2019.

DATED at Dunedin this 29th day of May 2019

Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Otago University
Students' Association Incorporated for
a temporary authority authorising the
holder to carry on the sale and supply
of alcohol pursuant to s.136 of the Act
in respect of premises situated at 155
Frederick Street, Dunedin, and known
as "Starters Bar"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall

Members: Mr C Lind

Continuation of previous order so two approvals only

DECISION

This is an application by Otago University Students' Association Incorporated for a second order allowing them to continue the sale and supply of alcohol pursuant to the underlying licence no. 069/ON/91/2019 in respect of premises situated at 155 Frederick Street, Dunedin, and known as the "Starters Bar".

The general nature of the business to be undertaken is that of a tavern.

This is the second temporary authority granted to the applicant to allow continued trading while their on-licence application is determined.

A hearing is to be convened for their substantive licence and because of timing, the first order will expire before the expiry of the appeal period for parties to the hearing.

The Licensing Inspector advises that there have been no issues of concern raised in the time they have been operating the tavern.

The Committee is satisfied that the applicant will continue to operate the premises properly and therefore issues a second order authorising the applicant to continue the sale and supply of alcohol, under the same conditions as were granted initially, for a period of three months from 12 May 2019. The conditions of the first temporary authority will continue.

DATED at Dunedin this 9th day of May 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/14/TA

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Evergreen
Restaurant NZ Limited for a temporary
authority authorising the holder to carry
on the sale and supply of alcohol
pursuant to s.136 of the Act in respect
of premises situated at 472 George
Street, Dunedin, and known as "Indish
Restaurant and Bar"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr D Benson-Pope
Cr M Lord

DECISION

This is an application by Evergreen Restaurant NZ Limited for an order allowing them to carry on the sale and supply of alcohol pursuant to the underlying licence no. 069/ON/28/2018 in respect of premises situated at 472 George Street, Dunedin, and known as "Tao Restaurant and Bar". The premises will operate as "Indish Restaurant and Bar".

The general nature of the business to be undertaken is that of a restaurant.

The Licensing Inspector advises that there have been no issues of concern raised with the operation of the premises.

The Committee is satisfied that the applicant will operate the premises properly and therefore issues an order authorising the applicant to carry on the sale and supply of alcohol, under the same conditions as were granted initially, for a period of three months from 31 May 2019.

DATED at Dunedin this 7th day of May 2019

Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COMMITTEE