

March 2019 Contents

Types of licence: CLU = Club
 OFF = OFF
 ON = ON
 SP = Special
 TA = Temporary Authority

ON - Ratbags & Innocent Bystander - new licence.pdf
ON - Shree Restaurant and Takeaways - renewal.pdf
ON - Stadium Restaurant and Bar - renewal.pdf
ON - Sunset Sam - new licence.pdf
ON - Tiplers Bar & Cafe - renewal.pdf
SP - Big Bird Enterprises_Coronation Hall Mosgiel - Burlesque Rumble 2019.pdf
SP - Dunedin Tap Dancing Society - 50th anniversary.pdf
SP - Green Island Rugby Club - 2 x birthdays.pdf
SP - Green Island Rugby Club - Fairfield Tavern reunion.pdf
SP - Harrington Vaughan Academy of Hairdressing - Battle of the Barber.pdf
SP - New Edinburgh Folk Club - Adam McGrath & Bare Essentials.pdf
SP - New Edinburgh Folk Club - Jan Preston and Catgut & Steel.pdf
SP - NZ Institute of Environmental Health_Art Gallery - cocktail evening.pdf
SP - NZ Institute of Environmental Health_Toitu - conference dinner.pdf
SP - OU Law Students_Scout Camp - Law Camp.pdf
SP - Sahara New Zealand Ltd - Women's Lifestyle Expo.pdf
SP - Strath Taieri Rugby Club - 2019 post-match functions.pdf
SP - Taieri Rugby Club - Guthrie wedding.pdf
SP - University of Otago Rugby - Gadsby 21st.pdf
TA - Bracken Restaurant - continuation.pdf
CL - Leith Bowling Club - renewal.pdf
CL - Pirates Rugby Club - opposed renewal.pdf
CL - Pirates Squash Rackets Club - renewal.pdf
OFF - Black Quail Estate_remote seller - renewal.pdf
OFF - Brockville Supermarket - new licence.pdf
OFF - Mitchells Four Square Supermarket - renewal.pdf
OFF - Mosgiel New World - renewal.pdf
ON - Buster Green's Food Room - new licence.pdf
ON - Insomnia by Strictly Coffee - renewal.pdf
ON - Manor Restaurant - renewal.pdf
ON - Nanking Palace Restaurant - renewal.pdf
ON - Pelichet Bay Cricket Club - renewal.pdf

Decision No. 2019/03/CL

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Leith Bowling Club Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 2 Duke Street, Dunedin, known as "Leith 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 Leith Bowling Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 2 Duke Street, Dunedin, and known as the "Leith Bowling Club".

While the application is for a roll-over of the present conditions, Dunedin's Local Alcohol Policy (LAP) took effect on 1 February 2019. The policy has set the earliest opening time for a club at 10am therefore the renewed licence will be amended to reflect the LAP.

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 therefore renew the licence until 25 January 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 6th day of March 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No: 2019/05/CL

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Pirates Football Club
(Dunedin) Incorporated pursuant to
s.127 of the Act for renewal of a club
licence in respect of premises situated at
4 John Wilson Ocean Drive, Dunedin,
known as "Pirates Football Club"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Lind
Members: Mr D Benson-Pope
Mr M Lord

HEARING at Dunedin on 12 March 2019

Appearances: Mr K Trainor – Chairperson of the Pirates Football Club (applicant)
Mr T Hoad – Secretary of the Pirates Football Club

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

Kevin Mechen – Secretary and Advisor to the DLC
Lynne Adamson – Governance Support Officer

DECLARATION

- [1] The Chairperson advised the parties that he had worked with Mr Trainor over 20 years ago. No objection to him chairing this Committee was received.

INTRODUCTION

- [2] The matter before the Committee is the renewal of the club licence for Pirates Football Club (Dunedin) Incorporated.
- [3] There was no opposition resulting from the public notice of the renewal and neither the Police nor Medical Officer of Health have submitted adverse reports.
- [4] The Licensing Inspector has opposed the renewal believing the applicant is unsuitable to hold the licence. He believes the applicant has not interpreted section 60 of the Act correctly and believes they are operating the premises contrary to the legislation.

Mr Trainor

- [5] Mr Trainor is the Chairperson of the committee that oversees the running of the applicant club. He affirmed that the primary purpose of the Act is that it is to be reasonable and is for the benefit of the community as a whole. Its administration is to help achieve the object of the Act which is to minimise harm.
- [6] He said the club has held an alcohol licence since 1992. The club's bar is usually only open on Saturdays from 4.00 pm and is usually closed by 7.30 pm.

- [7] In the time the club has held a licence they never been prosecuted for any breaches of the Act nor have there been any compliance issues. They have never been before the Authority. Mr Trainor said the club has received visits from the police but he cannot remember a time when a licensing inspector has been there despite invitations for them to visit.
- [8] Club membership is in decline and the compliance costs have been increasing. Mr Trainor said it costing the club about \$50,000 per year to keep the premises. He said the club has had to look at ways to make the club more accessible to the community.
- [9] The club's constitution has four categories of membership, 'honorary', 'life', 'playing' and 'associate' members with each category paying a subscription.
- [10] Mr Trainor said the definition of an associate member is in the constitution. To qualify for this category the person must have an interest in sport and be a member of a sporting club for their code. A list of 'associate' members is kept in the bar area so if there is any doubt the list can be checked. The club only has the one social area so everyone present can be seen by the people behind the bar.
- [11] The Dunedin City Council upgraded the grounds at Hancock Park to the benefit of both rugby and football. Pirates Football Club invited the Caversham Association Football Club to join their club as associate members because they had decided to let their own alcohol licence lapse. They also invited the Macandrew Bay Netball Club to become members because they do not have clubroom facilities. Both clubs have accepted the invitation and are now associate members of the Pirates Football Club. Mr Trainor notes that the netball club had not been mentioned in the Inspector's report on the application.
- [12] As associate members, members of both Caversham AFC and the Macandrew Bay Netball Team have used the premises with members of opposing teams as their guests. People drinking in the premises are either members or are accompanied by a member.
- [13] Mr Trainor read from an email sent by the Inspector that states:
- "It is accepted that members of Caversham AFC have been made Associate Members of Pirates Football Club (Dunedin) incorporated.*
- What Pirates needs to do is to cover situations when players and supporters of the club that Caversham is playing at Hancock Park wish to use your facilities. The easiest way is to have a 'reciprocal visiting rights' agreement with the clubs that also have bar facilities (University Football Club does not currently have a licensed clubrooms)."*
- [14] Mr Trainor referred to section 60 of the Act and discussed an 'authorised visitor' and read from caselaw (SA 60.03) supplied in the pre-hearing circulation of evidence by the Inspector. it states: *"Authorised visitors" are not entitled to bring invitees or guests to a club of which they are not a member. Invitees or guests must not only be present on the premises at the invitation of a member of the club but they must be accompanied by the club member whenever alcohol is sold or supplied to them for consumption on the premises."*
- [15] He said the Inspector's suggestion of reciprocal visiting rights would not allow those people to take their guests to the club post-match. However, as members of the club, Caversham AFC and Macandrew Bay Netball members can invite opposing teams, and their supports, to the club as their guests which would make them an 'authorised customer'.
- [16] Mr Trainor sought clarification regarding 'reciprocal visiting rights'. He pointed out there is a lot of fraud in the licensing industry with fake identification cards being used. He wanted to know how the club was supposed to know if a person was in fact a member of a club with 'reciprocal rights'.
- [17] In response to a question from the Committee, Mr Trainor said that, although it is good practice, it is not a requirement and this club does not keep a visitor's book.
- [18] The Committee asked if there have been situations when two other football clubs, not including Caversham AFC, have played at Hancock Park? Mr Trainor said that it had not happened to date but with the improved playing surface it may possibly happen in the future

when other grounds are closed. In those situations, 'reciprocal visiting rights' would be useful and that is why the club is seeking clarification about 'authorised visitors' at the premises.

- [19] In response to a question from Ms Paterson, Mr Trainor acknowledged that the Macandrew Bay Netball club does not have their own facilities but they are members of the Pirates Football Club therefore able to use the facilities at the club.
- [20] He asked how Pirates could offer 'reciprocal visiting rights' to another club if it did not have bar facilities? This would be the situation for most netball clubs in the region.
- [21] The Licensing Inspector wanted to know what Mr Trainor's interpretation of 'invitation of' and 'accompanied by' was. Mr Trainor said they are not defined in the Act so referred to the Oxford Dictionary. He said after a game, members of the Pirates club invite the opposition in for a drink. This is usually done after the teams use the changing rooms and the two teams enter the social area together.
- [22] There was some discussion between the parties which was interrupted when the Committee asked Mr Mole if he believed there were issues regarding 'guests' at the applicant's club. Mr Mole responded that he "did not know and did not want to know". Further discussion centred on how 'accompanied by' is interpreted.

Mr Mole

- [23] He said there was an article in the Otago Daily Times in December 2017 stating the Caversham AFC and the Pirates Football Club had discussed the prospect of Caversham leaving their rooms at Tonga Park and relocating to Hancock Park and using the facilities at the Pirates clubrooms.
- [24] In January 2018, Mr Mole said he contacted the secretary of the Pirates club to ask about the proposed changes and how this would affect their alcohol licence. The Inspector suggested the Pirates club send a letter to clubs likely to compete against the Caversham AFC and invite them to enter into a 'reciprocal rights' agreement.
- [25] The club did not believe they could offer such an agreement because not all clubs have their own bars, such as the netball teams likely to compete against the Macandrew Bay team, with which to reciprocate. The club sought clarification from the Inspector and Police.
- [26] After exchanging emails and phone calls, the club rejected the opinions of the Inspector and asked for the matter to go before the DLC.
- [27] The Committee wanted to know why Mr Mole believed it to be an unlikely scenario that people would be 'accompanied' by a club member post-match. He said he had been involved with winter sport for about 15 years and, in his experience, not a lot of 'accompaniment' takes place. He said that the members should be accompanying their guests when they go to the bar to purchase their drinks. Entering into a reciprocal rights agreement would solve the issue.

DECISION

- [28] The Committee has been asked to assist with the interpretation of section 60 of the Act after a 'disagreement' about who may be served in the clubrooms. Section 60 is reproduced here for clarity:

"60 Sale and supply in clubs to members and guests only

- (1) The holder of a club licence must ensure that no alcohol is sold or supplied to any person for consumption on the premises unless the person is –
 - a) an authorised customer; or
 - b) if the licence issued subject to a condition allowing alcohol to be sold or supplied to people of that kind, a person who is on the premises at the invitation of an authorised visitor who is also on the premises.

- (2) If a club licence and an off-licence are held for the same premises, the holder must ensure that no alcohol is sold or supplied to any person for consumption off the premises unless the person is an authorised customer.

- (3) In this section, -

authorised customer, in relation to premises a club licence is held for, means a person who -

- a) is a member of the club concerned; or
- b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- c) is an authorised visitor

authorised visitor, in relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members

member, in relation to a club, means a person who -

- a) has expressly agreed in writing to comply with the club's rules; and
- b) is recognised as a member of the club by those rules."

- [29] The Pirates Football Club has, as associate members of the club, members of both the Caversham AFC and Macandrew Bay Netball clubs. This is not a reciprocal arrangement but associate membership is allowed by Rule 4(d) of the Pirates Football Club Constitution. Associate members pay a fee to be members and are afforded the same rights as other member categories, with the exception of not having voting rights at meetings and they cannot be office bearers in the club.
- [30] Being members of the Pirates Football Club means they can make use of the facilities at any time and invite guests to be with them which is the case after games played by both the Caversham and Macandrew Bay teams.
- [31] However, the Licensing Inspector believes members of opposing teams are not being 'accompanied' by the club member the whole time they are in the premises. To overcome this, the Inspector suggested the club extended an invitation to enter a 'reciprocal visiting rights arrangement' with them to the other football clubs involved in the competition with Caversham AFC. The Inspector did not mention a similar invitation to the netball clubs competing against the Macandrew Bay netball team.
- [32] This was rejected by the Pirates Football Club because of perceived difficulties. People on the premises with reciprocal visiting rights cannot invite their own guests into the club. There is also difficulty ensuring people entering the premises on this basis are financial members of the club they claim to be from. Also, to offer 'reciprocal visiting rights' is based on an assumption the other team can offer similar facilities in return. This would be problematic for most netball teams.
- [33] The club said the people found in their premises are either members or guests of members. When asked if there is a problem at the club, the Inspector said he was not aware of any and 'did not want to know'.
- [34] Section 60 is quite clear regarding who may be sold and or supplied alcohol on a club premises. They are either members of the club, invited and accompanied guest of a member or a member of another club with which there are reciprocal visiting rights (an 'authorised visitor').
- [35] In this matter there is no evidence that the club is allowing people other than members or their guests to use their facilities. It was suggested that people are not being accompanied while in the premises by the member who had invited them. Again, there was no evidence of this other than 'past experience'.
- [36] So long as the people using the bar facilities are members or guests of the members and are being accompanied by that member, there is no issue.

- [37] The Licensing Inspector, we believe, was attempting to provide a mechanism whereby a person in the premises did not require to be 'accompanied' by the inviting club member but could be there using the reciprocal visiting rights. However, as Mr Trainor pointed out, the other club would need to have like facilities to make the arrangement truly reciprocal and, even if they could, they could not invite their own guests.
- [38] The Committee can add a condition to the alcohol licence allowing authorised visitors to invite and accompany their guests to the premises pursuant to section 60(1)(b) of the Act.
- [39] The Act is clear that when a person has been invited to the club they must be accompanied by the member who invited them. In *Waihi Beach Memorial RSA Inc* LLA PH201/02, the Authority said at [17]:
- "... it is not sufficient for a staff member to sign in a person who might wish to make use of the facilities. The sponsor must accompany the guest while the guest is on the premises."*
- [40] The Committee has not been presented with any evidence suggesting members are not accompanying their guests. It is for the club to ensure they comply with the legislation.
- [41] This application is for the renewal of a club licence. The Licensing Inspector opposed the renewal because the applicant requested that the Committee interprets section 60 of the Act and also that he believed the applicant's suitability was questionable.
- [42] Section 60 is clear in its meaning. We accept the Inspector made the suggestion to the club regarding inviting other clubs to enter a 'reciprocal visiting rights' arrangement but it was the club's right to question the value of such an offer.
- [43] We have not been presented with any evidence to suggest the applicant's suitability should be questioned. We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore we renew the licence until 14 August 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.
- [44] We have included a condition on the licence that will authorise members of clubs with which there is a reciprocal visiting rights arrangement to invite their own guests to the club. The onus will be on the club to manage those in the premises.

DATED at Dunedin this 28th day of March 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/04/CL

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Pirates Squash Rackets Club Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 4 John Wilson Ocean Drive, Dunedin, known as "Pirates Squash Rackets 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 Pirates Squash Rackets Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 4 John Wilson Ocean Drive, Dunedin, and known as the "Pirates Squash Rackets Club".

While the application is for a roll-over of the present conditions, the Dunedin Local Alcohol Policy took effect on 1 February which requires the trading hours for the club to be changed.

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 therefore renew the licence, with the amended hours, until 15 December 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 6th day of March 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 Keillor Vineyard Limited pursuant to s.127 of the Act for renewal of an off-licence endorsed pursuant to s.40 of the Act (remote seller) in respect of premises situated at 372 Highgate, Dunedin, known as "Black Quail Estate"

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 Keillor Vineyard Limited for the renewal of an alcohol off-licence, endorsed as a 'remote seller', in respect of premises situated at 372 Highgate, Dunedin, and known as the "Black Quail Estate".

This licence is an internet based business operating from Dunedin.

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. The Inspector notes that the applicant is seeking another off-licence for the estate itself and once that has been obtained this licence will be surrendered.

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 9 February 2022, that 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 13th day of March 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 Kanvi Limited for an off-licence pursuant to s.99 of the Act in respect of premises situated at 281 Brockville Road, Dunedin, and known as "Brockville Supermarket"

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 Kanvi Limited for an off-licence in respect of premises situated at 281 Brockville Road, Dunedin, and known as the "Brockville Supermarket".

The application is in respect of premises in which the sale of alcohol would be an appropriate complement to the kind of goods sold in the premises.

The application results from a change of licensee. The premises is currently operating under a temporary authority.

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.

While the premises is too small to be classified as a supermarket, the sales figures provided indicate that the premises predominant sales is main order household food stuffs. The applicant has supplied a plan of the store indicating the location of the single alcohol area (attached). This meets the requirements of s.113 of the Act.

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 Sunday

8.30 am to 8.00 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 19 December 2018. The entrance from Brockville Road is designated as the principal entrance.

DATED at Dunedin this 11th day of March 2019

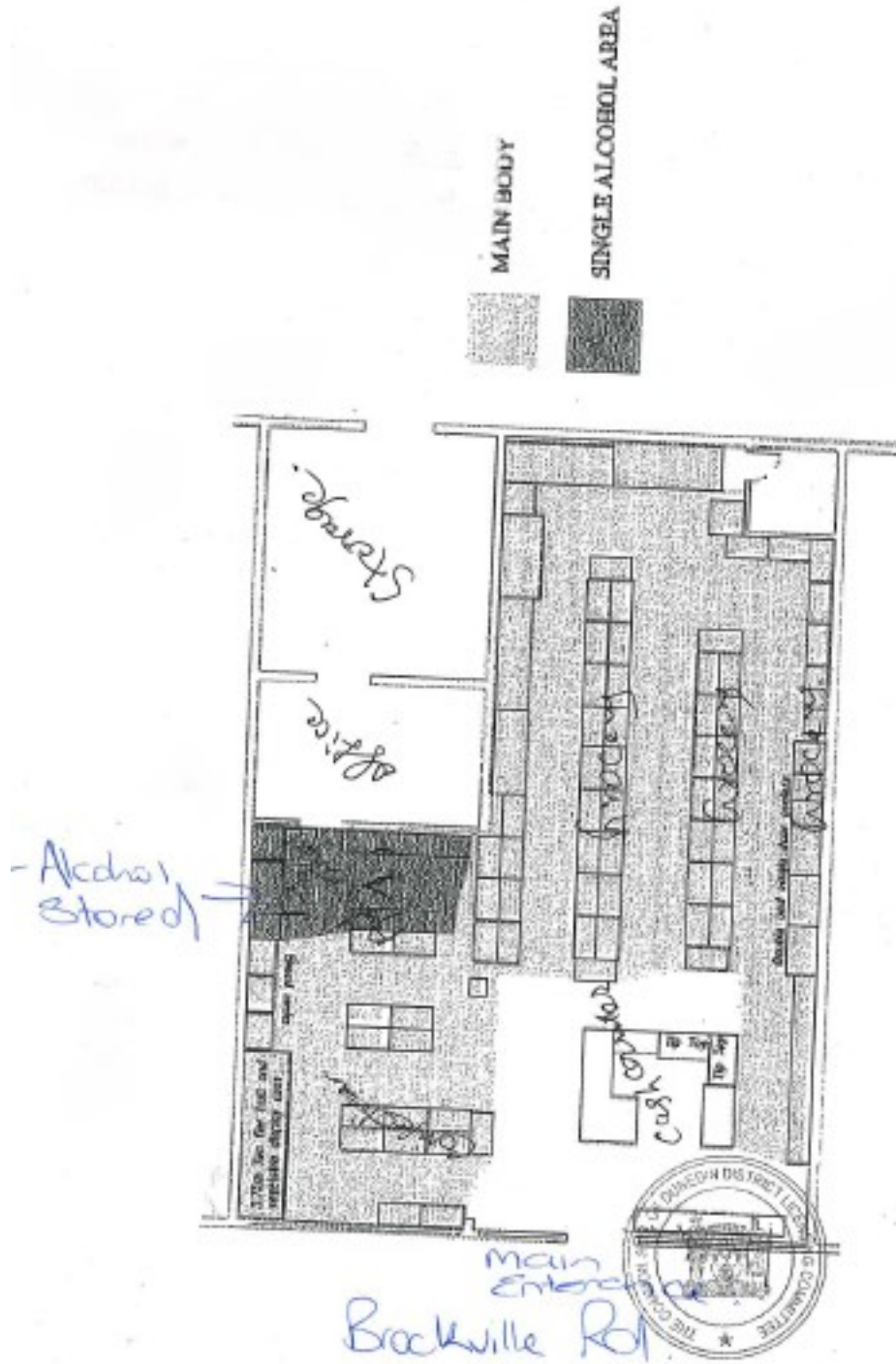
Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

BROCKVILLE SUPERMARKET

Single Alcohol Area

BROCKVILLE SUPERMARKET SINGLE ALCOHOL AREA



Decision No. 2019/05/OFF

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Mitchells Family Foodcentre Limited pursuant to s.127 of the Act for renewal of an off-licence in respect of premises situated at 43A Holyhead Street, Outram, known as "Mitchells Four Square Supermarket"

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 Mitchells Family Foodcentre Limited for the renewal of an alcohol off-licence in respect of premises situated at 43A Holyhead Street, Outram, and known as "Mitchells Four Square Supermarket".

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 and the 'single alcohol area' complies with the legislation.

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 20 February 2022, that 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 11th day of March 2019

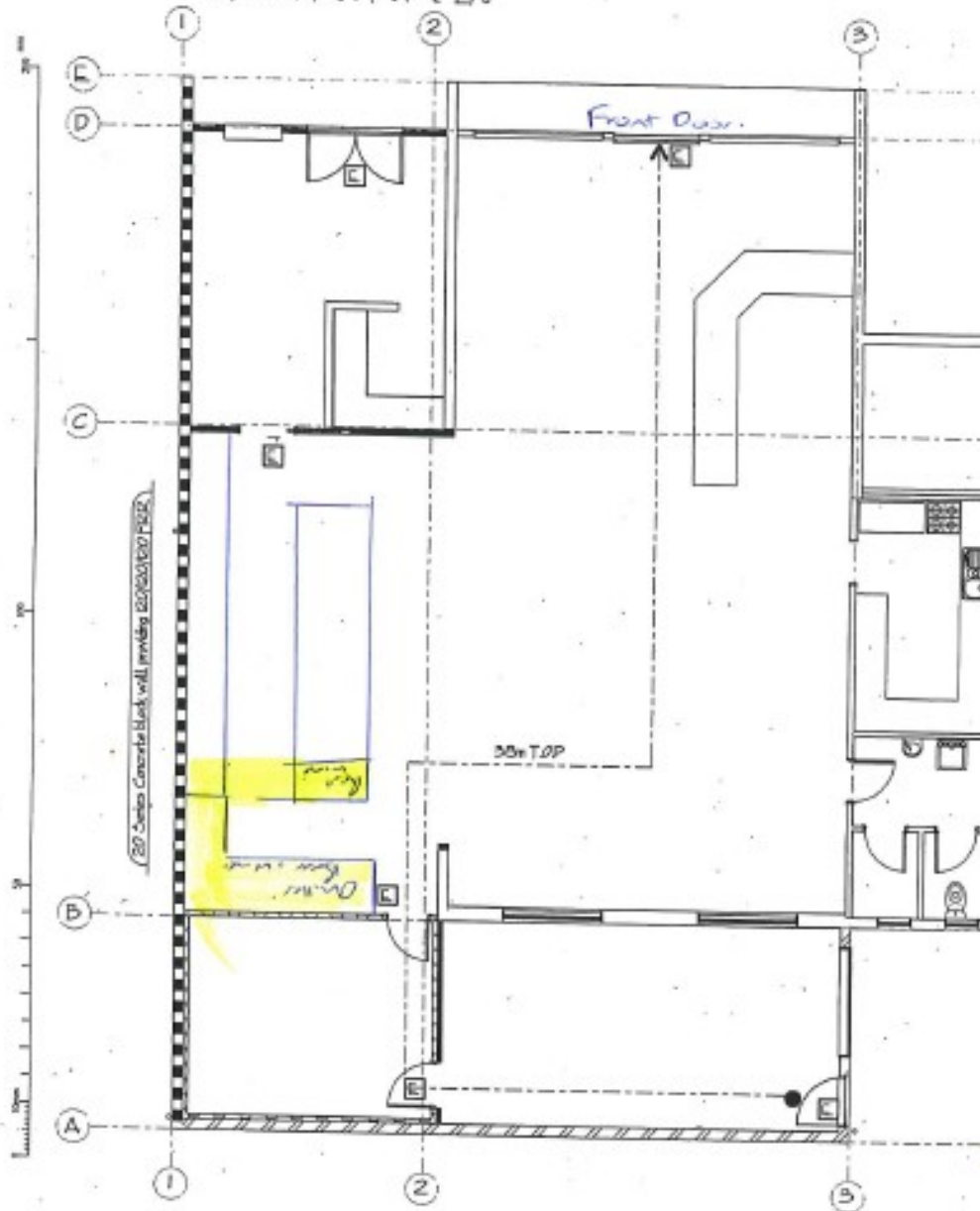
Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

MITCHELLS FOUR SQUARE SUPERMARKET

Single Alcohol Area

Warnock
Architecture Ltd



Decision No. 2019/04/OFF

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by A. R. G. and J. M. Stafford Limited pursuant to s.127 of the Act for renewal of an off-licence in respect of premises situated at 10 Hartstonge Avenue, Mosgiel, known as "Mosgiel New 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 A. R. G. and J. M. Stafford Limited for the renewal of an alcohol off-licence in respect of their premises situated at 10 Hartstonge Avenue, Mosgiel, and known as the "Mosgiel New World".

The application is for a roll-over of the present conditions. The single alcohol area has not changed since the last licence renewal.

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 21 December 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.

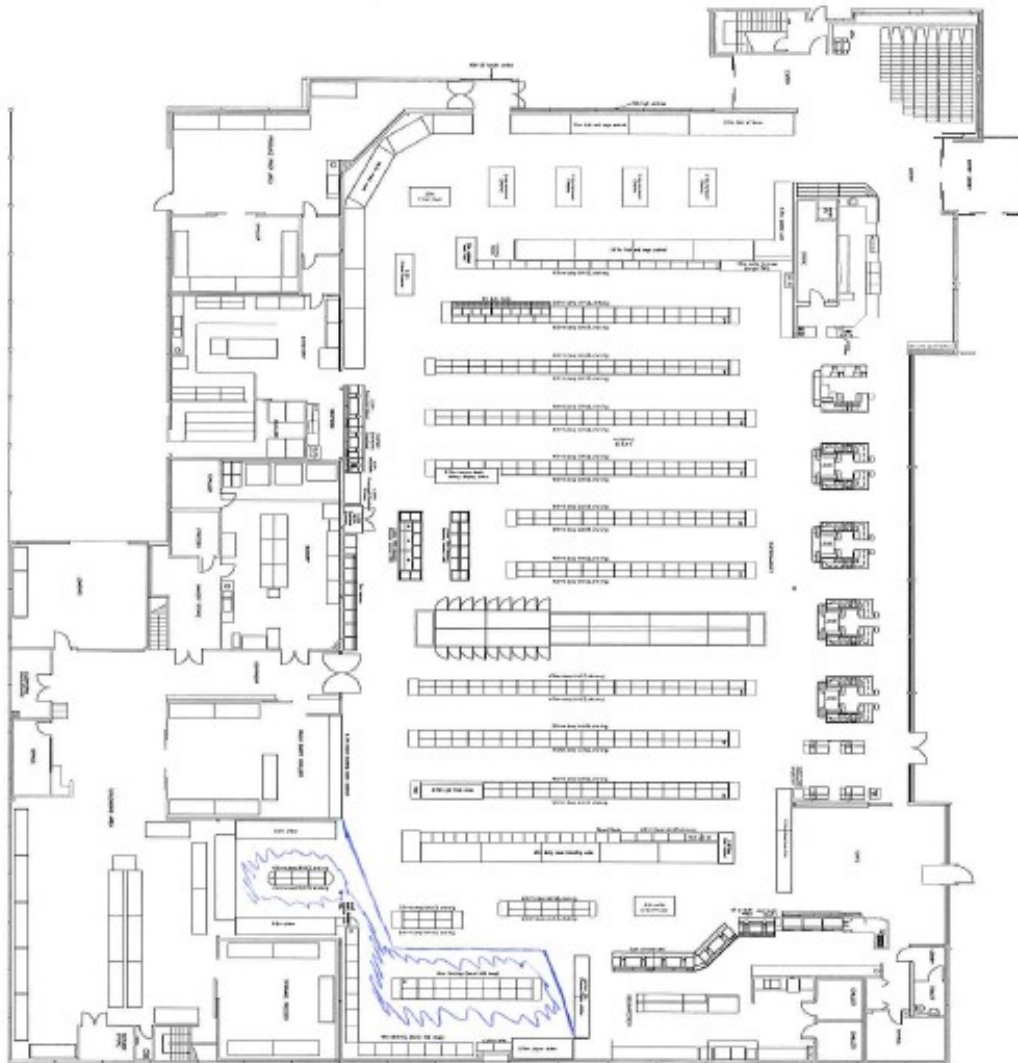
DATED at Dunedin this 5th day of March 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

MOSGIEL NEW WORLD FLOOR PLAN



Blue area
is liquor area

FOODSTUFFS	
DATE	TIME
BY	FOR
REMARKS	
MOSGIEL NEW WORLD 1234 1234 1234	

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Buster Green Limited for an on-licence pursuant to s.99 of the Act in respect of premises situated at 466 George Street, Dunedin, and known as "Buster Green's Food Room"

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 Buster Green Limited for an on-licence in respect of the premises situated at 466 George Street, Dunedin, and known as "Buster Green's Food Room". The general nature of the business to be undertaken is that of a café and restaurant.

The premises has been previously licensed but the former licensee let the licence expire.

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 8.00 am to 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 23 January 2019. The entrance from George Street is designated as the principal entrance.

DATED at Dunedin this 8th day of March 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 Strictly on Bath Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 23 Bath Street, Dunedin, known as "Insomnia by Strictly Coffee"

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 Strictly on Bath Limited for the renewal of an alcohol on-licence in respect of the premises situated at 23 Bath Street, Dunedin, and known as the "Insomnia by Strictly Coffee".

This is the first renewal for the premises and is for a roll-over of the present conditions. However, Dunedin's Local Alcohol Policy took effect from 1 February 2019 which limits the maximum trading time for cafes and restaurants to 1.00 am. The renewed licence will be amended to reflect the policy hours.

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 therefore renew the licence until 11 December 2021, 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 11th day of March 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/48/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by J C and Sons Investments Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 2 Manor Place, Dunedin, known as "Manor 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 J C and Sons Investments Limited for the renewal of an alcohol on-licence in respect of their premises situated at 2 Manor Place, Dunedin, and known as the "Manor Restaurant".

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.

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 20 November 2021, 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 11th day of March 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/43/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Nanking Palace Restaurant Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 200 King Edward Street, Dunedin, known as "Nanking Palace 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 Nanking Palace Restaurant Limited for the renewal of an alcohol on-licence in respect of their premises situated at 200 King Edward Street, Dunedin, and known as the "Nanking Palace 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 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 17 January 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 5th day of March 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/40/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Pelichet Bay Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 1A - 20 Logan Park Drive, Dunedin, known as "Pelichet Bay Cricket 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 Pelichet Bay Limited for the renewal of an alcohol on-licence in respect of the premises situated at 1A - 20 Logan Park Drive, Dunedin, and known as the "Pelichet Bay Cricket 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 8 December 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 5th day of March 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 Ellis Hospitality Limited for an on-licence pursuant to s.99 of the Act in respect of premises situated at 11 The Octagon, Dunedin, and known as "Ratbags & Innocent Bystander"

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 Ellis Hospitality Limited for an on-licence in respect of the premises situated at 11 The Octagon, Dunedin, and known as "Ratbags & Innocent Bystander". The general nature of the business to be undertaken is that of a tavern.

The application results from a change of licensee company, although the people involved will remain the same. The premises are currently operating under a temporary authority.

The premises also occupy part of the footpath in The Octagon by placing tables and chairs, delineated with screens, depending on the time of day. Attached are two plans showing the daytime and night-time configurations.

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:

8.00 am to 3.00 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 8.00 am 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.
 - (ii) The whole of the premises is designated a supervised area.
- (e) **A one-way door policy shall apply from 2.30 am.**
- (f) 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 1 February 2019. The entrance from The Octagon is designated as the principal entrance.

DATED at Dunedin this 11th day of March 2019

Kevin Mechen
Secretary

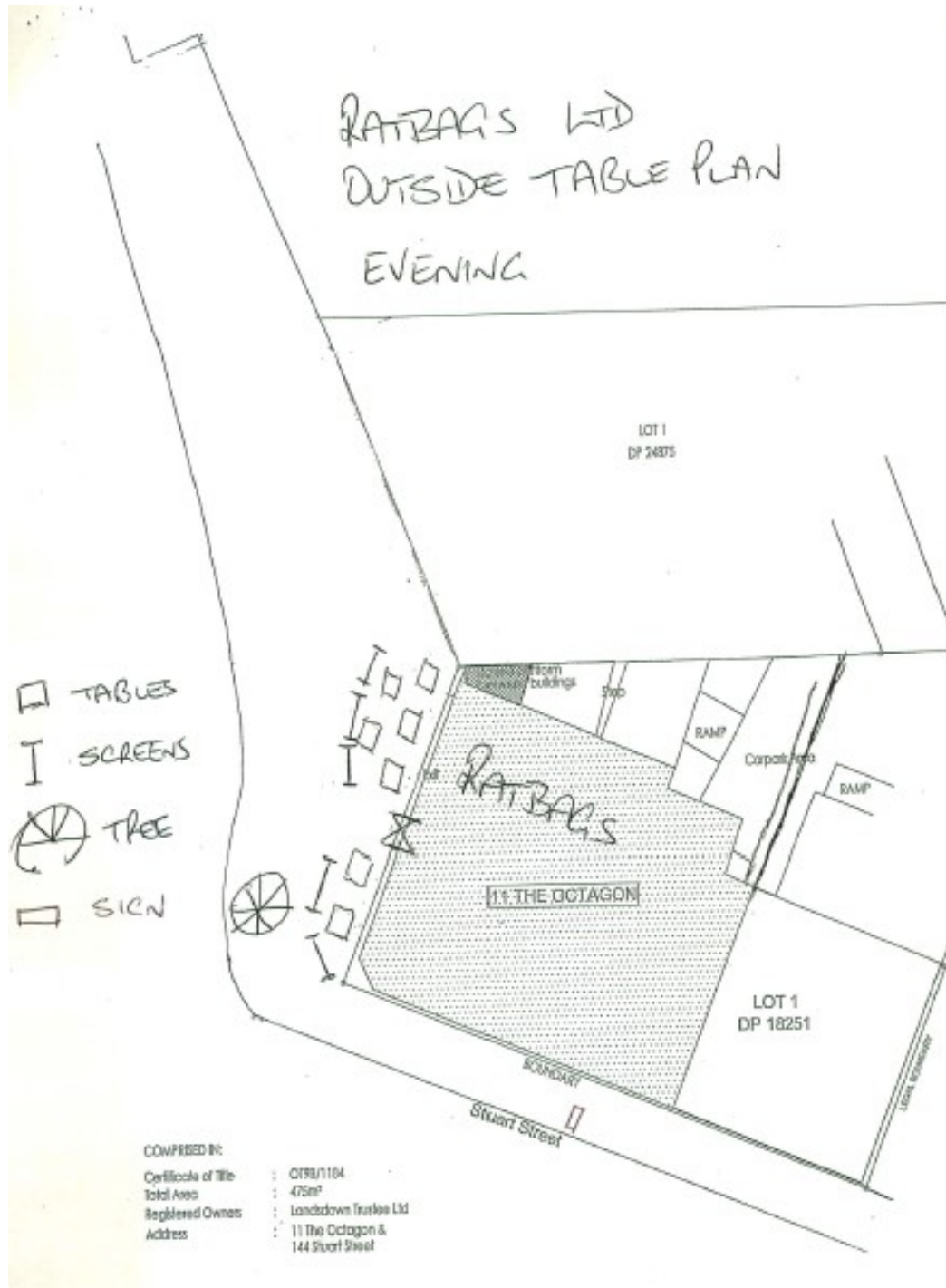
DUNEDIN DISTRICT LICENSING COMMITTEE

Daytime Footpath Configuration



RATBAGS & INNOCENT BYSTANDER

Night-time Footpath Configuration



Decision No. 2019/49/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Kirit Gandhi (the "Applicant") pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 18 Mailer Street, Dunedin, known as "Shree Restaurant and Takeaways"

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 Kirit Gandhi (the "Applicant") for the renewal of an alcohol on-licence in respect of his premises situated at 18 Mailer Street, Dunedin, and known as the "Shree Restaurant and Takeaways".

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 2 February 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 11th day of March 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/42/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Stadium Restaurant and Bar Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 189 Ravensbourne Road, Dunedin, known as "Stadium Restaurant 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 Stadium Restaurant and Bar Limited for the renewal of an alcohol on-licence in respect of their premises situated at 189 Ravensbourne Road, Dunedin, and known as the "Stadium Restaurant and Bar".

While the application is for a roll-over of the present conditions, the premises is subject to the new licence trading hours detailed in the Dunedin Local Alcohol Policy for a premises in or adjacent to a residential area. The hours on the licence have been amended accordingly.

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 has noted that the applicant had let the Fire Evacuation Scheme for the premises to lapse. While this has now been rectified, it is important for the applicant to maintain this scheme.

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 20 December 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 5th day of March 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 Dudstoun
Limited for an off-licence pursuant
to s.99 of the Act in respect of
premises situated at 1 Great King
Street, Dunedin, and known as
"Sunset Sam"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Mr P Burrows

HEARING at Dunedin on 8 February 2019

Appearances:

Mr J Devereux – for the Applicant
Ms T Shiels – Counsel for the Applicant
Ms T Cooper – Witness for the Applicant
Mr M Campbell – Witness for the Applicant
Mr J Carruthers – Witness for the Applicant

Mrs A Blair – Licensing Inspector
Ms L Grace – for Medical Officer of Health
Sgt I Paulin – Police Alcohol Harm Prevention Officer
Ms T Morrison – Witness for the Police
Const T McSkimming – Witness for the Police
Const T Wall – Witness for the Police
Const R Myers – Witness for the Police

Mr A Blair – Acting Secretary to DLC
Mrs L Adamson – Governance Support Officer
Ms L McDonald – Governance Support Officer

INTRODUCTION

- [1] This is an application by Dudstoun Limited for an on-licence for the premises situated at 1 Great King Street, Dunedin, and to be known as "Sunset Sam". The premises has been previously licensed but has been vacant since September 2015.
- [2] The applicant has a sole director and shareholder, Mr J Devereux, who is the also the sole director and shareholder of Eastern Lights Limited, the licensee of "Carousel".
- [3] There have been no public objections received however the Police have opposed the application based on section 105(b) of the Act, that is, they do not believe the applicant is suitable to hold a licence. The Medical Officer of Health and Licensing Inspector, while not opposing the application, support the Police.
- [4] The rest of the criteria detailed in section 105 of the Act have not been challenged by the reporting agencies therefore they will not be addressed by the Committee at this hearing.

- [5] The Police have made application to the Alcohol Regulatory and Licensing Authority for the suspension of the alcohol licence for "Carousel" and the manager's certificate of Ms T Cooper. This matter is to be heard some time in April.

Preliminary Matters

- [6] Mr Shiels has suggested to the Police that the evidence to be presented to the Authority should not be presented in this matter however the Police have not accepted this. Mr Shiels said it would be a legal minefield to make a determination at this hearing based on alleged offences which are yet to be proved. This would be a breach of natural justice
- [7] He said it is accepted that Mr Devereux is the sole director and shareholder of the two companies but pointed out that they are separate businesses in different premises. The two businesses will be run separately and should not be considered the same.
- [8] The Committee had two options. The first would be to adjourn the matter until after the Authority's decision is released or we could hear the matter now. If the matter were to be adjourned there could be up to six months delay for the applicant which would be 'unfair' on the applicant because they have a business to run.
- [9] We have decided to proceed with the hearing and to hear the evidence from the parties involved. It is up to us to consider the relevance of, and the weight we will attribute to, the evidence presented. In this matter we are only concerned with the suitability of the applicant so will consider the evidence on that basis only.

Mr Devereux

- [10] Mr Devereux stated he has been in the hospitality industry in Dunedin since 1995 and is the holder of a manager's certificate. Prior to the renewal of the "Carousel" licence in 2015 he has never had a licence application challenged. He said he has never had a licence or his managers certificate suspended. Mr Devereux believes he has a very good reputation in the hospitality industry in Dunedin.
- [11] Mr Devereux accepts that any question relating to his suitability relates to issues at "Carousel".
- [12] The proposed premises is close to the main hospitality 'cluster' of the Octagon. It is surrounded by a commercial carpark and has no immediate residential neighbours. There is no nearby 'sensitive facility' as defined in the Dunedin Local Alcohol Policy (LAP). Mr Devereux does not consider the new premises will have any significant impact on the community.
- [13] The Central Police Station is nearby so the applicant would expect the Police to keep a close eye on the activities at the premises.
- [14] Mr Devereux briefly discussed other conditions that the Committee may impose on the licence saying that all points have been addressed in the application. He said the reporting agencies appear to accept this as the application is only opposed on suitability. He said he did not believe there needed to be any other condition added to the licence.
- [15] With regards to the issues that led to the opposition to the "Carousel" licence renewal in 2015, they related to the occupancy of the premises. Because there is currently only one means of access to the premises the occupancy is limited to 50 people. At that hearing it was spelt out that this number is set outside of the licensing regime. Policies and procedures were put in place to ensure this number was not exceeded. Mr Devereux said he is in the process of getting another escape route installed which will take the occupancy to 111 people. The building process is involved and unfortunately taking longer than anticipated.

- [16] Food supply at "Carousel" was also an issue but, at a suggestion from the agencies, an arrangement was made with the premises downstairs to make pizzas as required.
- [17] Mr Devereux noted that all of the concerns raised by the Police relate to "Carousel" and that they are only seeking a suspension. He said he did not understand how the matters the Police allege took place at "Carousel" could lead them to oppose the licence application for "Sunset Sam".

Mr Campbell

- [18] Mr Campbell has worked in the hospitality industry for about nine years and is the holder of a manager's certificate. He said he has some knowledge of some of the matters raised by the Police in opposition to this licence application.
- [19] He described the circumstances surrounding the occupancy of approximately 80 people on 1 September 2018. He said the doorman, Mr Carruthers, was supposed to start work at 10.00 pm but on the night, did not turn up until about 10.20 pm. The usual practice is for a doorman to do a count of patrons when he/she arrived at work. However, on this occasion, a count was not carried out and Mr Carruthers went straight to the door.
- [20] In response to a question, Mr Campbell said there was no policy in place for when security reports for work late. He also told the Committee that it was human error that led to the head count not being completed when Mr Carruthers started work.
- [21] The Police subsequently made a visit and it was at this time the excess number of patrons was realised. A one-way door was immediately put in place to reduce the numbers. The attending Police agreed that this was the best approach.
- [22] Mr Campbell said he was in the premises as a patron on 21 December 2018, 'Tradies Night'. The Police visited the premises and it was while they were present that Mr Campbell noticed a patron who may have been asleep. Mr Campbell said he asked the patron to leave and started to escort him out. While he was escorting the patron to the door the Police intervened and started asking the patron questions.
- [23] When asked by the Committee, Mr Campbell said he saw the patron was getting intoxicated and, although he wasn't working, took the liberty to ask him to leave.

Mr Carruthers

- [24] On the night of 1 September 2018 Mr Carruthers was working as a doorman. He arrived at work late, at about 10.20 pm instead of 10.00 pm, because of car problems. When he arrived at the bar he said Mr Campbell was irritated at his lateness, gave him a counter and returned to the bar. Mr Carruthers said he went directly to the door.
- [25] The counter handed to him had a number recorded so Mr Carruthers assumed it recorded the number of people in the bar at that time.
- [26] When the Police arrived later in the night Mr Carruthers said he realised the mistake and a one-way door was immediately put in place. The only interaction he had with the police was when they left when they asked what the total patronage was at that time.
- [27] On Tradies Night about six Police visited in the early hours of 22 December 2018. They did not raise any concerns about the occupancy, intoxication or any other matter.
- [28] Later in the morning, after the 3.00 am when one-way door was in place, Mr Carruthers said he was sitting at the top of the stairs to ensure patrons did not attempt to leave with alcohol or glassware. The door at the street is closed when the one-way door takes effect and can only be opened from the inside by people leaving. People cannot enter once the door is closed.

- [29] Three Police entered the premises as a patron was leaving. At that time Mr Carruthers said he had taken a glass from a customer who had just left. He said he was not drinking alcohol; staff are prohibited from drinking alcohol while working.
- [30] A short time later the Police went back down the stairs with a patron. At that time Mr Carruthers was back at the bottom of the stairs after a request from Ms Cooper. He said he did not 'engage' with the patron because the Police were dealing with him. The patron was trying to apologise to Mr Carruthers for making a fuss.
- [31] Mr Carruthers said he believed the patron was under the influence of alcohol but would not consider him drunk. Mr Carruthers said he did not smell or see any vomit or urine.
- [32] In response to a query Mr Carruthers explained how the counters were used to keep track of patrons. He acknowledged it was a mistake not to do a count when he started work on 1 September 2018.
- [33] As for the patron who was removed from the premises on Tradies Night, Mr Carruthers acknowledged that, while he does not remember him entering the bar, he could have entered while he was working but he would have been another sober customer entering to enjoy a drink. He said he did not see the patron at any time through the night.

Ms Cooper

- [34] Ms Cooper is the general manager of "Carousel" and has held this position since April 2018. She has worked in the hospitality industry for the last nine years.
- [35] She said her manager's certificate has never been suspended or cancelled.
- [36] On 5 August 2018 Ms Cooper was the duty manager at "Carousel" when Ms Morrison, a Licensing Inspector, and another person visited the premises. They told Ms Cooper they had counted 65 people in the premises. She said she explained to them that there had been some sort of disorder at the nearby "Suburbia" and the doorman on the night had left to help. During the time the door was unattended there must have been people enter the premises. As soon as the error was identified a one-way door was put in place to get the numbers back down. There were no other issues identified during the visit.
- [37] When questioned about the actions of the doorman Ms Cooper said that if there was an issue in the neighbouring premises the doorman would send a text to the duty manager and go and assist. However, if there was a fight or the nearby guard needed immediate assistance he would go to their aid and text as soon as he could. On this occasion he sent a text when he got back and Ms Cooper went and relieved him while a count was done.
- [38] Ms Cooper said she was the duty manager on 1 September 2018. A large number of Police arrived and told her they had counted 70 people in the premises. When Ms Cooper did a count she only found 58 people present. She recounted and again found 58 people. A one-way door was put in place.
- [39] She said she accepted the numbers were slightly over and cannot explain why.
- [40] On the night of the Pink Concert, Mr Campbell messaged Ms Cooper when the Police arrived and found the number of people on the premises to be greater than that allowed. Ms Cooper said she was there within minutes and spoke with Sgt Paulin. He told her he would be applying to have the licence for "Carousel" suspended. He also commented that the "Biggies" menu was not on the bar where it should have been but there was a sign behind the bar stating that food was available at all times.
- [41] Following the events on the Pink Concert weekend it was decided some changes needed to be made to the capacity policy. Three changes were made to the policy. The first requires the duty manager to carry out a head count every hour. If at any time the occupancy was found to exceed 50 people the doorman is to be informed immediately. The second change is that when the doorman begins work at 10.00 pm both he and the duty manager must

each carry out a head count before he moves to the door. The third change is that all staff are to be trained in the correct counting procedures. If there is any doubt regarding the number of patrons present another staff member is to carry out a count.

- [42] On 29 September 2018 Ms Cooper was the duty manager when six Police arrived at the premises. Sgt Paulin told her he had counted 65 people on the premises. Ms Cooper said she doubted this and recounted and only found 52 people present. Another member of the Police recounted and found 58 people. Ms Cooper said they did not count staff and was advised the occupancy included staff. Sgt Paulin said he did not want to quarrel over a handful of people.
- [43] Ms Cooper said she told Sgt Paulin that there had been a new 'capacity policy' put in place. She also explained that the premises now had its own deep fryer and had a new menu. "Carousel" no longer needed the "Biggies" pizzas.
- [44] Ms Cooper was the duty manager on Tradies Day. The Police arrived at 2.44 am and left six minutes later after confirming there was only 50 people present.
- [45] Later in the morning the Police again visited but on this occasion, could not enter the premises because the door at the street could only be opened from the inside after 3.00 am. The doorman was at the top of the stairs to monitor patrons and to prevent people entering as someone was leaving.
- [46] After being questioned about the closed door, Ms Cooper said they have changed the policy so now the doorman will remain at the street door when the premises is operating.
- [47] When the Police did enter Constable Wall said they had found a 'sleeper' present. Mr Campbell has described this incident.
- [48] The Police asked about Mr Campbell intervening with a patron when he was not on duty. Ms Cooper said that although was not working, he was her eyes and ears on the night because he was there.
- [49] In response to a question from the Committee, Ms Cooper said she will be involved with both "Carousel" and the proposed new premises "Sunset Sam".

Mr Devereux

- [50] Mr Devereux expanded on his management plans for "Sunset Sam" saying it would be similar to "Carousel" in that it will be a difference in the market with the culture and type of music offered. He said he would rather employ his own security staff so he is dealing with the same people all the time. They would bring more managers to the premises so Ms Cooper can move between the two premises.
- [51] Ms Grace asked about the smoker's area and if he would be following the guidance of the SmokeFree Officer from the District Health Board. Mr Devereux said he would assess it against the caselaw and go from here.
- [52] The Committee asked why the licence should be granted. Mr Devereux said that it appears to come down to his suitability and that is a decision of the Committee. He said he has been in the industry a long time and did a good job at "Carousel" but it is difficult to provide evidence of that. It is difficult to prove suitability other than to rely on history over time.

Sgt Paulin

- [53] Sgt Paulin is the Alcohol Harm Reduction Officer for the Dunedin Police District. He has opposed this application because he does not believe the applicant is a suitable entity to hold a licence. In support of this he used incidents at "Carousel", another bar the applicant's sole director and shareholder is involved with, as supporting evidence.

- [54] However, before he started, Sgt Paulin requested that the Committee finds that the applicant has not proved his suitability and therefore the Police should not be required to give evidence. He used *The Colonial Bottle Store* [2013] NZARLA 492 to justify his stance.
- [55] To answer this point, the case cited related to a new licence where the applicant had no experience. They did not satisfy the section 105 criteria therefore the Authority stopped the hearing after the case was presented. In this matter the applicant is an experienced licensee and there would be a miscarriage of natural justice if the applicant, and the Committee, did not hear the evidence against them.
- [56] Sgt Paulin said Mr Devereux has been before the Committee on two occasions relating to the occupancy of "Carousel" and the food requirements of the Act.
- [57] He said he has made an application to the Authority for the suspension of the "Carousel" licence with a starting point of two days suspension. The grounds for the application are:
- a) Compliance checks in the first half of 2018 found the premises to be over capacity
 - b) Compliance checks on 4 August, 1 and 2 September, and 27 October 2018 found the premises over capacity
 - c) A compliance check on 2 September 2018 noted food was not being promoted
 - d) On 22 December 2018 an intoxicated person was found on the premises and he had recently been sold alcohol.
- [58] The Police state that they do not believe the applicant will comply with the object of the Act, is not a suitable person to hold a licence and the systems, staff and training are insufficient to comply with the Act.
- [59] In response to a question, Sgt Paulin said the issues found in the early part of 2018 were dealt with by way of a warning at a 'Graduated Response Meeting' on 6 June 2018.

Ms Morrison

- [60] Ms Morrison is a Licensing Inspector employed by the Dunedin City Council.
- [61] On 5 August 2018 she was working as part of a joint Dunedin Alcohol Partnership monitoring operation with Ms S Clark from the Southern District Hospital Board (DHB).
- [62] They entered "Carousel" at about 1.45 am and spoke to the duty manager Ms Cooper. She confirmed the occupancy was still set at 50 people but a count showed there were 65 people present.
- [63] Ms Cooper explained that there had been an issue at the neighbouring premises and the doorman had gone to help. She assumed the extra people arrived at the premises when the doorman was away from the door.
- [64] In response to a question from the Police Ms Morrison said the count of people present included the staff. She further confirmed for the Committee that menus were on the bar.

Constable Myers

- [65] Constable Myers was working on 1 September 2018 and was one of the group that entered "Carousel".
- [66] He said he walked around the bar with Ms Cooper and counted 75 people in the premises. Ms Cooper disagreed with this number telling him she had counted 58 people.
- [67] Const Myers said he pointed out to her that this was still higher than the allowable number for the premises.

- [68] When questioned Const Myers said he was not sure how the count was done by Ms Cooper or if she was given the number by another staff member. However, he said he double checked his count and considered the number in the premises to be unreasonable.

Constable Wall

- [69] Const Wall has been in the Police for twelve years. On the night of 21 December 2018, she was working with the Alcohol Prevention Team.
- [70] She said at about 3.20 am on 22 December she saw a person leaving "Carousel". The door was closed and there was no handle on the outside. Const Wall said she had a discussion with her two colleagues about whether the premises was still open. A few minutes later another person left the bar and they were able to enter the premises.
- [71] As they walked up the stairs Const Wall said she saw the security guard holding a spirits glass. As they got closer the security guard tried to conceal the glass by placing it on a chair. Const Wall said she smelled the contents, and asked another member of Police to also smell it, and they concluded it was an alcohol, whisky or bourbon, mixed with Coke.
- [72] One of the other Police present had gone through to the outside Garden Bar area so Const Wall headed that way. As she approached the area she saw two males walking out followed by Const McSkimming. One of the two appeared to be intoxicated and was carrying a glass. Const Wall accompanied Const McSkimming down the stairs so the male could be spoken to.

Constable McSkimming

- [73] Constable McSkimming was working with Const Wall and Sgt Cheyne when they tried to enter "Carousel" on 2 September 2019. They were required to wait until someone left the bar before they could enter because the door could not be opened from the outside.
- [74] When Const McSkimming got inside the premises she went directly to the Garden Bar and counted 36 people in the area.
- [75] She said she saw a sleeping male sitting on a chair resting his head on one hand and holding a drink in the other. She said she could clearly smell alcohol in the glass. Const McSkimming said she saw a male move towards the sleeping person when he saw her walking to him. He shook him awake and pulled him from the chair.
- [76] Const McSkimming said she got to the 'sleeping' patron and took him downstairs where she spoke to him. She said the patron admitted being asleep and that he had been drinking Red Bull and Vodka. Const McSkimming said she noticed a wet patch on the front of the patron's trousers and when it was pointed out to him he commented that he had wet himself. He further said that he had vomited on himself twice during the night and that he should be at home.
- [77] When asked, Const McSkimming said that when she spoke to the male he was every cooperative and answered the questions 'really well'.

DECISION

- [78] The Police have opposed this application because they do not believe the sole director and shareholder of the applicant company, Mr Devereux, is a suitable person to have a licence. Both the Medical Officer of Health and Licensing Inspector are in support of the Police, although neither contributed during the hearing.
- [79] In their evidence, the Police also challenged the systems, staff and training that would be implemented at the new premises, doubting
- [80] that the premises would be operated properly. These were not raised as grounds of opposition therefore will not be considered here.

- [81] The Police have made application to the Authority for the suspension of "Carousel" after a series of incidents. The Committee was presented with the evidence that would be presented to the Authority in April however it is not the Committee's role to consider these matters other than in relation to the applicant's suitability to have another alcohol licence.
- [82] The Committee is also cognisant of the fact that the application to the Authority is for a suspension of the alcohol licence, not a cancellation, with a suggested starting point of a two-day suspension. We believe this indicates they have no issue with Mr Devereux's suitability to have a licence for that premises however the Police still see fit to oppose the grant of the licence for "Sunset Sam".
- [83] The main focus of the Police argument is that they allege the applicant allows the number of patrons in the premises to exceed the maximum. We cannot consider the evidence relating to these incidents but we have been told that the 'capacity policy' for the premises has been rewritten to tighten up the processes for ensuring patron numbers do not exceed the allowable number.
- [84] There is also a suggestion that an intoxicated patron was found on the premises. This is one alleged incident with no evidence presented to suggested it is a common occurrence. Again, it is for the Authority to determine if there was a breach of the Act on this occasion.
- [85] The Committee has not heard any evidence to suggest the applicant is not a suitable person. In fact, we have heard that when a problem was identified keeping track of the number of patrons in the premises, the applicant and his duty manager responded by making changes to the 'capacity policy' to reduce the opportunity for future problems. We believe these are the actions of a responsible operator.
- [86] This application is for a different premises and, while the applicant will be targeting the same market demographic, the layout and increased capacity will lend itself to a different style of management. We have confidence that the applicant will operate the new premise properly.
- [87] We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act. Other than section 105(b), relating to suitability, none of the other matters were challenged by the reporting agencies. Detail regarding how the applicant will deal with these other matters are covered in the application for the licence. We are satisfied with the application.
- [88] 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.
- [89] The applicant's attention is drawn to ss.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.
- [90] 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 8.00 am to 3.00 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 8.00 am 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 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 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.
 - (ii) The whole of the premises is designated a supervised area.
- (e) **A one-way door policy shall operate from 2.30 am.**
- (f) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.

[91] A copy of this licence must be displayed at the principal entrance to the premises as outlined in the plan received by the Dunedin District Licensing Committee on 16 November 2018. The entrance from Great King Street is designated as the principal entrance.

DATED at Dunedin this 8th day of March 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/47/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Tiplers Bar and Café Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 11B North Road, Dunedin, known as "Tiplers Bar & 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 Tiplers Bar and Café Limited for the renewal of an alcohol on-licence in respect of their premises situated at 11B North Road, Dunedin, and known as the "Tiplers Bar & 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 Act and is satisfied that the premises is being operated properly. There was a delay in reporting on this application because of building issues in an adjoining tenancy.

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 20 September 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 11th day of March 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/71/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Big Bird Enterprises Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 97 Gordon Road, Mosgiel, and known as "Coronation Hall"

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 Big Bird Enterprises Limited for a special licence for the premises situated at 97 Gordon Road, Mosgiel, and known as the "Coronation Hall".

The applicant has requested a special licence to hold the Burlesque Rumble NZ 2019 on Saturday 9 March 2019 from 5.00 pm to 11.30 pm. They have requested the premises be a restricted area for the duration.

The event was originally set to take place at the applicant's premises but the promoter requested a venue change at late notice to allow a better seating arrangement.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. The owner of the building would like us to remind the applicant that the maximum occupancy of the building is limited to 99 people. 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.

While we are aware the change of venue was outside the control of the applicant, 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.

DATED at Dunedin this 5th day of March 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/70/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Dunedin Tap Dancing Society Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 97 Gordon Road, Mosgiel, and known as "Coronation Hall"

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 Dunedin Tap Dancing Society Incorporated for a special licence for the premises situated at 97 Gordon Road, Mosgiel, and known as the "Coronation Hall".

The society has applied for special licence to celebrate Dunedin Tap Dancing's 50 Anniversary on Saturday 123 March 2019 between 3.00 pm and 6.00 pm. it is a social gathering with a concert followed by an afternoon tea get together.

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 this is a very low risk event and not considered a risk by the reporting agencies. 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 13th day of March 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 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 premises situated at 82 Neill Street, Green Island, and known as "Green Island Rugby Club".

The club has asked for a special licence to host two events. The first is on Saturday 16 March 2019 from 6.00 pm to 12.30 pm to celebrate the 60th birthday of Greg Wansink. The second on Saturday 30th March 2019 from 6.00 pm to 1.00 am the following day for the 40th birthday of Cory Kara. They have asked for the premises to be designated a restricted area for the duration of 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.

DATED at Dunedin this 7th day of March 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 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 the Fairfield Tavern Reunion on Saturday 23 March 2019 from 6.00 pm to 1.00 am the following day. They have asked that the premises be designated as restricted for the event.

The hours applied for fall outside the hours stipulated for those allowed in the Dunedin Local Alcohol Policy for club premises. On this occasion, a former tavern's reunion is not a normal event for the club and the activities of the club do not impact on the environment. We are satisfied that this event is extraordinary and the special licence is appropriate.

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 8th day of March 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 Harrington\Vaughan Academy of Hairdressing Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 24 Filleul Street, Dunedin, and known as "Harrington Vaughan Academy of Hairdressing"

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 Harrington\Vaughan Academy of Hairdressing Limited for a special licence for their premises situated at 24 Filleul Street, Dunedin, and known as the "Harrington Vaughan Academy of Hairdressing".

The applicant is holding a 'Barber Expo and Competition' to show case the barber industry on Sunday 17 March 2019 between 11.00 am and 7.00 pm. They are seeking the special licence so alcoholic refreshments can be offered to attendees.

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 March 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"

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 "50 Dundas".

The applicant has applied for a special licence for two events. The first is 'Adam McGrath' on Friday 29 March between 7.00 pm and 10.30pm and the second is 'Bare Essentials' on Sunday 31 March 2019 between 7.00 pm and 10.30pm.

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 13th day of March 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"

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 "50 Dundas".

The applicant seeks a special licence to host two folk events. The first is on Thursday 21 March 2019 featuring Jan Preston. The second is on Sunday 24 March 2019 featuring Catgut & Steel. Both evenings 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 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 13th day of March 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/55/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by NZ Institute of Environmental Health pursuant to s.138 of the act for a special licence in respect of the premises situated at 29 The Octagon, Dunedin, and known as "Dunedin Public Art Gallery"

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 NZ Institute of Environmental Health for a special licence for premises situated at 29 The Octagon, Dunedin, and known as the "Dunedin Public Art Gallery".

New Zealand Institute of Environmental Health is holding a Cocktail Function as part of their conference on Wednesday 20 March 2019 between 4.30 pm and 8.00 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.

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 8th day of March 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 Zealand Institute of Environmental Health pursuant to s.138 of the act for a special licence in respect of the premises situated at 31 Queens Gardens, Dunedin, and known as "Toitū Otago Settlers Museum"

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 New Zealand Institute of Environmental Health for a special licence for the premises situated at 31 Queens Gardens, Dunedin, and known as the "Toitū Otago Settlers Museum".

The applicant is holding their conference dinner at the premises on Thursday 21 March 2019 between 6.30 pm and 11.30 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.

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 8th day of March 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 Law Students Society Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 450 Silverstream Valley Road, North Taieri, and known as "Waioara Scout Camp"

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 Law Students Society Incorporated for a special licence for the premises situated at 450 Silverstream Valley Road, North Taieri, and known as "Waioara Scout Camp".

The applicant is running a SOULS Law Camp and have requested a special licence for Friday 15 March and 16 March 2019 from 6.00 pm to 1.00 am the following day on both days. They have asked for the premises to be designated a restricted 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.

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 March 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/73/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Sahara New Zealand Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 116 Portsmouth Drive, Dunedin, and known as "Edgar Centre"

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 Sahara New Zealand Limited for a special licence for the premises situated at 116 Portsmouth Drive, Dunedin, and known as the "Edgar Centre".

The applicant has requested a special licence to have a stall at the Women's Lifestyle Expo that is being held at the Edgar Centre on Saturday 6 April and Sunday 7 April 2019 from 10.00 am to 5.00 pm on each of the days.

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 March 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 Strath Taieri Rugby Football Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 11 Swansea Street, Middlemarch, and known as "Strath Taieri Community Centre"

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 Strath Taieri Rugby Football Club Incorporated for a special licence for the premises situated at 11 Swansea Street, Middlemarch, and known as the "Strath Taieri Community Centre".

The club does not have its own bar facilities so it makes use of those at the Community Centre. They are seeking a special licence to host post-match functions after their home games. However, the Otago Rugby Football Union (ORFU) does not provide a season programme so the club must advise the Committee whenever they are advised of a home game so an updated licence can be sent to them.

Each time the club hosts a post-match function it will run between 4.00 pm and 12.00 midnight on each occasion.

The Committee has been advised that the first game is on Saturday 16 March 2019 so the club is seeking the licence for this day. As the ORFU releases the fixture schedule the Committee will receive a list of fixtures from the applicant.

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 12th day of March 2019

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/66/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Taieri Rugby Football Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 35 Reid Avenue, Mosgiel, and known as "Taieri 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 Taieri Rugby Football Club Incorporated for a special licence for their premises situated at 35 Reid Avenue, Mosgiel, and known as the "Taieri Rugby Football Club".

The Club is the venue for the Guthrie Wedding on Saturday 16 March 2019 between 4.00 pm and 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 7th day of March 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2019/62/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"

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 premises situated at 1A - 20 Logan Park Drive, Dunedin, and known as "University of Otago Rugby".

The applicant has asked for a special licence to host the 21st Birthday Celebration of Finn Gadsby on Friday 15 March 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 7th day of March 2019

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

TEMPORARY AUTHORITY

(on-licence premises)

Section 136, Sale and Supply of Alcohol Act 2012

PURSUANT to the Sale and Supply of Alcohol Act 2012, the Dunedin District Licensing Committee has granted **CJAD Burt Limited** temporary authority to operate an on-licence in accordance with section 136 of the Act in respect of the premises situated at 95 Filleul Street, Dunedin, and known as "Bracken", to any person for consumption on the premises and to let people consume alcohol there.

This temporary authority is effective for a period of 3 months from 19 March 2019 to 19 June 2019 or until the substantive on-licence application lodged by **CJAD Burt Limited** is determined, whichever is the sooner.

In granting this temporary authority to operate an on-licence pursuant to section 136 of the Act, it is recorded that the applicant has purchased the business and requires a temporary authority to operate the business until a full on-licence is granted.

This temporary authority relates to **069/ON/27/20118**, a copy of which is attached.

OBLIGATIONS OF THE HOLDER OF A TEMPORARY AUTHORITY

The holder of this temporary authority shall have the same duties, obligations and liabilities of the on-licence to which it relates.

DISPLAY OF TEMPORARY AUTHORITY

A copy of this temporary authority must be displayed at the principal entrance to the premises.

CONDITIONS

This temporary authority is 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 11.00am to 1.00 am the following day
- (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) The licensee shall have available for consumption on the premises, at all times when the premises are open for the sale of alcohol, a reasonable range of non-alcoholic and low-alcohol refreshments.
 - (iii) Water must be freely available from the bar.
- (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 shall ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and shall 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.

DATED at Dunedin this 7th day of March 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 CJAD Burt 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 95 Filleul Street, Dunedin, and
known as "Bracken"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Continuation of previous order.

DECISION

This is an application by CJAD Burth Limited for a further order allowing them to continue the sale and supply of alcohol pursuant to the underlying licence no. 069/ON/27/2018 in respect of premises situated at 95 Filleul Street, and known as "Bracken".

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

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

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

The Committee is satisfied that the applicant will continue to operate the premises properly and therefore issues a second 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 129 March 2019.

DATED at Dunedin this 7th day of March 2019

Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COMMITTEE