

# April 2022 Contents

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

SP - Outram Bowling Club - Community Bingo Evenings.pdf  
SP - St Clair Golf Club - various events.pdf  
SP - Strath Taieri Rugby Football Club - 2022 after-match functions.pdf  
SP - Taieri Bowling Club - Masina birthday.pdf  
SP - University Zoology Department - happy hours.pdf  
SP - Wakari Bowling Club - Williams birthday.pdf  
TA - China Palace - new licensee.pdf  
TA - Mornington Thai - new licensee.pdf  
CL - Dunedin City Royals Football Club - new licence.pdf  
CL - University of Otago Rugby Club - renewal.pdf  
OFF - New World Gardens - new licence.pdf  
OFF - New World Mosgiel - new licence.pdf  
OFF - St Kilda Tavern - renewal.pdf  
ON - Golden Harvest Restaurant - new licence.pdf  
ON - Hopes Dunedin Lawn Bowls Stadium - renewal.pdf  
ON - Poppa's Pizza - renewal.pdf  
ON - St Kilda Tavern - renewal.pdf  
SP - Anthonie Tonnon - album release show.pdf  
SP - Cadre Productions Ltd - Aotearoa Surf Film Festival.pdf  
SP - Cathy Horton - Horton 21st.pdf  
SP - Catlins True Brew - Otago Farmers Market.pdf  
SP - Diggers Tavern - Anzac Day Memorial.pdf  
SP - Dunedin Craft Distillers Ltd - Waitati Market.pdf  
SP - Dunedin South City FC - post-match functions.pdf  
SP - Forbury Park Bowling Club - Marsh birthday.pdf  
SP - Friends of the Globe Theatre - movie screening nights.pdf  
SP - Hurricanes Rodders - Kennedy birthday.pdf  
SP - Otago Racing Club - Hannah-Geary engagement.pdf

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Dunedin South City FC Incorporated for an on-licence pursuant to s.99 of the Act in respect of premises situated at 45 Royal Crescent, Dunedin, and known as "Dunedin City Royals 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 Dunedin South City FC Incorporated for a club licence in respect of their premises situated at 45 Royal Crescent, Dunedin, and known as the "Dunedin City Royals Football Club".

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 club is an amalgamation of four football clubs, "Dunedin Technical AFC", "Caversham AFC" and "Melchester Rovers Junior Football Club" and the "Hereweka Junior Football Club". The clubrooms are the former "Dunedin technical AFC".

The club applied for greater hours than those displayed on the licence but, because of the existing Land Use Consent, the sought-after hours could not be granted. If the Applicant wishes to pursue greater hours in the future, they will be required to apply for a new Resource Consent.

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 a club licence authorising the sale and supply of alcohol for consumption on the premises, to any member of the club, guest of a member at the invitation of that member or member of another club which has reciprocal visiting rights with this club, who is present on the premises.

The applicant's attention is drawn to s.57(2) of the Act obliging the holder of a club licence to display: -

1. 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 using the premises; AND,
2. 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) The club must have a secretary at all times:
- (b) Within 10 working days of the appointment of a new secretary, the club must inform the Secretary of the District Licensing Committee the name of the new secretary:
- (c) Alcohol may be sold only on the following days and during the following hours:  

<b>Thursday and Friday</b>	<b>7.00 pm to 10.00 pm</b>
<b>Saturday</b>	<b>2.00 pm to 11.00 pm</b>
<b>Sunday</b>	<b>3.00 pm to 7.00 pm</b>
- (d) 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 panini's, pizzas, lasagne, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.
  - (ii) The club must have available for consumption on the premises, at all times the club is open for the sale of alcohol, a reasonable range of non-alcoholic and low-alcohol refreshments.
  - (iii) Drinking water must be freely available from the bar and other suitable locations within the premises.
- (e) 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 liquor to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

#### DISPLAY OF LICENCE

A copy of this licence must be displayed inside of the premises so as to be easily read by people using the premises. The premises is detailed in the plan received by the Dunedin District Licensing Committee on 23 March 2022.

**DATED** at Dunedin this 21<sup>st</sup> day of April 2022

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

**DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

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

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

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

The Licensing Inspector has 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 23 March 2025, 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 1<sup>st</sup> day of April 2022

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Kevin Mechen

Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012 (the “Act”)

**AND**

**IN THE MATTER**

of an application by Basnef Limited for an off-licence pursuant to s.99 of the Act in respect of premises situated at 6 North Road, Dunedin, and known as “New World Gardens”

**BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE**

Chairperson: Mr C Weatherall  
Members: Mr R Amohau  
Ms K Elliot

**HEARING** at Dunedin on 18 February and 1 March 2022 (via Zoom)

**Appearances:** Mr C Broderick – for the Applicant  
Mr Iain Thain – Counsel for the Applicant  
Mr M Sullivan – witness  
  
Mr T Mole – Licensing Inspector  
Sgt S Jones – Police Alcohol Harm Prevention Officer  
Dr N Jackson – witness for the Licensing Inspector  
  
Mr K Mechen – Secretary to DLC  
Mrs L Adamson – Governance Support Officer

**Apology:** Mr A Whipp – for Medical Officer of Health

**PROCEDURAL ISSUE**

- [1] The Licensing Inspector, Mr Mole, requested the matter be adjourned to another hearing date. The reason was that the evidence of the Applicant was not received until the morning of the hearing and he would like time to consider the evidence before the hearing begins.
- [2] Mr Thain suggested there is little point in deferring the hearing because the evidence supplied by the Applicant had a very narrow scope and does not seek to address all the matters in Mr Mole’s or Dr Jackson’s evidence. He opposed the adjourning of the hearing.
- [3] The Committee considered the request during a brief adjournment and concluded the hearing would proceed with the presentation of the Applicant’s evidence. In coming to this

decision, the Committee considered they had received the evidence at the same time as the other parties and had read and processed the information contained prior to the commencement of today's proceedings. In determining the proceedings would continue, the Committee established, should the Licensing Inspector hear the Applicant's presentation, and continue to believe additional time is necessary, he may again request an adjournment at the conclusion of the Applicant's presentation.

- [4] It is recorded that Mr Mole strongly protested this action. His protest was supported by Sgt Jones, of the New Zealand Police. Mr Mole said it was unfair, he hasn't had time to consider the evidence and therefore is not in a position to cross examine the Applicant.

## **INTRODUCTION**

- [5] This is an application by Basnef Limited for a new off-licence for the premises situated at 6 North Road, Dunedin, and known as "New World Gardens". The application is a result of the premises changing ownership. The Applicant is currently operating on a temporary authority. They seek the same conditions as the previous licensee, including the single alcohol area.
- [6] The application was publicly advertised and did not attract any opposition. Neither the Police nor Medical of Health submitted adverse reports.
- [7] The Licensing Inspector did oppose the grant of the licence citing the sale of low price, high alcohol beer as being contrary to the object of the Act and that because the applicant was freely selling those products, their suitability must be questioned.

### **Mr Thain, on behalf of the Applicant**

- [8] Mr Thain is counsel for the Applicant and made the following comments in introduction to this application:
- a. The new licence is a result of a change of ownership of the supermarket business
  - b. The store has been licensed a long time and no change to the existing conditions is being sought
  - c. There is no onus on the applicant, or the parties, to 'prove' anything. It is up to the Committee to determine suitability based on the evidence presented
  - d. There was no objection from the community nor is there any opposition from the Police or Medical Officer of Health
  - e. The Licensing Inspector considers the selling of low cost, high alcohol beers make the Applicant unsuitable
  - f. Of the six products listed by the Inspector, four have been removed. One of the two that remains is a New World "A' range' product which is expected to be stocked by the applicant and the other product will be reassessed by the Applicant
  - g. The two products that remain do not sit below the cost per standard drink threshold stated in Dr Jackson's evidence as supplied prior to the hearing
  - h. The Inspector refers to *Two Brothers Wholesale Limited* [2021] NZARLA 32: the circumstances between that application and this are completely different and is of limited assistance to the Committee. It relates to a bottle store in an area of severe

deprivation and the licensee was also being investigated for employment issues. The two cannot be compared

- i. Supermarkets can sell beer, wine and mead with a statutory limit of 15% alcohol by volume (ABV) in a restricted area of the store, the single alcohol area and the products identified by the Inspector do not exceed these limitations
- j. There are rules relating to the advertising of alcohol on the outside of the premises and discounting practices
- k. This hearing comes down to two products, neither of which fall into what Dr Jackson's evidence describes as low alcohol products.

#### **Mr Sullivan**

- [9] Mr Sullivan is the Legal Counsel and Company Secretary for Foodstuffs South Island Limited. The company is a South Island Based cooperative whose members generally own grocery, alcohol, or convenience stores.
- [10] The Applicant in this matter is a franchisee of the New World brand and operates the New World Gardens in Dunedin. The Applicant is Basnef Limited not Foodstuffs.
- [11] Mr Sullivan said Foodstuffs has engaged a number of times with Mr Mole in the past 12 months regarding his concerns over the sale of what he considered to be 'high alcohol, low cost' beer. The first contact was regarding a beer called 'Rodenbach' which was being promoted in a different local store. After the call Mr Sullivan contacted the store and asked for the promotion to be removed. The operator of that store acknowledged it was an error of judgement on their part.
- [12] The Inspector made subsequent contact several times regarding certain brands of beers but at no time was it suggested there was a breach of the Act but he did express his disappointment that such beers were being displayed and sold in the stores.
- [13] In a telephone call on 5 November 2021 the Inspector reiterated he did not like the sale of "park bench beers" (low cost, high alcohol beer) and asked for a meeting to be set up with other retailers so a pricing structure for that type of beers could be established. Mr Sullivan pointed out that would be 'price fixing' which would be a breach of the Commerce Act 1986.
- [14] Mr Sullivan said it is Foodstuffs' view that they can supply franchisees the beer products in question for sale to the public provided the sales are in accordance with the Act. The products meet the definition of beers in the Act, and they may be sold by supermarkets and grocery stores. The sale of high alcohol, low-cost beer is not a breach of the Act.
- [15] The Inspector quoted Foodstuffs former CEO, Mr Anderson: *"Foodstuffs constantly analyses its actions to ensure it is a responsible seller of wine and beer."* The inspector then stated Foodstuffs is not a responsible seller of wine and beer.
- [16] Mr Sullivan said the Company stands by the comments of Mr Anderson. He also notes that the products listed by the Inspector are commonly sold by grocery stores and alcohol outlets across the South Island, not just the Foodstuffs' franchisees.
- [17] Supermarkets focus on having a range of products to ensure customers have a choice.

- [18] “A’ range’ products are deemed to be essential to a banner group, such as New World. They form the basis of a range that will cover most categories and needs of customers and are often supported in the media and during promotions. While Foodstuffs does not mandate that “A’ range’ products be stocked, there is an expectation that they will be stocked and is one of the key performance indicators (KPIs) used to assess franchisees’ suitability.
- [19] In response to a question from the Committee, Mr Sullivan said “A’ range’ products are stocked because they are promoted in advertising and, if a customer enters a store and cannot get what is being advertised, they may take their business elsewhere.

**Mr Broderick**

- [20] Mr Broderick is one of the two directors and shareholders of the applicant company, Basnef Limited. The other director and shareholder is Mr Broderick’s wife.
- [21] He said he has been working in supermarkets for about 35 years including being the owner/operator of the New World Redcliffs in Christchurch for three years before taking over the New World Balclutha about 10 years ago. As well as working in the supermarkets Mr Broderick worked in Foodstuffs’ Head-Office in Wellington as a Business Advisor to New World Supermarkets.
- [22] The application for the New world Gardens is for the same terms and conditions as the previous licence.
- [23] The Applicant takes their responsibilities under the Act seriously. They have regular refresher training for staff to reinforce the identification requirements of people wanting to purchase alcohol within the ‘under 25’ policy of no identification, no sale. It is an expectation of Mr Broderick that checkout supervisors hold manager’s certificates; currently eight of the 13 checkout supervisors do hold certificates, with the others required to obtain theirs as soon as possible.
- [24] As well as checking identification of those looking under 25 years of age, the same applies to groups of people. If anyone in a group looks under 25 years and they cannot produce the appropriate identification, no sale will take place.
- [25] The Applicant has never failed a controlled purchase operation in any of the stores he has owned, nor have they failed any Foodstuffs’ independent audits where mystery shoppers are used to test systems.
- [26] The Inspector has not raised any issues regarding staff training or systems within the store. There have been no concerns raised regarding the single alcohol area or noise, vandalism, or nuisance in the vicinity of the store.
- [27] Both the Inspector and Dr Jackson refer to ‘low cost, high strength beer’ and they have outlined what they consider to be the harm that can arise from the inappropriate or excessive consumption of the beers. Dr Jackson stated that a price of \$1.20 or below for a standard drink is too low.
- [28] The six beers named by the Inspector are part of the ‘Premium Single Beers’ range of products and are only a small portion of the beers on offer at the store.



- [29] After the meeting with the Inspector the Applicant made a commitment to remove four of the products of concern. The two remaining are the 'Bavaria 8.6 Black', which is in the 'A' range' of products for New World and, and the 'Folsum Cold Filtered Brew'. Sales figures for the two remaining products were analysed and it was found that 67% of the products were sold to customers over 25 years of age.
- [30] The Applicant has looked at the customer base and believes students make up about 10% of the store's turnover. Generally, there is a real mix of people that come to the store.
- [31] The Inspector and Dr Jackson are concerned that young people are purchasing these beers for immediate consumption. Mr Broderick said he has never seen these products consumed by people in the nearby park, gardens or the store's carpark and this has never been raised by the Police. When driving around the university area, Mr Broderick said he has observed people walking around with 12 packs of beer, boxes of spirit mixers, and empty spirit bottles left outside flats.
- [32] The Applicant confirmed that the deleted beer lines would not be returned to the store. There was a total of about 20 units left of the 'Siberian Crown Lager' and 'Royal Dutch Post Horn' and when they were sold, they would not be restocked.
- [33] In response to questions from the Committee, Mr Broderick said the 'Premium Single Beers' were discounted at times along with other beer in the store. The 'Bavaria 8.6 Black' cannot be removed from the shelf because it is part of the store's franchise agreement. If it is being advertised by New World and it is not available in the store it would be a breach of the Advertising Standards. The other product, 'Folsum Cold Filtered Brew', has been left on the shelf because, while not a great seller, it is popular enough to retain. It has been left there for customer satisfaction.
- [34] Mr Broderick confirmed that the promotion of the 'Folsum Cold Filtered Brew' was their own, not that of the New World group, and that it was kept in the fridge. He said he was now aware from Dr Jackson's evidence that beer kept in the fridge was an invitation for it to be consumed immediately. The Applicant said wine was also kept in the fridge at the store and its alcohol content was generally greater than 13% ABV. This was the same in most supermarkets.

#### **ADJOURNMENT**

- [35] Having heard the presentation of the Applicant's information the Inspector, not being ready to cross examine the Applicant, sought an adjournment to allow time to consider the evidence. Mr Thain's preference was to continue the hearing.
- [36] To preserve natural justice and allow the Inspector time to consider the information presented as well as the evidence submitted on the day of the proceedings, the Committee adjourned the hearing to recommence on 1 March 2022.

#### **RECONVENED HEARING**

- [37] Mr Mole began by asking Mr Sullivan questions about his role at Foodstuffs. Mr Sullivan said he was not involved with individual franchisees. If they require assistance, they get their own legal representation. There are people in the organisation that will assist franchisees with licence applications if required.

- [38] Mr Mole asked specific questions regarding his communication with Mr Sullivan regarding a 'Rodenbach' beer promotion in 2021. Mr Thain confirmed with Mr Sullivan that the Applicant had not been involved in those communications the Inspector referred to and that the 'Rodenbach' promotion had not occurred at the Applicant's store, past or present.
- [39] In response to a question from the Inspector, Mr Sullivan said there was no one specifically in Foodstuffs who dealt with alcohol policy. The company's concern is that all stores operate in compliance with the Act. Each store is operated by a limited liability company, so the onus is on them to be compliant. When a product goes into a Foodstuffs' distribution centre there is a recommended retail price, but it is still up to individual store owners to set their own prices.
- [40] Mr Mole asked about the 'A' range' of products and whether they were mandatory items to be carried in stores. Mr Sullivan said they were not mandatory, but they are items that have been identified as what customers want to purchase and therefore store owners carry the range to satisfy customer expectation. The 'A' range' of products feature in the New World advertising so if a store chooses not to carry that stock there may be implications with the Fair Trading Act 1986.
- [41] Mr Mole asked if there would be implications with the Fair Trading Act if the Committee imposed a condition banning the sale of certain alcohol products, because supermarket premises in Licensing Trust areas could not sell alcohol at all. Mr Sullivan was not able to answer that question.
- [42] The Inspector asked the Applicant about the types of beer sold in his premises. Mr Broderick agreed they did sell other beers the Inspector would consider low cost, high alcohol beer brands. When asked why they decided to stop selling some of the products found at the time of the licensing visit, Mr Broderick said they reviewed the products after the discussion with the Inspector and removed the items in good faith.
- [43] When asked if he thought it was reasonable to be selling such products, Mr Broderick said he did, the same as it was sold in other stores. The sale of the beer brands was not illegal.
- [44] In response to a question from Mr Mole, Mr Broderick said the student market is not a big part of their business turnover. In response to another question, Mr Broderick could not say how much of the store's turnover is alcohol but could say that, of the beer that is sold, the Premium Singles Beer products only made up 5.8% of the volume sold. The six products listed by the Inspector are Premium Singles Beer products.
- [45] Sgt Jones asked if the Applicant had lived in Dunedin prior to moving from Balclutha. Mr Broderick said they lived in Dunedin for a year about 15 years ago. He reported before moving to Balclutha to operate the Balclutha New World, he had not lived there previously. When asked if he believed a licensee should have experience in the community in which they operated, Mr Broderick said he did not believe it was necessary.
- [46] The Applicant was asked what he understood the 'student area' to be: Mr Broderick said he believed it was the Leith Street, Castle Street area. There was also a couple of Halls of Residence near the Gardens, for example, Knox College.

- [47] When asked by Sgt Jones, Mr Broderick said there was an increase in grocery sales generally at the weekend, not just alcohol. When asked about the increased social harms at weekends, Mr Broderick said he could not say when the purchased alcohol was consumed.
- [48] Mr Thain asked if there was any change in the amount of alcohol purchased during the university's O-week. Mr Broderick said not many students were seen, probably because of Covid. He reminded staff to be aware of O-week but to remain focussed on all customers.
- [49] In response to questions about the estimated 10% store turnover being from students Mr Roderick informed he had looked at the data over time. The Committee sought to clarify this given the period of time the Applicant had operated the store was outside of the University semesters meaning the student population in Dunedin is lower. Mr Roderick confirmed he had examined the sales history over the past couple of years noting the previous owner's sales records date back a number of years and are available to him.
- [50] Mr Roderick remarked that during the adjournment between the two hearings, he had reviewed the sale of the Folsom Cold Brew line. He reaffirmed the promotion in which Mr Mole purchased this product at the discounted rate was an in-store price. He has now reviewed the pricing of this product and adjusted the cost to \$4.50 (at full price) and to \$3.99 (when on special). He reflected that in coming to this decision he considered the written evidence adduced in Dr Jackson's bundle and her cost per standard drink threshold.

#### **Dr Jackson**

- [51] Dr Jackson is the Executive Director of Alcohol Healthwatch, a charitable trust funded by the Ministry of Health to promote evidence-based policy and practice to reduce alcohol-related harm. Her evidence was taken as read.
- [52] She said she has collated evidence relating to cheap, high percentage alcohol. She said that although the Applicant had removed a lot of the problem alcohol, two remained. It is sold in cans which are designed to be consumed, once opened, in a single sitting.
- [53] Dr Jackson said Dunedin students were at a high risk of alcohol-related harm and vulnerable to 'alcohol use disorder'.
- [54] When asked by the Inspector, Dr Jackson said she had concerns at low price alcohol across New Zealand. Alcohol is more affordable now than it has ever been before and is a major driver of consumption. If the sale of low cost, high strength beer ceased there would be a positive difference in the community. While the quantity sold of each of the product lines is low, each unit posed a high risk to the individual. There are calls in New Zealand for a minimum price of \$1.50 per standard drink be implemented. All the fact sheets produced by Alcohol Healthwatch recommends a minimum price of \$1.40 per unit. Research into price monitoring showed that the budget end of the alcohol market is \$1.20 or less per unit of alcohol.
- [55] Dr Jackson cited New Zealand research that showed drinkers who purchased alcohol below the median price of \$1.80 per standard drink were more likely to be heavy and or frequent drinkers. Price has been described by young people as a key factor in pre-loading.
- [56] Other research reported 26.5% of 18 - 24-year-old drinkers reported heavy episodic drinking at least weekly which indicates the age group is at serious risk of acute and chronic alcohol

harm. This is reflected in Dunedin Emergency Department data that shows 51% of alcohol-related presentations are in the 18 – 24-year age group.

- [57] Dr Jackson also cited research into the effects of measures to reduce the impact of 'super-strength' beers in the United Kingdom (UK) and 'malt liquor' in the United States (US). In both countries the restrictions were either industry regulated or voluntary.
- [58] In the UK there was a reduction in the amount of beer consumed on the streets but its effectiveness in reducing serious, chronic health harms was limited. The study noted there was a 41% compliance with the scheme.
- [59] The findings in the US suggested the more restrictive policies on high-strength malt liquor sales led to a reduction in less serious offending, for example disorderly conduct, vandalism and simple assaults, but were less effective in reducing serious crimes. Some studies also found there was a small increase in some crimes like theft, disorderly conduct, trespass and littering.
- [60] In one area single unit sales were prohibited which saw a decrease in calls for ambulance assistance in the 15- to 24-year-old drinkers. When the prohibition was lifted, calls for assistance increased. Dr Jackson acknowledged the majority of studies she cited were in foreign jurisdictions, communities and populations and that the generalisability of the data to a New Zealand context may be limited.
- [61] The Inspector asked if Dr Jackson thought setting a minimum price per standard drink would be helpful. Dr Jackson said Scotland and Wales had set minimum prices and it has been reported that it does make a difference.
- [62] Dr Jackson said they are working with various District Licensing Committees and retailers around the country to implement policy around single serve sales and the Alcohol Regulatory and Licensing Authority (ARLA) mentioned it in their Annual Report to Parliament last year as an issue that Government may choose to review.
- [63] Mr Thain confirmed with Dr Jackson that there had been no studies in New Zealand of the prevalence of high-strength beer consumption undertaken and that there is limited data available of beer consumption in this country generally. He also confirmed that any data available related to the volume of alcohol available for consumption, not how or when it is consumed.
- [64] He asked about the comment that the beer is sold chilled and in non-resealable cans provides an implicit message that it is intended to be consumed in one sitting. He related the sale of the beer to the sale of chilled wine, especially sparkling wine, that cannot be readily resealed. Both beer and sparkling wine can quickly 'go off' if not consumed. Dr Jackson conceded there were similarities between the two.
- [65] Mr Thain inquired into Dr Jackson's statement that due to there being no message that the beer was intended to be shared, that there was an implicit message that it is intended to be consumed by one drinker. Dr Jackson acknowledge the absence of a message about sharing does not preclude it from being shared.
- [66] Mr Thain questioned the relevance of the research presented by Dr Jackson to the New Zealand situation and the application before the Committee. He also discussed some of the

United Kingdom research relating to the setting of minimum prices for units of alcohol in parts of England, albeit a voluntary action in these areas. The results indicated, for various reasons, the effectiveness of minimum pricing was variable.

- [67] Mr Thain explored in depth 'figure 3' of Dr Jackson's witness statement highlighting the consumption of one of the products identified by the Inspector by a single person on a single occasion would not increase the consumer's risk of injury.
- [68] Mr Thain emphasised that the research presented is a matter for the policy and law makers in the country to consider. The District Licensing Committee (DLC) can only apply the law as they are – they are not in a position to rewrite the law or break the law as it is written. Dr Jackson countered by stating that the Auckland DLC is setting a minimum price for the sale of a can of beer in some instances. She believes the Committee can set a range of conditions that would help reduce harm.
- [69] When the Law Commission submitted their paper "Alcohol in Our Lives: Curbing the Harm" to the Government of the day it was recommended a minimum pricing regime for alcohol be investigated. Mr Thain said that despite the evidence presented at the time, and a later report completed in 2019, the Government has decided not to implement a minimum price for alcohol.
- [70] When questioned by the Police, Dr Jackson said they were concerned at the harm amongst young people in Dunedin, especially around 'O-Week' and 'Re-O' week, and the supply of alcohol to those young people. She agreed with Sgt Jones that North Dunedin would be one of the most vulnerable, high-risk communities in New Zealand.
- [71] The Committee asked if the new price per standard drink had been determined for 'Folsum Cold Filtered Brew'. Dr Jackson said at the normal retail price it was \$1.43 for a standard drink and at their sale price, \$1.26 per standard drink. She said when the Ministry of Justice was looking at minimum prices it was in 2014. Today's equivalent to the \$1.20 per standard drink is now \$1.38. Dr Jackson said it was not only price, but the fact they are displayed in chillers and sold in larger containers that cannot be resealed. This is the 'perfect storm' for harm.
- [72] In response to another question, Dr Jackson said she would like the Committee to set conditions on the size of container being sold, the strength of the beer and a minimum price so the high strength beer products are controlled or restricted.

#### **Mr Mole**

- [73] Mr Mole is a Licensing Inspector for the Dunedin City Council. He stated he has been concerned at the growth of high-alcohol, low-cost beers in Dunedin supermarkets and has raised the issue with Foodstuffs South Island. He cited examples of what he considered to be irresponsible behaviour by Dunedin Foodstuffs' owned premises. Mr Mole said that he did not believe Foodstuffs' actions were that of a responsible seller of wine and beer.
- [74] When Mr Mole visited the premises with the Medical Officer of Health's delegate he was surprised at the range of high-alcohol, low-cost beers on display. During the subsequent discussion Mr Mole explained his personal view that the only reason a person would purchase such beer was to get intoxicated cheaply.

- [75] Mr Mole said he gained the impression that the Applicant was surprised at what was on display but said this may have been because the Applicant had only taken possession of the store in the previous week. Mr Broderick told the Inspector he would look at the sales figures for the products. Mr Mole confined his evidence to six products, of which five had a high-alcohol content and the other was in a can that held a litre of beer.
- [76] There were no issues identified with the premises however he believed that the sale of the high-alcohol, low-cost beer was contrary to the Object of the Act and, because the products were being sold in the North Dunedin area, the Applicant's suitability was in doubt.
- [77] The Inspector cited a declined application for a Super Liquor outlet at 695 Great King Street (*McCarthy Enterprises Limited*, Dunedin DLC 2017/29/OFF) during which the nature of North Dunedin was discussed. The Medical Officer of Health delegate at the time described the large proportion of students resident in an area within a 1 km radius of the proposed off-licence. Another witness at the same hearing stated that 70% of Dunedin's 18–25-year-olds lived in the immediate area surrounding the campus and that about 90% of the residents in this area were students.
- [78] Mr Mole reminded the Committee of a section of Dunedin's Local Alcohol Policy (LAP) under the heading 'Outlet Density':
- "North Dunedin has a significantly higher density of young people (18 – 24-year-olds) than other parts of the city. This age group has demonstrated a higher rate of alcohol misuse and abuse when compared to other groups. This will be taken into account when applications from this area are considered by the DLC."*
- [79] He said it wasn't just the student population that sought cheap alcohol and that it was available at most supermarkets. Mr Mole said this was the first opportunity to raise the matter with the Committee. He commented that in *Two Brothers Wholesale Limited* [2021] NZARLA 32, the Authority referred to the inappropriate sale of Kingfisher 7.2% beer in a vulnerable community (Tokoroa).
- [80] Mr Mole acknowledged Basnef Limited was the Applicant in this matter, not Foodstuffs South Island, but they must take on the responsibilities of holding a licence and that included satisfying the object of the Act. If the Applicant cannot do that then they would not be suitable to hold a licence.
- [81] In response to a question from the Committee, Mr Mole said the New World Mosgiel, which has also just changed ownership and is awaiting a report, did not sell beer over 12% and they were not displayed in chillers.
- [82] Mr Mole said high-alcohol, low-cost beers were being sold across the town. He said he would like to see a ban on the sale of single-serve, high-alcohol beers from off-licences.
- [83] The Committee asked Mr Mole to explain what he considered was 'small change'. He said if he had \$3.29 in his pocket, he could buy 3 to 4 standard drinks of alcohol. He did not believe it was acceptable for a person to buy other products and then include three standard drinks with some change at the end.
- [84] When asked about the Applicant removing some product lines from their shelves, Mr Mole acknowledged this. Mr Mole clarified that he was seeking a condition to be added to the

licence, or the Applicant to sign an undertaking, in regard to high strength, low-cost beers and that if this occurred, he would withdraw his opposition.

- [85] Mr Thain confirmed with Mr Mole that students could make purchases from all the supermarkets and off-licence premises in Dunedin. Mr Thain also made the comment that an off-licence could not control where or when alcohol purchased from their store was consumed. Mr Mole commented that if the price of alcohol was increased there would be some control gained.
- [86] Mr Thain asked if there was any evidence the Applicant was operating his business contrary to the legislation, for example, selling to underage or intoxicated people. Mr Mole said there was no such evidence.
- [87] In reference to the object of the Act, Mr Thain said it is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly and asked if the sale of high-alcohol, low-cost beer, which is allowed in the legislation, was in some way unsafe or irresponsible? Mr Mole replied they could sell it, but it was how it is displayed in the supermarkets.
- [88] With reference to the research presented by Dr Jackson, Mr Thain confirmed with the Inspector that the most popular drink with youth in Dunedin was RTDs and that they could not be purchased from supermarkets. Mr Thain reiterated the research cited by Dr Jackson regarding alcohol harm was not limited to the consumption of just beer products but to different types of alcoholic drinks with RTDs being first on the list of preference by harmful drinkers.
- [89] Mr Thain commented that Mr Mole was trying to have all high-alcohol, low-cost beers removed from supermarkets and asked if there was anything specific about the Applicant's premises. Mr Mole said it was in the middle of the student area, unlike other supermarkets.
- [90] The Committee adjourned for a small recess to allow time for regulatory agencies and the Applicant to collate their summaries.

## Summary

- [91] In recommending proceedings, the Inspector confirmed his readiness to proceed with his summary. The Inspector advised he had a written summary which he would read, and that he would provide this to the Committee upon completing his summary.
- [92] In summary, Mr Mole suggested the basic issue in this matter is whether the Applicant's supermarket should be able to sell high-alcohol, low-cost beer. There is an increasing number of these products appearing on off-licence shelves with New Zealand companies now also producing them.
- [93] North Dunedin is a vulnerable community, and this is recognised in the Dunedin LAP and was accepted in the local hearing when the Committee declined an application for a new Super Liquor off-licence at 695 Great King Street.
- [94] Mr Mole cited *Auckland City Council v. Woolworths, Foodstuffs and ARLA* [2021] NZCA 484 where it was held that the "assumptions that supermarkets cause less harm because they are restricted to "selling beverages with a lower alcohol content" and "are not self-evidently

*associated with displays of excessive alcohol consumption or alcohol related harm...” are not warranted. It went on to say that “It cannot be assumed that those who are pre-loading are consuming beverages with a higher alcohol content than beer or wine.”*

- [95] Mr Mole posed the question “is the sale of single serve high-alcohol, low-cost beers appropriate?” He described being able to buy such products with the ‘small change in your pocket’ and questioned the responsibility of the seller. Dr Jackson’s evidence highlights the harms of cheap, high alcohol beer and suggests restrictions on these products is warranted.
- [96] In *Two Brothers Wholesale Limited* [2021] NZARLA 32 the Authority expressed the view the DLC was right to be concerned with the sale of single serve Kingfisher beer at 7.2% alcohol in Tokoroa, considering the town’s vulnerability.
- [97] Mr Mole stated his ultimate desire was to see supermarkets not selling these products. He believes they belong with specialist alcohol retailers, not supermarkets. He would also like to see off-licence premises generally not being able to sell alcohol that can be purchased with the ‘small change’ in one’s pocket.
- [98] Mr Thain summarised for the Applicant and sought clarification from the Committee that he too could follow the prerogative of the Inspector in that he would provide an oral submission to the Committee today to be followed up with a written account of his arguments. The Committee extended the same provision to the Applicant.
- [99] Mr Thain emphasised that the Applicant in this matter was Basnef Limited, not Foodstuffs South Island Limited. The Applicant operates under a franchise agreement with Foodstuffs and is solely responsible for the sale of alcohol.
- [100] The application results from a change of ownership of a store that has been operating for a number of years. The Applicant seeks no change to the single alcohol area, no change to the trading hours and no condition relating to the products identified by the Inspector.
- [101] The only matter identified by the Applicant as an issue is the sale of “low cost, high alcohol” beer, which the Inspector believes is inappropriate to sell from a supermarket. No other concerns relating to the Applicant’s suitability were raised and no evidence was produced that would give basis for any such concerns.
- [102] Section 4 of the Act only refers to the harm caused by “*excessive or inappropriate consumption*”. Off-licensees cannot control the way in which the alcohol they sell is consumed.
- [103] There are specific sections in the Act controlling how and what type of alcohol is sold in supermarkets. Section 58 of the Act restricts supermarkets to the sale of wine, beer, and mead with up to 15% alcohol by volume. There are no restrictions on the size or type of container the alcohol is sold in, nor how many can be purchased at any one time.
- [104] Mr Thain said that despite the Inspector’s concern at low cost, high strength beer, Parliament has not imposed a minimum pricing regime in New Zealand. When the Law Commission reviewed the licensing laws in New Zealand, it did not recommend introducing price control but did recommend the Government further investigate the matter. The Inspector is advocating for price control for certain beer products generally, but this is the role of Government to decide.



- [105] The Act does not prohibit large discounting of alcohol so long as the promotions are not seen or heard from outside the licensed area. Large discounts in an off-licence are not deemed to be 'irresponsible' unless they can be seen or heard from outside the premises.
- [106] The Applicant had removed four of the six products that were of concern for the Inspector. Mr Thain pointed out that two of the products of concern that have been retained by the Applicant, "Folsum Cold Filtered Brew" and "Bavaria 8.6 Black" at 3.12 and 3.1 standard drinks respectively, are below the Health Promotion Agency's low risk drinking advice limits for any single occasion. The advice is that a female should consume no more than 4 standard drinks and males 5 standard drinks on any single occasion.
- [107] The object of the Act refers to the minimisation of excessive or inappropriate consumption of alcohol. The consumption of one can of the products of concern would not be deemed excessive or inappropriate, therefore the suggestion the Applicant was unsuitable because they sold single units of the product would be wrong.
- [108] The Applicant's research into their customers showed only 10% of the sales were made to students. The store should not be seen as being in a special position.
- [109] Mr Thain said Dr Jackson confirmed there was a lack of current data available on alcohol use among Otago University students and there have been no studies undertaken examining high-strength beer consumption by New Zealand drinkers. With reference to the studies cited by Dr Jackson, she accepted their findings "may lack generalisability to the student population at Otago University." When the Law Commission reviewed the licensing laws, it recognised that the value of overseas material was limited for the New Zealand context.
- [110] Mr Thain commented on the differences between the *Two Brothers* case and the matter before the Committee: *Two Brothers* related to a bottle store, not a supermarket, in a vulnerable community with severe social deprivation. The operators of the store were in breach of employment laws and were deficient in their keeping of records. The Authority had no confidence that *Two Brothers* would carry out the responsibilities that went with an alcohol licence.
- [111] Mr Thain explained that any agreement amongst off licensees regarding pricing would be anti-competitive and a breach of the Commerce Act 1986. The Applicant is not legally able to be party to any such agreement.
- [112] The Inspector used the Dunedin LAP in relation to outlet density. Mr Thain reminded the Committee that this is not an application for a new premises but results from the change of ownership of an existing store, therefore the outlet density does not change.
- [113] The suggestion the Committee impose conditions on the licence to restrict the types of product sold and price at which they can be sold is also addressed by the Applicant. Section 58 of the Act prescribes the types of alcohol that can be sold from supermarkets. The Act does allow other conditions to be imposed on a licence, but they must be reasonable and not inconsistent with the Act (section 117). In *Canterbury Medical Officer of Health v J & C Vaudrey* [2015] NZHC 2749 at [101], Gendall J said "... It follows as a matter of logic that the condition must be no more restrictive than is necessary to militate against the identified evil." Mr Thain said there was no evidence produced that the relevant products are more

associated with harmful drinking than any other type of alcohol product. The addition of further conditions would be unreasonable.

- [114] Mr Thain further explained the imposition of a condition on the licence prescribing a minimum price on a type or range of products would be unreasonable as it would provide competitors with an unfair advantage in being able to price their similar range of products at cheaper prices and further explained this could result in customers taking all their custom to their competitor.
- [115] In reference to the Dunedin LAP, Mr Thain relies on clause 5.2.2 in that imposing a condition on the type of alcohol sold at the premises should be in accordance with section 58 of the Act, namely that a supermarket must be restricted to selling beer, wine, and mead with an alcohol content of no more than 15% ethanol by volume. He reiterated that none of the products identified by the inspector exceed that threshold.
- [116] Mr thiam summarises the addition of a condition on the licence is not agreed to, and that it would be unreasonable for the aforementioned reasons and that if such a condition were imposed it would be impracticable in that there is effectively no singular way to restrict the condition to achieve its purpose. In example, restricting by alcoholic content may impact wines as well as beer products; limiting this impact to beer products may impact craft beers sold at a higher price point, which the Inspector does not object to, and that prescribing specific lines of beer products would only serve as an interim measure until new or alternative products become available.
- [117] On 9 March 2022 the Committee and all parties to the proceedings received via email the closing submissions of the Applicant as was agreed to on the day of proceedings. It is noted Sgt Jones, of the New Zealand Police queried the admissibility of this information, given it was presented after the conclusion of the proceedings. The Committee, having reviewed the written submission, determined the submission is a true and accurate account of the oral submission presented on the day with no new evidence being adduced through the written submission. Given this the Committee has accepted the submission without bias. It is also noted Sgt Jones was not present at the time closing submissions were made and did not witness the Committee's agreeance that oral and written submissions from the Applicant and the Inspector were accepted

### **DECISION**

- [118] The application before the Committee is made by Basnef Limited for an off-licence for an existing supermarket. The Applicant is not seeking any change to the licence currently in force for the premises. Neither the Police nor Medical Officer of Health delegate opposed the grant of the licence.
- [119] Foodstuffs South Island Limited supports the Applicant but is not part of the application.
- [120] The matter brought to the Committee is the sale of high alcohol, low-cost beer from the premises. The Inspector stated he considered this to be irresponsible, especially from a premises situated in North Dunedin, and therefore the suitability of the Applicant must be questioned.
- [121] The premises is in North Dunedin and, contrary to the Applicant's view, is seen as being 'special' with regards to the population in the area. There is a higher concentration of 18–

24-year-old people living in the North Dunedin area than the rest of Dunedin, with most of them studying at one of the tertiary institutions. The area is renowned for alcohol-related disorder and other alcohol-related harms to the extent it receives attention in the Dunedin LAP.

- [122] The Applicant has the franchise rights for the New World Gardens. They have about 35 years' experience in supermarkets with nearly 15 years as the owner/operator of stores, the last being about 10 years at the New World Balclutha. During this time, they have had an unblemished record.
- [123] They presented evidence that only about 10% of their sales can be attributed to the student market and that the Premium Singles Beers, which includes the six products named by the Inspector, made up 5.8% of the total volume of beer sold in the 13 weeks leading up to this hearing.
- [124] After the visit by the Inspector and Medical Officer of Health delegate, the Applicant looked at the products questioned by the Inspector and voluntarily removed four of the products after selling the stock on hand. The Applicant said they would not be replaced. Of the two that remain, one is a New World "A" range' product and the other an 'alright' seller.
- [125] Mr Sullivan is the Legal Counsel and Company Secretary for Foodstuffs South Island Limited. He responded to the statements made by the Inspector in his evidence, but they had little bearing on this matter because Foodstuffs is not the applicant and is not involved with the application.
- [126] Dr Jackson presented research evidence in support of the Inspector's position. However, a lot of the research was dated and from overseas jurisdictions. During examination by the Applicant, Dr Jackson admitted the data may lack generalisability to the student population of Dunedin.
- [127] In her presentation, Dr Jackson associated the alcohol-related harms identified in the studies to low price per unit of alcohol, high volume and strength and the inability to reseal the cans they are sold in. Dr Jackson suggested the implicit message of such containers is that they are intended to be consumed in one sitting and related this to part of the object of the Act which is that alcohol consumption should be undertaken safely and responsibly. She does not believe the sale of such products allows for safe and responsible drinking.
- [128] Dr Jackson said that research into the prevalence of high-strength beer consumption in New Zealand has not been undertaken and the prevalence data of drinking any alcoholic beer is limited. However, Ministry of Health survey data (2012/13) showed beer was the most consumed alcoholic beverage in New Zealand. A 2014 Ministry of Justice report showed that harmful drinkers were shown to prefer low-price RTDs, low-price wine, low-price beer, and high-price beer in terms of the amount of alcohol consumed on a drinking occasion.
- [129] After having looked in supermarkets, Dr Jackson said the high-strength beers were generally sold in large volume containers and the alcoholic strength of the contents are usually prominent on the container. This equates to single serve containers with a high number of standard drinks per unit and when they are low priced, the standard drinks are correspondingly low.

- [130] Dr Jackson has determined that the high-strength beers are selling for between \$1.05 to \$1.90 per standard drink which is a similar price to the cheap RTDs found in bottle stores. She did state that these prices were still more expensive than the cheapest beers sold in New Zealand.
- [131] Research was presented from the United Kingdom and United States where measures have been introduced to reduce harms from 'super-strength' beers. Each of the studies were inconclusive, with some showing a decrease in less serious offending but less effectiveness in reducing serious crimes. Dr Jackson confirmed the results of these studies are correlative and not causative. Dr Jackson confirmed the results of these studies are correlative and not causative and that longitudinal studies would need to be completed to evidence causality.
- [132] Dr Jackson believes a restriction on these products is warranted because of the size of the containers, the strength of the alcohol in each and the types of containers in which they are sold. She suggested that while we wait for the Government to implement minimum unit pricing, the Committee can help by reducing harm locally.
- [133] The information presented by Dr Jackson is valuable for the Government but, while interesting, offers little benefit to the Committee due to the lack of specificity in the New Zealand context and most relevantly the North Dunedin demographic. The Committee supports Dr Jackson and her team in their efforts to get the evidence before the Government because it is this body that can make change.
- [134] The Committee can only operate within the bounds of the current legislation.
- [135] Mr Mole admitted he was seeking a ban on the sale of single-serve, high-alcohol beers from off-licences generally and his case was targeting this point. Unfortunately, it is Basnef Limited who is seeking the new off-licence and they do not want any change from the licence currently at the premises. Foodstuffs South Island Limited is not the holder of an off-licence because they are wholesalers to independent franchise holders. It is up to the individual franchise operators to comply with the legislation.
- [136] In this matter, other than for the sale of the high alcohol, low-cost beer, there has been no suggestion the Applicant is operating the off-licence in an unsafe or irresponsible manner. They are complying with the legislation and when the products in question were brought to their attention, they voluntarily removed four of the products and have indicated they will not be stocked in the future.
- [137] It has been established that the North Dunedin population is vulnerable and there is a high prevalence of alcohol-related harm in the area. The Inspector cited McCarthy Enterprises Limited when they attempted to establish a Super Liquor outlet at 695 Great King Street (*McCarthy Enterprises Limited*, Dn DLC 2017/29/OFF). That matter was entirely different to the application before the Committee now. Super Liquor is a bottle store that can sell the full range of alcoholic beverages. Evidence of alcohol-related harm was presented at that hearing, however there was no representative available to have that evidence re-examined at this hearing.
- [138] The Super Liquor store was in an area the Council originally sought to have a moratorium on new off-licences apply in the Provisional LAP because of the identified alcohol-related harm. The area's northern boundary was Bank Street and Opoho Road. On appeal, the moratorium was deemed to be unreasonable by the Authority, so it was removed.

- [139] The Applicant's premises is not in the area identified during the drafting of the LAP. It is separated from the main student area of concern by the Botanic Gardens and a sports field, two areas where no evidence of harm has been identified.
- [140] In *The Medical Officer of Health (Wellington Region) v. Lion Liquor Retail Limited* [2018] NZHC 1123, Clark J discusses whether a causal link needs to be established for an off-licence in an area of high alcohol-related harm. He said at [65] "*Given the proximity of the premises to the entertainment precinct and the reasonable distance of other off-licences to those same customers it can reasonably be accepted that alcohol will be purchased from the premises for pre- and side-loading.*" It was not required to demonstrate the alcohol being consumed in the area was purchased from the premises. The Police had given evidence that most of the CBD alcohol-related crime occurred in close proximity to the premises.
- [141] This was a different situation to that of the New World Gardens. The Applicant indicated only 10% of their sales could be attributed to students in the area. The Applicant also said they had seen no evidence of people consuming alcohol around the immediate area of their premises, in the Botanic Gardens or on the sports field. There was no evidence presented to the contrary.
- [142] The Inspector confirmed there were three off-licence bottle stores in the immediate area where there is a high concentration of student accommodation and is central to a lot of the alcohol-related harm. The Applicant's premises is removed from this scenario.
- [143] The Inspector asked the Committee to consider imposing conditions that would restrict the sale of the 'high alcohol, low-cost' beer. The premises is already restricted to selling wine, beer and mead with an alcohol concentration of less than 15% ABV. As has been pointed out, the Government has not introduced any form of minimum pricing for alcohol nor is there any regulation regarding the type and size of packaging.
- [144] There has been no evidence produced to suggest the Applicant sells alcohol in an unsafe or irresponsible manner. Any condition the Inspector might suggest is a matter for Government to consider when they review the legislation.
- [145] Neither the Medical Officer of Health delegate, who was present at the meeting with the Applicant to discuss their application, nor the Police, opposed the application. One must assume they have no issue.
- [146] The Inspector's opposition appears to be based on his own belief that the products he identified should not be sold. Currently these products are legally able to be sold. While the Committee does not necessarily disagree with the Inspector, we are not in a position to offer the remedies he may wish. It is a matter for the Government to consider when they review the Act. The Committee supports the research being undertaken and presented by Dr Jackson and her team be put before the Government to consider systematic measures that can be undertaken to further reduce the alcohol-related harm in the community.
- [147] In considering the section 105 criteria for a new licence:
- a) The object of the Act: the Applicant sells alcohol safely and responsibly. They do not have any control over the consumption of the alcohol
  - b) Suitability of the Applicant: no evidence was presented to cause doubt as to the Applicant's suitability

- c) The LAP: the application complies with the provisions of the Dunedin LAP
- d) Days and hours of operation: there is no change from the previous licence and are within the guidelines of the LAP
- e) Design and layout of the premises: the Inspector reports and the Committee agrees the single alcohol area is one of the best in the district
- f) Whether the Applicant will be engaged in the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments and food: this is a supermarket with the usual product range
- g) Whether the Applicant will be engaged in the provision of other services: not applicable
- h) Amenity and good order of the locality: no evidence was produced that there were amenity issues in the area of the supermarket or surrounding area
- i) Whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences: not applicable
- j) Whether the applicant has appropriate systems, staff, and training to comply with the law: not questioned during the hearing, however effective training systems were reported by the Applicant and the Inspector recognised these systems
- k) Other matters raised in any report: the Inspector raised an issue that is the subject of this hearing.

[148] The Committee is satisfied with 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 off the premises and to supply alcohol free, as a sample, for consumption on the premises.

[147] The Applicant's attention is drawn to s.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.

[148] 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 7.00 am to 10.00 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.

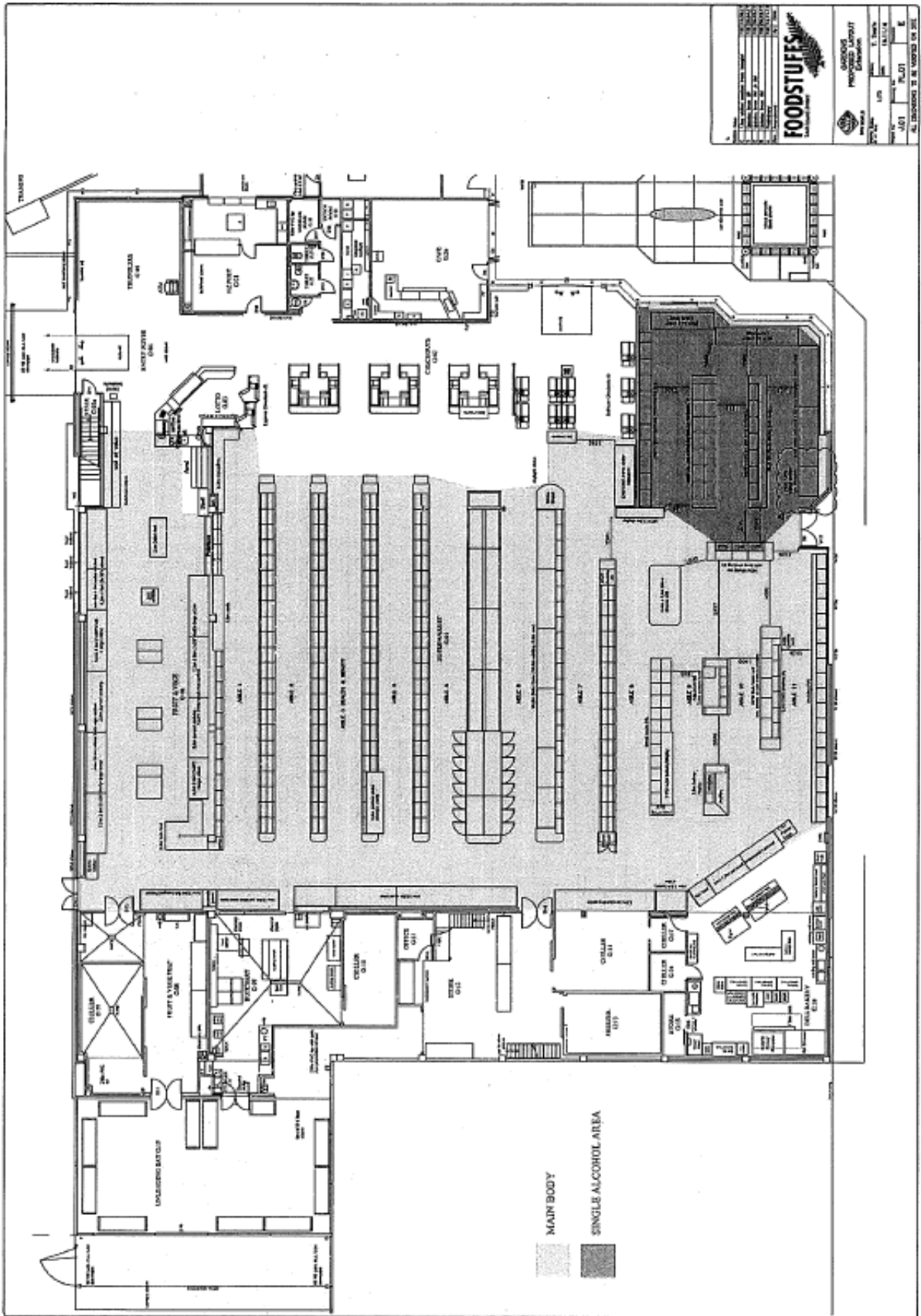
[149] A copy of this licence must be displayed at the principal entrance(s) to the premises as outlined in the plan received by the Dunedin District Licensing Committee on 7 October 2021. The entrance from North Road is designated as the principal entrance.

**DATED** at Dunedin this 8<sup>th</sup> day of April 2022

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Kevin Mechen  
Secretary  
**DUNEDIN DISTRICT LICENSING COMMITTEE**

## NEW WORLD GARDENS – Floor Plan





**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by A M & M E Shore Limited for an off-licence pursuant to s.99 of the Act in respect of premises situated at 10 Hartstonge Avenue, Mosgiel, and known as "New World Mosgiel"

**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 M & M E Shore Limited for an off-licence in respect of premises situated at 10 Hartstonge Avenue, Mosgiel, and known as the "New World Mosgiel".

The application is in respect of premises in which defined as a supermarket for the purposes of the Act.

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.

There was a delay in having the application presented to the Committee because the reporting agencies (Police, Medical Officer of Health and Licensing Inspector) were awaiting the Committee's determination for a similar matter.

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                      7.00 am to 10.00 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 26 November 2021. The entrance from North Road is designated as the principal entrance.

**DATED** at Dunedin this 28<sup>th</sup> day of April 2022

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Kevin Mechen  
Secretary  
**DUNEDIN DISTRICT LICENSING COMMITTEE**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

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

**DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

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

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

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

The Licensing Inspector has assessed the application against the criteria in the 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 14 April 2025, 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 21<sup>st</sup> day of April 2022

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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 Golden Harvest Dunedin Limited for an on-licence pursuant to s.99 of the Act in respect of premises situated at 218 George Street, Dunedin, and known as "Golden Harvest 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 Golden Harvest Dunedin Limited for an on-licence in respect of the premises situated at 218 George Street, Dunedin, and known as "Golden Harvest Restaurant". The general nature of the business to be undertaken is that of a restaurant.

The application results from a change of licensee. The premises are 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.

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 11.00 am 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) 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 24 February 2022. The entrance from the Golden Harvest Mall is designated as the principal entrance.

**DATED** at Dunedin this 6<sup>th</sup> day of April 2022

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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 Dunedin Lawn Bowls Stadium 1999 Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 38 Tahuna Road, Dunedin, known as "Hopes Dunedin Lawn Bowls Stadium"

**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 Lawn Bowls Stadium 1999 Limited for the renewal of an alcohol on-licence in respect of their premises situated at 38 Tahuna Road, Dunedin, and now known as the "Hopes Dunedin Lawn Bowls Stadium".

The application is for a roll-over of the present conditions. It has, however, had a name change to include the name of the business who has naming rights as part of a sponsorship arrangement.

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 continue to operate 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 20 March 2025, 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 4<sup>th</sup> day of April 2022

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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 Johar Holdings  
Limited pursuant to s.127 of the Act  
for renewal of an on-licence in  
respect of premises situated at 74  
Albany Street, Dunedin, known as  
"Poppa's Pizza"

**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 Johar Holdings Limited for the renewal of an alcohol on-licence in respect of their premises situated at 74 Albany Street, Dunedin, and known as "Poppa's Pizza".

This is the first renewal for the premises and the Applicant has asked to extend the closing time. Currently the premises closes at 11.00 pm on Sunday to Thursday and 12.00 midnight on the Friday and Saturday. They have requested an extended closing time and consistent hours across the week. The hours sought are Monday to Sunday 10.30 am to 1.00 am the following day.

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 also states the extended hours is not an issue.

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 3 March 2025, 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 12<sup>th</sup> day of April 2022

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Kevin Mechen  
Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**

Decision No. 2022/21/ON

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

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

**DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

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

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

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

The Licensing Inspector has assessed the application against the criteria in the 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 14 April 2025, 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 21<sup>st</sup> day of April 2022

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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 Anthonie Ewen Tonnon (the "Applicant") pursuant to s.138 of the act for a special licence in respect of the premises situated at 1 Grey Street, Port Chalmers, and known as "Port Chalmers Town Hall"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Anthonie Ewen Tonnon (the "Applicant") for a special licence for the premises situated at 1 Grey Street, Port Chalmers, and known as the "Port Chalmers Town Hall".

The applicant has requested a special licence for the "Leave Love Out Of This" album release show to be held on Saturday 7 May 2022 between 5.00 pm and 11.00 pm. There are two shows within this time.

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

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

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

**DATED** at Dunedin this 28<sup>th</sup> day of April 2022

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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 Cadre Productions Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 31 Albany Street, Dunedin, and known as "Playhouse Theatre"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Cadre Productions Limited for a special licence for the premises situated at 31 Albany Street, Dunedin, and known as the "Playhouse Theatre". This is a different time and premises than was first applied for but, because of the pandemic, these were changed.

The applicant has requested a special licence to screen the Aotearoa Surf Film Festival in Dunedin on Friday 6 May 2022 between 6.30 pm and 11.00 pm. They have requested the premises be designated a supervised area for the screening.

The Police and Licensing Inspector have not raised any matters of concern. The Medical Officer of Health did not report because of their commitment to the Covid response. 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 28<sup>th</sup> day of April 2022

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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 Cathy Horton (the "Applicant") pursuant to s.138 of the act for a special licence in respect of the premises situated at 261 Tomahawk Road, Dunedin, and known as "Lochend Woolshed"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Cathy Horton (The "Applicant") for a special licence for the premises situated at 261 Tomahawk Road, Dunedin, and known as the "Lochend Woolshed".

The applicant has requested a special licence for Tiffany Horton's 21<sup>st</sup> Birthday Celebration to be held on Saturday 30 April 2022 between 3.30 pm and 12.00 midnight. They have requested the premises be designated a restricted area for the occasion.

The Police and Licensing Inspector have not raised any matters of concern. The Medical Officer of Health is currently involved with the pandemic response and is not reporting on applications. 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 6<sup>th</sup> day of April 2022

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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 Edward Toby Bennett (the "Applicant"), trading as Catlins True Brew, pursuant to s.138 of the act for an off-site special licence in respect of the stall situated at 20G Anzac Avenue, Dunedin, and known as "Dunedin Railway Station Carpark"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Edward Toby Bennett (the "Applicant"), trading as Catlins True Brew, for an off-site special licence for their stall situated at 20G Anzac Avenue, Dunedin, and known as the "Dunedin Railway Station Carpark".

The applicant has requested a special licence so they can showcase and sell their product at the Otago Farmers Market. Because of the nature of the market they are reliant on a special licence. They are seeking this special licence for the Saturday mornings from Saturday 21 May 2022 to Saturday 20 May 2023, inclusive. They will be set up between 7.30 am and 12.30 pm on each of the mornings.

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 28<sup>th</sup> day of April 2022

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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 Spitfire  
Restaurant Limited pursuant to s.138  
of the act for a special licence in  
respect of the premises situated at 6  
Church Street, Mosgiel, and known  
as "Diggers Tavern Mosgiel"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Spitfire Restaurant Limited for a special licence for their premises situated at 6 Church Street, Mosgiel, and known as "Diggers Tavern Mosgiel".

The applicant has requested a special licence for the Anzac Day Memorial Service to be held in their premises on Monday 25 April 2022 between 9.00 am and 5.00 pm. They have requested the premises be designated a supervised area for the memorial.

The Police and Licensing Inspector have not raised any matters of concern. The Medical Officer of Health is not reporting on application because of their commitment to the pandemic. 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 1<sup>st</sup> day of April 2022

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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 Dunedin Craft Distillers Limited pursuant to s.138 of the act for an off-site special licence in respect of the stall situated at 2 Waikouaiti-Waitati Road, Waitati, and known as "Waitati Village Hub"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Dunedin Craft Distillers Limited for an off-site special licence for their stall situated at 2 Waikouaiti-Waitati Road, Waitati, and known as the "Waitati Village Hub".

The applicant has requested a special licence for two occasions of the Farmers & Artists Waitati Market to be held on Sunday 24 April and Saturday 28 May 2022 between 2.00 pm and 5.00 pm on each occasion.

The Police and Licensing Inspector have not raised any matters of concern, while the Medical Officer of Health is not currently reporting because of their commitment to the Covid response. 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 13<sup>th</sup> day of April 2022

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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 Dunedin South City FC Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 45 Royal Crescent, Dunedin, and known as "Dunedin City Royals FC"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Dunedin South City FC Incorporated for a special licence for their premises situated at 45 Royal Crescent, Dunedin, and known as the "Dunedin City Royals FC".

The applicant has requested a special licence for post-match functions on Saturdays 9, 16, 23 and 30 April 2022 between 5.00 pm and 10.00 pm on each of the days.

The Police and Licensing Inspector have not raised any matters of concern. The Medical Officer of Health is not currently reporting on applications because of work relating to the pandemic. There are no extra conditions that need to be added to this licence.

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

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

**DATED** at Dunedin this 1<sup>st</sup> day of April 2022

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

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

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

The applicant has requested a special licence to host Marilyn Marsh's 70<sup>th</sup> Birthday Celebration to be held on Saturday 18 June 2022 between 7.00 pm and 11.30 pm. They have asked for the premises to be designated a supervised area for the occasion.

There was an earlier function, but this has been postponed because of the pandemic. A date will be advised when known.

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 28<sup>th</sup> day of April 2022

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Kevin Mechen  
Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**



**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

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

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Friends of The Globe Theatre Incorporated for a special licence for their premises situated at 104 London Street, Dunedin, and known as the "Globe Theatre".

The applicant has requested a special licence for movie screening nights to be held on the following days:

Wednesday 4 May 2022	6.00 pm to 10.00 pm
Thursday 5 May 2022	6.00 pm to 10.00 pm
Friday 6 May 2022	6.00 pm to 10.00 pm
Saturday 7 May 2022	6.00 pm to 10.00 pm
Sunday 8 May 2022	1.00 pm to 5.00 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.

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 28<sup>th</sup> day of April 2022

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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 Hurricanes Rodders Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 51 Victoria Road, Dunedin, and known as "Hurricanes Rodders"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Hurricanes Rodders Incorporated for a special licence for their premises situated at 51 Victoria Road, Dunedin, and known as the "Hurricanes Rodders".

The applicant has requested a special licence for Caitlin Kennedy's 30<sup>th</sup> Birthday Celebration to be held on Saturday 23 April 2022 between 7.00 pm and 12.00 midnight.

The Police and Licensing Inspector have not raised any matters of concern. The Medical Officer of Health is not reporting on applications at this time because of their commitment to the Covid response. 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 13<sup>th</sup> day of April 2022

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Kevin Mechen  
Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Otago Racing Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 285 Gladstone Road North, Wingatui, and known as "Wingatui Racecourse"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Otago Racing Club Incorporated for a special licence for their premises situated at 285 Gladstone Road North, Wingatui, and known as the "Wingatui Racecourse".

The applicant has requested a special licence to host Todd Hannah and Bryleigh Geary's Engagement Party to be held on Saturday 30 April 2022 between 5.00 pm and 1.00 am the following day.

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

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

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

**DATED** at Dunedin this 28<sup>th</sup> day of April 2022

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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 Outram Bowling Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 8 Skerries Street, Outram, and known as "Outram Bowling Club"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Outram Bowling Club Incorporated for a special licence for their premises situated at 8 Skerries Street, Outram, and known as the "Outram Bowling Club".

The applicant has requested a special licence for a series of Outram Community Bingo evenings. The following schedule details the dates and times:

Tuesday 5 May 2022	6.15 pm to 9.00 pm
Tuesday 24 May 2022	6.15 pm to 9.00 pm
Tuesday 7 June 2022	6.15 pm to 9.00 pm
Tuesday 21 June 2022	6.15 pm to 9.00 pm
Tuesday 5 July 2022	6.15 pm to 9.00 pm
Tuesday 19 July 2022	6.15 pm to 9.00 pm
Tuesday 2 August 2022	6.15 pm to 9.00 pm
Tuesday 16 August 2022	6.15 pm to 9.00 pm
Tuesday 30 August 2022	6.15 pm to 9.00 pm
Tuesday 13 September 2022	6.15 pm to 9.00 pm
Tuesday 27 September 2022	6.15 pm to 9.00 pm
Tuesday 11 October 2022	6.15 pm to 9.00 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 28<sup>th</sup> day of April 2022

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Kevin Mechen  
Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by St Clair Golf Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 20 Isadore Road, Dunedin, and known as "St Clair Golf Club"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by St Clair Golf Club Incorporated for a special licence for their premises situated at 20 Isadore Road, Dunedin, and known as the "St Clair Golf Club".

The applicant has requested a special licence for various unrelated events as listed:

<b>Saturday 30 April 2022</b>	<b>7.00 pm to 12.00 midnight</b>	<i>(Pip Barrett 21<sup>st</sup> birthday)</i>
<b>Saturday 21 May 2022</b>	<b>7.00 pm to 12.00 midnight</b>	<i>(Mark Rowley 60<sup>th</sup> birthday)</i>
<b>Saturday 9 July 2022</b>	<b>7.00 pm to 12.00 midnight</b>	<i>(Mid-Winter Ball)</i>
<b>Saturday 24 July 2022</b>	<b>7.00 pm to 12.00 midnight</b>	<i>(Christine Mocket Engagement Party)</i>
<b>Saturday 26 November 2022</b>	<b>3.00 pm to 12.00 midnight</b>	<i>(Morrow-Wheeler/Smith Wedding)</i>

They have asked for the premises is designated a supervised area for each function.

The application also applied for Christmas related functions. Dunedin's Local Alcohol Policy (LAP) requires functions covered by one special licence to be related in some way. On this instance, the Applicant was advised the above functions would be covered while the others would require a separate application. In the future, the Applicant is asked to be mindful of the requirements of the LAP.

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

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

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

**DATED** at Dunedin this 28<sup>th</sup> day of April 2022

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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 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 applicant has requested a special licence for their after-match functions for home games. Unfortunately, the Otago Rugby Football Union release the game draw sporadically through the playing season, so a list of fixtures has not been supplied. The club advises the Committee as soon as they receive notice of the next games.

The first home game for the 2022 season is on Saturday 9 April 2022 with the after-match function between 4.00 pm and 12.00 midnight.

The Police and Licensing Inspector have not raised any matters of concern. The Medical Officer of Health is not reporting on applications due to the pandemic response. 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 6<sup>th</sup> day of April 2022

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Kevin Mechen  
Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**



**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

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

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

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

The applicant has requested a special licence to host Debbie Masina's 50<sup>th</sup> Birthday Celebration to be held on Saturday 30 April 2022 between 7.00 pm and 12.00 midnight. They have requested the premises be designated a supervised area for the function.

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

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

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

**We must remind the applicant that, although the special licence was granted on this occasion, there is no guarantee that future applications received within 20 working days of an event will be processed in time.** The pandemic is reducing the agencies' ability to report on applications due to other commitments. If a report is not received the Committee may not be able to give its approval.

**DATED** at Dunedin this 28<sup>th</sup> day of April 2022

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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 University of Otago Zoology Department pursuant to s.138 of the act for a special licence in respect of the premises situated at 340 Great King Street, Dunedin, and known as “University of Otago Zoology Building”

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by University of Otago Zoology Department for a special licence for their premises situated at 340 Great King Street, Dunedin, and known as the “University of Otago Zoology Building”.

The applicant has requested a special licence for a series of Zoology Department Happy Hours to be held on the following days:

Friday 8 April 2022	4.00 pm to 7.00 pm
Friday 13 May 2022	4.00 pm to 7.00 pm
Friday 17 June 2022	4.00 pm to 7.00 pm
Friday 15 July 2022	4.00 pm to 7.00 pm
Friday 12 August 2022	4.00 pm to 7.00 pm
Friday 16 September 2022	4.00 pm to 7.00 pm
Friday 14 October 2022	4.00 pm to 7.00 pm
Friday 11 November 2022	4.00 pm to 7.00 pm
Friday 9 December 2022	4.00 pm to 7.00 pm

They have requested the premises be designated a supervised area for each of the evenings.

The reporting Police and Licensing Inspector have not raised any matters of concern. The Medical Officer of Health is not currently reporting on applications because of the pandemic. 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 Licencing 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 1<sup>st</sup> day of April 2022

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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 Wakari Bowling Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 10 Mayfield Avenue, Dunedin, and known as "Wakari Bowling Club"

**DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE**

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

**DECISION**

This is an application by Wakari Bowling Club Incorporated for a special licence for their premises situated at 10 Mayfield Avenue, Dunedin, and known as the "Wakari Bowling Club".

The applicant has requested a special licence to host Jacque Williams' 60<sup>th</sup> Birthday Celebration to be held on Saturday 14 May 2022 between 7.00 pm and 12.00 midnight. They have requested the premises be designated a supervised area for the duration of the evening.

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

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

**DATED** at Dunedin this 21<sup>st</sup> day of April 2022

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Kevin Mechen  
Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**

Decision No. 2022/13/2022

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by Linanh 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 228 King  
Edward Street, Dunedin, and known as  
"China Palace"

**DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE**

**Chairperson:** Commissioner C Weatherall

**Members:** Mr R Amohau

**DECISION**

This is an application by Linanh Limited an order allowing them to carry on the sale and supply of alcohol pursuant to the underlying licence no. 069/ON/03/2021 in respect of premises situated at 228 King Edward Street, Dunedin, and known as "China Palace".

The premises will operate as "China Palace Restaurant".

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

The Licensing Inspector advises that there have been no issues of concern raised in relation to the premises and it is low risk.

The Committee is satisfied that the applicant will operate the premises properly and therefore issues an order authorising the applicant to carry on the sale and supply of alcohol, under the same conditions as were granted initially, for a period of three months from 28 April 2022.

**DATED** at Dunedin this 28<sup>th</sup> day of April 2022

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Kevin Mechen

Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**

Decision No. 2022/12/TA

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by Pride Thai 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 18 Mailer Street, Dunedin, and known  
as "Indian Twist"

**DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE**

**Chairperson:** Commissioner C Weatherall

**Members:** Mr R Amohau

**DECISION**

This is an application by Pride Thai Limited an order allowing them to carry on the sale and supply of alcohol pursuant to the underlying licence no. 069/ON/27/2020 in respect of premises situated at 18 Mailer Street, Dunedin, and known as "Indian Twist".

The premises is now operating as "Mornington Thai".

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

The Licensing Inspector advises that there have been no issues of concern raised with the premises which is a low risk.

The Committee is satisfied that the applicant will operate the premises properly and therefore issues an order authorising the applicant to carry on the sale and supply of alcohol, under the same conditions as were granted initially, for a period of three months from 28 April 2022.

**DATED** at Dunedin this 28<sup>th</sup> April 2022

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Kevin Mechen

Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**