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IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Tautuku Fishing Club Dunedin and Haast Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 2 Southdale Road, Ocean Grove, Dunedin, known as "Tautuku Fishing 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 Tautuku Fishing Club Dunedin and Haast Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 2 Southdale Road, Ocean Grove, Dunedin, and known as the "Tautuku Fishing 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 27 May 2027, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 10th day of June 2024

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 West Harbour Bowling Club Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 104 Ravensbourne Road, Dunedin, and known as "West Harbour Bowling Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by West Harbour Bowling Club Incorporated for the renewal of a club licence in respect of premises situated at 104 Ravensbourne Road, Ravensbourne, and known as the "West Harbour Bowling Club".

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

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

We are satisfied as to the matters to which we must have regard as set out in s.131 of the Act and therefore renew the licence until 3 May 2027, 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 14th day of June 2024

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 R C and P J Flannery Limited for renewal of an off-licence pursuant to s.127 of the Act in respect of premises situated at, 133 Great King Street, Dunedin, and known as "New World Centre City"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall

Members: Ms K Lane

Ms K Elliot

Mr R Flannery – for Applicant

Mr I Thain – Counsel for Applicant

Sgt S Jones – Police Alcohol Harm Prevention Officer

Dr M Butchard – Medical Officer of Health

Mr A Whipp – Medical Officer of Health Delegate

Mr J Whelan – Students for Sensible Drug Policy Ōtepoti/Dunedin – Objector

Dr L Gordon – Counsel for Objector

Mr S Dunning – SSDP

Ms L Mason – Hold On To Your Friends – Objector

Mr J Dick – for Objector

Mr H Power – for Objector

Mr K Mechen – Alcohol Advisor/Secretary

Ms L Adamson – Governance Support

HEARING at Dunedin 18 October 2023

INTRODUCTION

- [1] This is an application by R C and P J Flannery Limited for the renewal of their alcohol off-licence for the premises situated at 133 Great King Street, Dunedin, and known as "Centre City New World".
- [2] Public notice of the application attracted two objections; one from the Students for Sensible Drug Policy Ōtepoti/Dunedin (SSDP) and the second from the group Hold On To Your Friends (HOTYF).
- [3] The Committee finds that both groups have standing in this matter because the premises is used frequented by the student population for their shopping.

- [4] SSDP was concerned at the Applicant's ability to trade until 10.00 pm in an area frequented by Dunedin's vulnerable student and youth population, and the sale of high strength alcohol products at a cheap price. Their opposition mentioned the suitability of the Applicant but no detail was supplied.
- [5] HOTYF was similarly concerned at the premises location in an area in which alcohol-related harm was common and the hours of trade allowing students an opportunity to pre-load and/or side-load before heading to the late night bars. They are also concerned at the price of some products and would like a condition that no wine with a normal price of \$10.00 or less can be discounted and wine greater than \$10.00 cannot be discounted below that amount.
- [6] HOTYF also believe the amenity and good order of the locality would increase if the licence was not renewed. They also do not believe the Applicant has met the 'extended suitability' threshold required for a premises in such an area.
- [7] Neither the Medical Officer of Health nor the Licensing Inspector have opposed the renewal of the licence.
- [8] The Police have opposed the renewal. They do not believe the sale of low price, single serve alcohol units aligns with the object of the Act and this adversely affects the suitability of the Applicant. The Police also stated the single alcohol area in the store did not minimise the exposure of alcohol to minors which led to shoplifting by young people. The store did not have the systems, staff and training in place to prevent intoxicated people entering the store nor to minimise the risk of minors shoplifting alcohol.
- [9] To mitigate their concerns, the Police sought the addition of two conditions on the licence: that there is a prohibition of single units of beer or cider priced at, or less than, \$6.00 per unit and that the single alcohol area is designated a restricted area.
- [10] This premises changed ownership in early January 2024 and has been granted an unopposed off-licence.

HEARING

Mr I Thain

- [11] Mr Thain was counsel for the Applicant. He said the issues for the Committee to consider were:
 - a) The imposition of discretionary conditions as sought by the objectors and Police to mitigate their concerns which include a minimum unit price for beer and cider as well as restrictions on promotional prices and a prohibition of the sale of cask wine.
 - b) The imposition of a designation for the single alcohol area.
 - c) The licence hours for the premises. The objectors would like the maximum hours to be Monday to Sunday, 7.00 am to 9.00 pm.
- [12] The Applicant believes continuing the current licence conditions is reasonable and therefore the licence should be renewed without change.
- [13] There is no onus of proof on any party. The Committee must evaluate all the evidence presented and make a determination based on what is considered reasonable.
- [14] Regarding the single alcohol area, Gendall J in *Christchurch Medical Officer of Health v. Vaudrey*, [2015] NZHC 2749, said at [63], "*I do note, however, that the position could differ between a first application involving a single area condition and subsequent renewal applications. Once compliance with the Act has been secured in the first instance, a renewal would ordinarily be expected to be granted as a matter of course, absent material changes in circumstance. This is consistent with the intent of the Law Commission that compliance "is likely to be a one-off cost in most instances"*". The single alcohol area, in this instance, has not been altered and is compliant with section 113 of the Act.

- [15] There have been no cases where a District Licensing Committee, or the Alcohol Regulatory and Licensing Authority, have imposed a restricted designation on a single alcohol area in a supermarket.
- [16] Mr Thain said that Parliament has not amended section 58 of the Act which describes the types of alcohol that may be sold in supermarkets. The Applicant complies with the legislation and therefore there is no need for a condition limiting what they may sell.
- [17] The promotion and discounting of alcohol in a supermarket is addressed in section 114 of the Act. There is no evidence that the Applicant has breached this section of the Act. What the objectors were seeking goes beyond what was intended by Parliament therefore are unreasonable.
- [18] The trading hours for this premises are appropriate. In *The Medical Officer of Health (Wellington Region) v Lion Liquor Retail Ltd*, [2018] NZHC 1123, Clark J explained that an evidential assessment of the degree and nature of the alcohol-related harm potentially linked to an off-licence. In that case, the store was one of two bottle stores on the edge of Wellington's entertainment area. They sold the types of product typically associated with alcohol-related harm as identified by the Wellington Emergency Department. The Applicant's premises is not on the edge of central Dunedin and there was no reason to believe sales made between 9.00 pm and 10.00 pm posed a greater risk than sales made earlier in the day.
- [19] Discretionary conditions can be imposed but they must be reasonable and not inconsistent with the Act. If any gain that resulted from a discretionary condition was marginal, Mr Thain suggested the condition may therefore be unreasonable. The Committee needs to consider whether the condition was a disproportional response to the issue it is to address and, if it is, the condition may be unreasonable.
- [20] The object of the Act is to target alcohol-related harm which resulted from the excessive or inappropriate consumption of alcohol. This is not something in the control of the Applicant. The Act's object does not target reasonableness or responsible drinkers.
- [21] The price of alcohol has been considered by Parliament several times and on each occasion it has decided not to pursue that option. Scotland introduced a minimum unit price for alcohol but the results of this were not what were expected. There were unintended consequences: there was a 10% increase in the alcohol consumption of the 5% of heaviest drinking males.
- [22] Parliament also did not put in place any restriction on the size or type of container in which alcohol could be sold. They did restrict the types of alcohol that could be sold in supermarkets but that is the extent of the restriction.

Mr R Flannery

- [23] Mr Flannery is one of two directors and shareholders of the applicant company. The other director and shareholder is his wife. His brief of evidence was presented and accepted by the Committee.
- [24] He described the training that was given to all staff at the premises. He said it was a requirement for the checkout supervisors to have their Licence Controller Qualification (LCQ) and if they want to move to a higher level at the store, they must obtain a manager's certificate. A record of all training is maintained.
- [25] The drivers used for the delivery of orders from the premises are employed by New World. If the person who made the order is not at the delivery address, any alcohol in the order is not left and they are refunded that appropriate amount. If the person is present, their identification is checked as it would be in the store itself.

- [26] When asked, Mr Flannery said alcohol sales were dropping off a little and he thought it may be because of their party rule which requires identification to be checked for everyone present in a group.
- [27] Students are an important part of their business but they are not targeted, especially when it comes to alcohol.
- [28] In the time the Applicant has been at the store, neither the Police nor Licensing Inspector have contacted them with concerns about their suitability, the object of the Act, staff, processes, and training, nor the effect on the amenity and good order of the locality resulting from their alcohol licence. The conditions being sought by the Police are not necessary and would be unreasonable.
- [29] When asked by the Committee about training with the regulatory bodies, Mr Flannery said when he started at the store he contacted Sgt Paulin who carried out training with staff regarding false identification as well as other applicable subjects. He said he approached him again but was directed to Sgt Jones who also came and helped with training.
- [30] In response to another question, Mr Flannery said alcohol sales were approved by checkout supervisors who hold LCQs. There are also two duty managers available at any time who are available as required. The staff monitoring the self-scan checkouts must hold their LCQ.
- [31] Sgt Jones asked if the Applicant had breached the legislation in the past. Mr Flannery said some time ago they put some short-dated beer on special for more than the maximum 25% discount. He said Sgt Paulin and Mr Mole approached him and he took full responsibility for the error. He said he had not been aware it was contrary to the law. The product had not been advertised, just a sign by the product in store. Sgt Paulin sent a warning letter.
- [32] Sgt Jones asked how often he was in the store. Mr Flannery said he was present 6 – 7 days per week, although he does try and take Sundays off.
- [33] When asked about intoxicated people entering the store, Mr Flannery said there was no one checking at the door. However, if someone is identified as being intoxicated, they are approached by a staff member. If they are there buying food they are escorted to the checkouts. If they are there for alcohol they are asked to leave and, if they do not, the Police are called. Security is present at the front of the store between 6.00 pm and 10.00 pm daily. Mr Flannery pointed out that they only look after their shop footprint, not the Centre City Mall which has another 13 tenants.
- [34] Sgt Jones asked about designating the single alcohol area. Mr Flannery said the area was hard to find if you didn't know where it was in the store. He has looked at the idea but believes the cost would be unreasonable for the risk the Police are trying to identify.
- [35] Dr Gordon asked what the role of the security staff was and Mr Flannery said their role was mainly to support the staff in the checkout area. Dr Gordon also asked about the price of premier single cans. Mr Flannery said the majority are greater than \$7.00 per unit although there were four products less than \$6.00 per unit.
- [36] When asked by Ms Mason if the Applicant was willing to work with HOTYF, he replied that he would. They were proactive in trying to limit the harm caused by alcohol.
- [37] The Committee asked who controlled the space outside the store. Mr Flannery said Foodstuffs was the owner of the space so they looked after the area generally. There had been an increase in the number of issues in the area due to the roadworks. A lot of people walk through the Centre City Mall but there is only a small number of issues. There is CCVT in the area and it is accessible by four to five people in the store and it is available to the Police if they require it.

- [38] The Committee asked Mr Flannery if they noticed an increase in spending during the February to October period when the students were in town. While he did not have the data with him, Mr Flannery did not believe this was the case. He did state that there were more alcohol sale refusals during February and March.

Ms L Mason

- [39] Ms Mason is a spokesperson for HOTYF. Their role is to advocate for a safer student culture and they will do anything necessary or helpful to achieve their goal.
- [40] She produced a document that had not been circulated so was set aside at this point.

Mr J Dick

- [41] Mr Dick is a student at the University of Otago. He read his evidence that described his experiences with alcohol after he arrived in Dunedin.
- [42] He was asked which was a greater contributor to harm: the student culture or off-licence premises. He replied that drinking used to be in bars but it was now centred in flats. He said he would like a place where he could go with friends to sit and talk. He said there had always been a drinking culture in Dunedin but going to flats has become popular because it was cheaper. He said he used alcohol to ease his mind around friends but wasn't sure he would have done this if he had not been in Dunedin. When asked if he thought the culture was a road to harm, Mr Dick said it could lead to harm but not in himself.

Mr H Power

- [43] Mr Power is a student at the University of Otago. He read his statement which described growing up in Dunedin and his transition to being a student and how his attitudes to alcohol had been formed. He commented that he would visit supermarkets at least twice per week to buy a 12 pack of cider and a bottle of Scrumpy. Sometimes they would share or swap the drinks. He said he often did not drink the Scrumpy because it was a very dangerous drink.
- [44] Sgt Jones asked how often he had seen the alcohol ban being breached. Mr Power said it was very prevalent, especially at weekends. In response to another question, he said Kingfisher beer was commonly consumed.

Ms S Scott

- [45] Ms Scott is a student at the University of Otago but was unable to appear. Ms Mason said Ms Scott's statement was prepared collaboratively and summarised the document.
- [46] Ms Mason admitted the alcohol present at the party that led to the death of Ms Crestani in 2019 could have been sourced from anywhere.
- [47] She stated that alcohol in Dunedin was causing harm. She could not see how the sale and supply of alcohol could be undertaken responsibly. In response to a question from the Committee, she said they, HOTYF, would be opposing all off-licence applications to reduce the harm caused. When asked, Ms Mason said there has been a drinking culture in Dunedin 'forever' but it had been in the last 10 years that alcohol-related harm had become worse.

Dr L Gordon

- [48] Dr Gordon is counsel for both SSDP and HOTYF.
- [49] She said there were three parts to this matter. The first is that the Committee needed to consider what was happening on the ground.
- [50] In *Liquormart Ltd v. Shady Lady Lighting*, [2018] NZHC 3100, Churchman J discussed the concept of extended suitability when premises were in vulnerable communities. New World Centre City is in a highly deprived and high-risk area. In *Medical Officer of Health v. Lion*

Liquor Retail Ltd, [2018] NZHC 1123, it was highlighted that even a good operator can still cause harm to the community.

- [51] Dr Gordon said one needed to consider the relationship between an outlet and harm. She said the evidence implicated this premises: it is in a vulnerable, high-risk area and is selling alcohol to the members of the community. A restriction on sales from the premises will help bring down the level of harm. The alcohol-related harm amongst the University of Otago population has got worse.
- [52] If one wanted to buy cheese at the New World Centre City, they need to be in the single alcohol area to do so. Alcohol is very normalised and SSDP expects the Committee to look at reducing the alcohol-related harm in the area.

Mr J Whelan

- [53] Mr Whelan is the President of SSDP. He presented his submission and it was accepted.
- [54] He said he had been involved with alcohol licensing for about one year but has not seen any change. One of their concerns is the flat initiations that are taking place.
- [55] Mr Whelan said that alcohol is causing the most harm of all the drugs and it is regulated. SSDP is concerned at the extent of the harm in the population generally, not just amongst students. They are looking for conditions that will balance the harm. For example, Mr Whelan said the Applicant had the resources to change the single alcohol area in the store to reduce exposure of alcohol to people walking past.
- [56] When asked by the Committee how the recommendations of SSDP would minimise harm, Mr Whelan said increasing the price of alcohol would see a reduction in the amount of alcohol consumed.
- [57] He said that while the drinking culture at Otago was an issue, the growth in alcohol availability was a bigger issue. He said SSDP believes the price of alcohol needs to be set at a level that would actually reduce alcohol-related harm and the single alcohol area could be better designed so when looking at products outside the area, for example cheeses, alcohol displays are not obvious. He said he raised these issues to try and reduce alcohol-related harm.
- [58] He said that while the Applicants were good operators, they are part of the harm in the community.
- [59] The Committee asked how the removal of cask wine from sale, one of the recommendations of SSDP, could be considered reasonable. Mr Whelan admitted that it would be 'pushing it' but cask wine was associated with harm in the older age groups. He also agreed if this suggestion was implemented, people would go to other premises. Mr Whelan said limiting the sale of such products across all off-licences would be a good idea.
- [60] When asked about his thoughts on the single alcohol area, Mr Whelan said he would like to see a reduction in access to the area. He also believed one should be able to shop for cheeses without looking at alcohol displays.
- [61] Mr Thain discussed a 'brief' survey undertaken by students outside the Applicant's premises during which 52 people consented to being interviewed about alcohol. The data cited did not state where or how the alcohol was to be consumed.
- [62] When asked by Mr Thain if the drinking culture identified around the University of Otago existed elsewhere, for example, in Mosgiel, Mr Whelan said it didn't occur there because the student culture didn't exist in Mosgiel.
- [63] Mr Whelan was asked if the cheese display was in the single alcohol area. He admitted it wasn't in the alcohol area but one couldn't be at the cheese display without being at the edge of the area as it faced the alcohol displays.

- [64] Mr Thain asked what general approach to drinking students took. Mr Whelan said generally, students buy their alcohol and drink it all in one session. Consuming eight standard drinks in one sitting is considered 'binge drinking' and this is the norm. Students drink to get drunk.
- [65] Dr Gordon asked about the student drinking culture. Mr Whelan explained that New Zealand doesn't frown on intoxication like other countries and the University of Otago is a part of that. New Zealand has a bad relationship with alcohol. If this was different, the situation may be different in Dunedin.

Sgt S Jones

- [66] Sgt Jones is the Alcohol Harm Prevention Officer for the Dunedin Police. He tabled his submission.
- [67] He said the immediate North Dunedin area which is next to where this premises is situated is considered one of the most high-risk, vulnerable areas in New Zealand. The best people to represent the people living in the community were the objectors who represented the vulnerable student community and the reporting agencies who worked in the community to reduce alcohol-related harm. Sgt Jones does not believe the premises is being operated reasonably in these circumstances.
- [68] Sgt Jones reminded the Committee that they had the ability to impose conditions to minimise harm in the community. He cited various caselaw in support of his suggested minimum price for single serve units. He also quoted a section from an article on the Alcohol Healthwatch website which discusses 'Normalisation of Alcohol to Children' and the exposure of alcohol to children in supermarkets.
- [69] To mitigate the concerns of the Police, Sgt Jones seeks a prohibition of single unit sales at or less than \$6.00 per unit and that the single alcohol area is designated a restricted area, that is, people under the age of 18 years cannot enter that alcohol area.
- [70] Sgt Jones presented his brief of evidence and entered the Police exhibits. They were accepted.
- [71] The Committee asked if Sgt Jones could define craft beer but he could not. He said there was ambiguity regarding its definition. Regarding the photographic evidence of a 'vagrant' drinking high strength beer, Sgt Jones said only one of the exhibits could be linked to the Applicant's premises.
- [72] Sgt Jones was asked if the single alcohol area was to have the designation imposed, how the Applicant would enforce the restriction. He said he did not know how they would enforce it; it would be up to the Applicant to ensure compliance. They would be able to employ security for the area or use one of the computer systems available from other parts of the world. He said by imposing the restricted designation, children would not be exposed to alcohol. If people had their children with them, they would not be able to take the children into the area.
- [73] Mr Thain asked for a definition of 'alcohol as a contributing factor' because it is the basis of both the CARD and NIA data presented as exhibits. Sgt Jones did not provide the definition. In response to other questions, he acknowledged the data was collated for a four year period and does not provide information regarding the type of alcohol involved, where it was purchased from nor the time of purchase. Sgt Jones commented that each mark indicating a location may represent more than one incident.
- [74] Sgt Jones was asked if there was an indication from the data that alcohol-related harm was increasing or decreasing over the four years, would the Committee have been advised? He replied that the data did not show trends.
- [75] The Committee asked what the Police policy was in relation to single serve units of alcohol, pricing, and the designation of the single alcohol areas. Sgt Jones said the Police focus was on

the appropriateness of single sales and noted that this was not necessarily from Police National Headquarters.

Mr A Whipp

- [76] Mr Whipp is the Medical Officer of Health Delegate.
- [77] He said the market for this premises was wide and carried a large array of products. There was a good training programme at the premises and they had appropriate staffing.
- [78] Mr Whipp did not oppose the renewal of the licence.

CLOSING

Dr Gordon

- [79] Dr Gordon stated the ground for SSDP's opposition related to the suitability of the Applicant, the design and layout of the premises and the object of the Act.
- [80] They do not believe the Applicant demonstrated the 'extended suitability' expected of a licensee in an area of high levels of deprivation and vulnerability of those in the area. The Dunedin Public Hospital and associated childcare centre are nearby, as are a number of community organisations. The student culture of excessive drinking must also be considered.
- [81] Dr Gordon said the purpose of the single alcohol area is to limit how much shoppers are exposed to alcohol. The area in the Applicant's premises has multiple entrances and to browse for some grocery items, shoppers must enter the area.
- [82] The SSDP does not believe the Applicant meets the second arm of the object of the Act: that the harm caused by the excessive or inappropriate consumption of alcohol should be minimised. The Applicant did not present any plan to mitigate the harm from their sale of alcohol.
- [83] To mitigate their concerns, SSDP seeks the following conditions:
 - a) No specials or promotions on single units of beer or cider of greater than 6% ABV that have a normal price below \$10.00.
 - b) No specials or promotions on multipacks of alcohol greater than 6% ABV.
 - c) No wine normally priced at or below \$10.00 can be discounted or included in promotions.
 - d) No wine priced higher than \$10.00 can be discounted below \$10.00.
 - e) No sales of cask wine.
 - f) No alcohol sales after 9.00 pm except for a period over Christmas and New Year.

Ms Mason

- [84] Ms Mason, for HOTYF, opposed the renewal citing the object of the Act, the suitability of the Applicant, the days and hours during which alcohol is sold, and the amenity and good order of the locality.
- [85] The Act's object is to minimise alcohol-related harm. They cited *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Ltd*, [2018] NZHC 1123 at [68], where it was stated that "*It was not necessary to establish, as the Authority required, that the proposed operation 'would be likely to lead to' alcohol-related harm... Requiring proof of 'a causative link' is not only unrealistic but contrary to the correct legal position.*"
- [86] Ms Mason recommended the Committee adopt the precautionary principle and consider their recommendations.
- [87] Ms Mason said they had real concerns regarding the franchise agreement and the severe limits placed on the Applicant regarding price and choice of product to stock. Despite efforts

by the Applicant to quantify the amount of alcohol sold to students, the fact that alcohol is sold to students is enough to establish that the premises contributes to the alcohol-related harm experienced by students and young people who live in the area.

- [88] HOTYF is also concerned that the Applicant, at no time during the hearing, mentioned the proximity of nearby student halls of residence which house predominantly first year students. First year students are highly vulnerable and the alcohol-related harms experienced by them are likely fuelled by alcohol purchased from nearby off-licence premises.
- [89] Ms Mason summarised the harms witnessed in the area around the premises and those experienced by witnesses presenting for HOTYF.
- [90] Ms Mason acknowledged the systems, processes, and staff in place at the store.

Mr Whipp

- [91] Mr Whipp agreed with a lot of what SSDP and HOTYF stated during the hearing. Alcohol is the most used drug and is the drug that caused the most harm in Aotearoa. They also agree with the description of the single alcohol area: it has two relatively small entrances/exits and one large one at the rear of the store. This latter area allows a clear view of the alcohol on display.
- [92] Mr Whipp said that the Ministry of Justice estimate of a minimum price unit of \$1.20 would significantly reduce alcohol consumption. He said while some people may increase their spending to get the same amount of alcohol, this was offset by those who reduced their consumption.
- [93] The Medical Officer of Health did not oppose the licence renewal.

Sgt Jones

- [94] Sgt Jones reminded the Committee they had the ability to impose new conditions on a licence at renewal and cited s.132 of the Act. He also cited s.119 of the act which gives the Committee the authority to impose a restricted or supervised designation on any premises.
- [95] Sgt Jones said the sale of single serve, high strength alcohol at a cheap price did not align with the object of the Act because the vulnerable community in which the premises is situated is exposed to higher levels of harm. Various caselaw was cited to support his view.
- [96] He stated that the area in North Dunedin bordered by Leith Street North, Duke, Cumberland, and Dundas Streets is considered one of the most high-risk, vulnerable areas in New Zealand in regard to alcohol-related harm. The area is about 1200m from the Applicant's premises.
- [97] Sgt Jones said the Police would like the single alcohol area to be designated a restricted area. He said many New Zealand children regularly frequent supermarkets thus becoming more exposed to alcohol. He cites an excerpt from 'ActionPoint: Communities targeting alcohol harm', *"On-site exposure to alcohol marketing in settings such as supermarkets is suggested to lead children to believe that alcohol is no different to any other everyday consumer goods sold at the supermarket."* Sgt Jones said the Committee had an opportunity to minimise this harm by the imposition of a 'restricted' designation on the single alcohol area.
- [98] Sgt Jones urged the Committee to consider the community in relation to the harm being caused as a result of the of the Applicant's operation in a vulnerable community.
- [99] The two conditions Police sought to mitigate their concerns are: the prohibition of single unit sales of beer or cider at, or less than, \$6.00 per unit; and the single alcohol area be designated a restricted area.

Mr Thain

- [100] Mr Thain said this application is for the renewal of a supermarket's off-licence. The Applicant is not seeking any changes to the licence and there are no changes to the single alcohol area. Neither the Licensing Inspector nor the Medical Officer of Health have opposed the renewal.
- [101] However, the Police have opposed the renewal and there were two public objections received. The opposition is an attempt to have conditions imposed on the licence: a minimum unit price for single unit sales, a designation on the single alcohol area, a reduction in their licence trading hours, the prohibition on the sale of cask wine, and restrictions on promotions.
- [102] The Police and objectors have not opposed the renewal per se; they are seeking the imposition of conditions to the licence. However, the imposition of the conditions sought would, in the opinion of the Applicant, be unreasonable and therefore should not be imposed.
- [103] Caselaw has been cited where minimum unit prices have been imposed and/or single units prohibited from being sold. In each of these cases the condition(s) have been either offered or imposed by the consent of the licensee. They have not been 'imposed' per se.
- [104] While the Applicant accepts there is no automatic right to a licence renewal, the renewal process must be reasonable. In *Medical Officer of Health v. Vaudrey & Bond* [2016] 2 NZLR 382, Gendall J said at [63], "*Once compliance with the Act has been secured in the first instance, a renewal would ordinarily be expected to be granted as a matter of course, absent material changes in circumstances. This is consistent with the intent of the Law Commission that compliance is "likely to be a one-off cost in most instances".*"
- [105] In this matter, there have been no material changes in circumstances therefore any change to the conditions would be unreasonable. Disproportionate or unreasonable conditions cannot be imposed.
- [106] Regarding the designation of the single alcohol area, the issue of designation was discussed in *Sporting Investments Limited* [2002] NZLLA 486. Designations are not for supermarkets. There have also been no cases where a Committee or the Authority has designated a supermarket's single alcohol area a restricted area. The single alcohol area in this premises is compliant with the legislation.
- [107] The object and purpose of the Act are to be read together. There is not to be a single-minded focus on the object of the Act. The system of control is to be reasonable.
- [108] Parliament set limits on the types of alcohol that could be sold in supermarkets. They did not impose a minimum price nor restrict the type or volume of the containers in which the alcohol is sold. The Police and SSDP are concerned at alcohol promotions at the store. This is also regulated in the Act and the Applicant is mindful of those regulations.
- [109] The various caselaw cited by the parties relate to bottle stores in different kinds of communities. This application cannot be compared to the decisions for the other kinds of premises. In other cases, the conditions were imposed by agreement with the licensees.
- [110] The Applicant in this matter does not agree with the conditions proposed by the parties. They believe the conditions proposed are unreasonable and a disproportionate response to the perceived risk to the community.

DECISION

- [111] This matter relates to the renewal of an off-licence for the New World Centre City situated at 133 Great King Street, Dunedin. The Applicant was not seeking any changes to the conditions on the licence.
- [112] Public notification of the renewal attracted two objections. The objectors were two groups representing the interests of Dunedin's students: Students for Sensible Drug Policy and Hold

On To Your Friends. The Committee determined that both objectors had standing at this hearing.

- [113] The grounds for opposition by SSDP were the object of the Act, suitability of the Applicant, and the days on which, and hours during which, the premises is licensed. They believe conditions can be imposed on the licence to mitigate their concerns.
- [114] HOTYF base their opposition on similar grounds to SSDP but also include the amenity and good order of the locality. HOTYF similarly suggest the imposition of extra conditions on the licence would alleviate their concerns.
- [115] The Police opposed the renewal of the licence to seek the inclusion of two conditions to the licence: a minimum price point of greater than \$6.00 per single unit of beer or cider; the single alcohol area to be designated a restricted area.
- [116] The premises is now under new management however we will respond to each of the concerns.
- [117] There is no objection to the renewal per se. Each of the opposing parties recommend the imposition of various conditions to mitigate the concerns raised at the hearing.
- [118] Section 132 of the Act provides the Committee with the ability to impose conditions on a licence at renewal time. When considering any additional condition on any licence, guidance is provided by the High Court in *Vaudrey and Bond* [2015] NZHC 2749, where Gendall J said at [104(e)] that, *"the condition must be a proportionate response. As we said in Johnsonville Club Inc v Wellington District Licensing Agency: ... a condition which in its totality bears marginal relevance to that total risk, must be said to be illogical and therefore as a matter of law unreasonable."*
- [119] We will briefly discuss each of the proposed conditions:
- [120] A condition sought by Police that there shall be no single units of beer or cider sold at or less than \$6.00 per unit. Sgt Jones cites various caselaw where such a condition has been imposed. However, in these cases, the conditions have been imposed by consent of the licensee. This is emphasised in *Dharma Enterprises Limited* [2023] NZARLA 79, where in their discussion of a minimum price, the Authority commented at [22] that, *"In general, conditions have been imposed or accepted in various forms relying upon either a volume limit, a price limit, a brand limit or a combination of those elements. Many of these conditions have been offered by responsible licensees..."*
- [121] However, in [23] of that case, they went on to say, *"The licensing inspectorate has signalled its intention as to a uniform condition comparable to the condition imposed by the DLC. That approach of a fixed price base without any other qualification, does give rise to the concern discussed in this appeal that it may result in motivating customers to choose single units with higher alcohol strength which in itself may increase the risk of alcohol-related harm and thereby be an outcome not consistent with the object of the Act. We leave that broader discussion for a more appropriate set of circumstances."*
- [122] The Committee is mindful of the unintended consequences of such a condition so will not impose it on the licence.
- [123] The Police also sought a 'restricted' designation on the single alcohol area. The Committee is unaware of any supermarket or grocery store that carries a designation. Such a condition in such premises would be impractical. The legislation allows alcohol to be sold in supermarkets where families purchase their groceries. It is inevitable that children will accompany parents and it would be unreasonable to expect a parent to leave a child outside an alcohol area while they selected alcohol. The Committee finds such a condition to be unreasonable.

- [124] SSDP sought conditions restricting promotions of various products. The legislation already dictates the manner in which alcohol can be promoted. The Applicant was warned for a promotion in 2021 and there have been no issues raised since that time.
- [125] They also seek a prohibition of the sale of cask wine. The legislation does not prescribe the types of container, nor the volume of containers in which alcohol can be packaged. There was no evidence that cask wine was a popular product so the Committee has not been convinced the prohibition of such sales is necessary.
- [126] SSDP also sought a change to the single alcohol area. They correctly note that the purpose of a single alcohol area is to limit shoppers' exposure to alcohol. They want changes made to the area however, the current area meets the requirements of the legislation in that one does not pass through the area when entering the store and moving to the main body of the premises. Nor does one pass through the area when one moves from the main body of the store to the checkout area. It would be unreasonable to require changes to the area.
- [127] SSDP are seeking to have the premises licensed to 9.00 pm instead of the current 10.00 pm. While the premises is near to the main night-time economy in Dunedin, the premises is closed by 10.00 pm. There was no evidence presented that people were purchasing alcohol between 9.00 pm and 10.00 pm during their 'migration' to late night premises in the centre of town.
- [128] The object of the Act is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly and that the harm caused by excessive or inappropriate consumption should be minimised. This is a supermarket with an off-licence. The applicant has no control over the consumption of any product bought from their store.
- [129] Any condition imposed by the Committee **must be reasonable**. In the absence of any evidence to suggest the conditions sought will have a positive impact which would be more than minor, we find the conditions sought to be unreasonable.
- [130] We are satisfied as to the matters we must consider in s.131 of the Act and therefore renew the licence.
- [131] The premises has since changed ownership. These will be assessed and tested in the first 12 months of operation.

DATED at Dunedin this 24th day of June 2024

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/41/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Otago Peninsula
Trust pursuant to s.127 of the Act for
renewal of an on-licence in respect
of premises situated at 430
Portobello Road, Dunedin, known as
“Glenfalloch”

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by Otago Peninsula Trust for the renewal of an alcohol on-licence in respect of their premises situated at 430 Portobello Road, Dunedin, and known as “Glenfalloch”.

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 7 May 2027, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 10th day of June 2024

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 Chen's Food Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 362 George Street, Dunedin, known as "Heping 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 Chen's Food Limited for the renewal of an alcohol on-licence in respect of their premises situated at 362 George Street, Dunedin, and known as the "Heping Restaurant".

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

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

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

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 10 May 2027, 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 10th day of June 2024

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 Pride Thai Limited for renewal of an on-licence pursuant to s.127 of the Act in respect of premises situated at 18 Mailer Street, Dunedin, and known as "Mornington Thai"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall

Members: Ms K Elliot
Mr L Vandervis

Appearances: Ms S Nongyang – for Applicant
Mr J Santos – for Applicant
Mr A Farmer – for Applicant (Support)

Ms T Morrison – Licensing Inspector
Sgt S Jones - Police Alcohol Harm Prevention Officer
Mr A Whipp – Medical officer of Health Delegate

Sgt N White - observing
Mr K Mechen – Alcohol Advisor/Secretary
Ms L Adamson – Governance Support

HEARING at Dunedin on 10 April 2024

INTRODUCTION

- [1] This is an application by Pride Thai Limited for the renewal of an alcohol on-licence for their premises situated at 18 Mailer Street, Dunedin, and known as "Mornington Thai". This is the first renewal of the licence. The Applicant has a sole director and shareholder, Ms Sonthaya Nongyang.
- [2] The Applicant does not seek any change to the conditions on the licence.
- [3] Public notification of the application did not attract any public objection. However, the Police, Medical Officer of Health and Licensing Inspector have opposed the renewal of this licence. The areas of concern for the reporting agencies are:
 - a. The ownership of the business and the relationships between the various people involved.
 - b. The manner in which the business was bought.
 - c. The day to day running of the business.
 - d. The Applicant's poor knowledge of the responsibilities of a licensee.
 - e. The systems, staff, and training at the premises.

HEARING

Ms Nongyang

- [4] Ms Nongyang is the sole director and shareholder of the licensee company.
- [5] She told the Committee the reporting agencies do not understand her. No one controls her. She said she listens to everyone about various things but then makes her own decisions based on what she has heard. Ms Nongyang said she tried to explain that to the agencies when they interviewed her for the licence renewal but they did not appear to understand.
- [6] All the staff employed by the Applicant have completed the ServeWise training. Ms Nongyang said it takes her a bit longer because English is not her first language. All of the staff training records are kept in her work diary.
- [7] Ms Nongyang said she applied for her manager's certificate in February 2024. She said she had been interviewed but has not received it at the date of the hearing. She said although her understanding of spoken English is good, it takes time to consider a response. She said she always tries her best.
- [8] The agencies commented that she didn't advise them when she went on holiday. Ms Nongyang said she was not the holder of a manager's certificate but employs managers. She said she was not aware that she had to advise the agencies that she was going on holiday. She said she advises the agencies whenever she appoints a new manager or temporary manager.
- [9] During the interview with the agencies, Ms Nongyang said she tried to explain the signs of intoxication and the accepted forms of identification but she had trouble relaying the answer.
- [10] Ms Nongyang said she generally cooks in the kitchen with other staff dealing with the customers. However, during the day she will keep an eye on what is happening in the restaurant itself.
- [11] The agencies also commented on the tyre business she bought in February 2024. Ms Nongyang said she bought it as an investment but has sold it again because it wasn't what she thought it would be. She asked if she was required to advise the Committee if she wanted to buy another business.
- [12] The agencies were also concerned that Mr K Gandhi is involved at the premises. He helps at the restaurant whenever they cannot get other staff. He has a manager's certificate so he helps when required.
- [13] Mr Malhotra is not an ex-partner of Ms Nongyang. He, his ex-wife, and son all live in Dunedin. Ms Nongyang said because her English is not good she gets others to do various jobs. While the reports from the agencies indicate he is not paid when working, there is now an employment agreement in place.
- [14] The Committee asked if everyone working at the premises had completed ServeWise. Ms Nongyang said all the front of house staff have completed the course.
- [15] When asked about staff rosters, the Applicant said they were held at the restaurant and could be sent to the Committee. They sometimes open for lunches but, when there is no booking, she is often there by herself and there is a sign put up advising that no alcohol can be served. She said there is always a duty manager working in the evenings.
- [16] The Committee asked for, and was shown, copies of rosters for the previous week, current week and following week. They also requested copy of Mr Malhotra's employment contract.
- [17] The Committee commented that the flowchart supplied had a lot of staff. Ms Nongyang said they work either at Mornington Thai or Andersons Bay Thai.
- [18] Mr Santos was asked by the Committee to describe a normal week for him. He said he worked 40 – 45 hours per week. He generally opened at Mornington Thai and then went to

the Andersons Bay Thai restaurant. Sometimes he would be at the Andersons Bay restaurant for the whole day. He said he worked Fridays and Saturdays at Mornington Thai where he opened the premises and stayed until closing time. Alcohol could be sold the whole of each day. He said there were a lot of certified managers employed but some choose not to work fulltime.

- [19] When asked, he said if there were bookings for lunches on the other days there would always be a duty manager working to allow alcohol to be sold.
- [20] The Committee asked Ms Nongyang what Mr Malhotra's role at the premises entailed. She replied that when required, he helped in the kitchen as a cook, mainly with the takeaway orders. Up until recently he hadn't been paid but has recently signed an employment contract and works 4.00 pm to about 7.00 pm mainly taking and preparing takeaway orders.
- [21] Ms Nongyang was asked if she prepared all the 'alcohol related' information at the premises. She replied that she did with the help of her team. The Committee asked about their process when a person was identified as being intoxicated. Mr Santos explained they went and spoke to the person and offered to arrange a ride home for them. He said there was very seldom any issues with intoxication because the premises was mainly a restaurant.
- [22] Ms Morrison sought clarification regarding Mr Malhotra's involvement with the business. Ms Nongyang said he was paid until April 2023. He then had health problems but was still available to help when needed. This happened 3-4 times per month. She said he wasn't paid then but did occasionally take food. Ms Nongyang said she bought the business from Mr Malhotra and was still paying it off so he was still receiving money. She said he signed a casual contract from 1 April 2024 to cover a cook that left but was now only used on a casual basis. When asked, Ms Nongyang said Mr Malhotra asked for the contract because he now needed to get paid for his time.
- [23] Ms Morrison asked why the Applicant purchased the car tyre business. She replied it was to try and expand her business and bought as an investment. She said it wasn't so good so she sold it again soon after.
- [24] Ms Nongyang was asked how often Mr Gandhi worked. She replied some weeks it could be as much as 60 hours, mostly at the Andersons Bay Thai premises.
- [25] Ms Morrison said that at the interview for the renewal, Mr Gandhi implied he carried out the staff training for her staff. Ms Nongyang said Ms Kimi Winata used to do it all and since she had left, Mr Santos is responsible for the training.
- [26] Mr Santos was asked if Mr Gandhi helped with training. He replied that he occasionally had to train Mr Gandhi.
- [27] When asked, Mr Santos said the last training was a few months ago. It has been recorded in the daily diary. Ms Nongyang was asked why the information was not supplied at the meeting with the agencies. She said it was not requested.
- [28] Ms Morrison asked the Applicant if she has had any other training along with the Licensing Controller Qualification (LCQ) she obtained in October 2023. She said she has read the Manager's Guide, read information on the website and has worked in a bar. She said once she got her manager's certificate she may work as a sole manager during some lunchtimes.
- [29] Mr Whipp asked when the training records were developed; after the meeting with the Police and Inspector or after the meeting with him. Ms Nongyang said there were always records but they were in a diary. They are now kept separate in a folder.
- [30] Mr Whipp asked Mr Santos how often training is carried out. He said every three months or whenever a new staff member is employed.

- [31] Sgt Jones asked why the Applicant kept referring to 'us' or 'we' when talking about the business. Ms Nongyang said while she owns the business, it is a team, not just her.
- [32] When asked, the Applicant said she would sell the Andersons Bay Thai to someone if they were interested. However, there has been no-one to date.
- [33] Sgt Jones asked why Mr Gandhi was still involved with the business. The Applicant said he works to help them. He has no financial interest in the business. In response to another question from the Police, Ms Nongyang said she is not under any pressure from either Mr Malhotra or Mr Gandhi.

Ms Morrison

- [34] Ms Morrison is a Licensing Inspector. She presented her evidence and it was accepted.
- [35] She said she still believed Mr Malhotra had some involvement in the running of the business. She finds it unusual that a person has been involved with a business for about a year with no financial gain.
- [36] Ms Morrison said she and another Inspector visited the premises and saw Mr Santos named as the duty manager, however, he was not present. They then went to the Andersons Bay Thai and found a sign up stating no alcohol was available. She said they asked a staff member why the sign was up and were told the owner, Mr Malhotra, told them to put the sign up when there was no duty manager working.
- [37] Ms Morrison said she did not believe the Applicant has been honest. Mr Malhotra is still involved in the business and Mr Gandhi was present at the relicensing interview. He answered most of the questions.
- [38] At the interview, Mr Gandhi admitted sourcing the host responsibility policy off the internet and changed the name for Mornington Thai.
- [39] Ms Morrison said she believed Mr Malhotra and Mr Gandhi were still influencing the business. She said she believed the systems and processes were lacking and, while the premises is low risk, they must still be suitable. She wondered if Ms Nongyang actually ran the business.
- [40] She said the appointment had been prearranged but they, the Police and Inspector, were unaware Mr Gandhi would be present and the information that the agencies expected to be produced was not presented.

Mr Whipp

- [41] Mr Whipp is the Medical Officer of Health Delegate. He presented his report and it was accepted.
- [42] Mr Whipp said his visit to the premises was not arranged; he saw the premises open at about 11.45am in the morning so stopped in.
- [43] In response to a question from the Committee, Mr Whipp said the Applicant was very open and forthcoming. Whenever he asked for information, Ms Nongyang was able to produce it. She was friendly and open during the meeting.
- [44] When asked who was present when he stopped in, Mr Whipp said Mr Malhotra and his son were there with the Applicant. Mr Malhotra occasionally helped relay questions because he had a better understanding of English.
- [45] The Committee asked for his assessment of the training records. Mr Whipp said he was happy with the records. The only question he had was that there was no record of training recorded for September 2023.
- [46] Sgt Jones asked about Mr Malhotra's access to the computer in the premises as mentioned in Mr Whipp's opposition report. He said he had asked for a list of the duty managers and Mr

Malhotra used a laptop to access the information. Mr Whipp assumed he had access to the password. Ms Nongyang confirmed it was her work laptop.

Sgt Jones

- [47] Sgt Jones is the Alcohol Harm Prevention Officer for the Dunedin Police. He presented his submissions and they were accepted.
- [48] He detailed the history of one of the former owners of the premises, Mr N Malhotra, from whom the Applicant purchased the business. Sgt Jones said that Mr Malhotra's continued involvement with the business raised doubts as to the suitability of the Applicant.
- [49] During the relicensing interview, a listed duty manager, Mr K Gandhi, was present and Mr Malhotra appeared to be working behind the bar. Mr Gandhi lead the responses to questions put by the agencies. He said he helped out at the premises and Mr Malhotra said he liked to help out but he is reported as telling Mr Whipp he worked at the premises three days per week.
- [50] At the interview, the Applicant was asked for their training records, but none could be provided. Nor could a register of their certified managers be provided, although some of the duty manager's certificates were held in their files. Sgt Jones had doubts about the staff, systems and training at the premises.
- [51] Sgt Jones said the premises is situated in an area of high risk of alcohol-related harm and high deprivation. He said that while there is no direct link between the harm and this premises, it was almost certain that alcohol purchased from the premises contributed to the harm. In response to a question, Sgt Jones admitted there was no evidence of harm coming from the premises
- [52] The Committee asked what the concerns of the Police were in relation to this premises. Sgt Jones said they wanted to lift the 'corporate' veil.
- [53] The Applicant asked why Sgt Jones thought she was being controlled. He said that during the interview she did not say much; Mr Gandhi did most of the talking. For someone without control, Mr Gandhi dominated the meeting.

CLOSING

Ms Morrison

- [54] Ms Morrison questioned the Applicant's suitability. She asked if she was in control or was she under the influence of other people.
- [55] During the hearing for the initial licence, Ms Nongyang said Mr Malhotra would be less involved in the business. There was nothing to suggest this had happened. Ms Morrison also questioned why Mr Malhotra was working for no pay. Mr Gandhi was also heavily involved in the business. The two appear to always be present at the premises.

Mr Whipp

- [56] Mr Whipp said he was not satisfied that the Applicant was aware of their obligations under the Act. Ms Nongyang did not appear to have the necessary knowledge to run the business properly.
- [57] He believed she would benefit from further training.

Sgt Jones

- [58] Sgt Jones agreed with both the Licensing Inspector and Medical Officer of Health Delegate.
- [59] He said the first year of holding a licence is like a probationary period. He said that while there is no evidence of harm coming from the premises, that does not mean the premises is not contributing to the alcohol-related harm in the area.

Ms Nongyang

- [60] Ms Nongyang said she was from Thailand where people are humble, soft spoken and very respectful of others. She said she has lived in New Zealand for 15 years and is a NZ Citizen.
- [61] She said she was aware that she is responsible for everything relating to her company. She owns both Mornington and Anderson Bay Thai and has always been the sole director and shareholder of the businesses. Ms Nongyang said she always listens to suggestions and concerns of people but the final decisions for her actions have always been her own and her responsibility.
- [62] Ms Nongyang said she is always looking at expanding her business and that is why she purchased the tyre shop. However, because of a shortage of mechanics, she decided to sell it soon after the purchase.
- [63] In the time she has owned Mornington Thai, a total of 18 months with the temporary authorities and the first year of holding the licence, there have been no incidents at the restaurant. She said she has learned a lot in the first year including the implementation of a new training package.
- [64] Her main business is to produce Thai food in a restaurant, not a bar. The licence is to allow customers to enjoy a glass of wine with their meal. Ms Nongyang said alcohol sales only make up 7% of her gross sales. However, customers expect to be able to have a drink with their meal so the licence is a necessity. Ms Nongyang said the business relies heavily on table turnover so they work on 45-75 minutes per table sitting.
- [65] Ms Nongyang said she employs 18 people, some fulltime, others part-time and casual. She said she was looking for two more fulltime managers but there is currently a shortage of certified managers in the hospitality sector. Mr Gandhi is helping but is looking to retire. Mr Malhotra only works in the kitchen or front of house when he is there, but not as a manager.
- [66] Whenever there is a change in duty managers, the agencies are always notified by email. When she went overseas on holiday, she did not notify anyone because she did not hold a manager's certificate.
- [67] She said she has always provided staff training relating to food safety, safe supply of alcohol and health and safety. Since December 2023 she has improved training record keeping for the premises. All front of house staff have completed the ServeWise training and the kitchen staff have been instructed to do the training as well.
- [68] She said her aim was to provide a safe environment in the restaurant. They have a good reputation in the community and this was achieved in a short time. They now have some regular, loyal customers.
- [69] Ms Nongyang believes the Police are focused on her personal life and not matters relating to the renewal of Mornington Thai's alcohol licence.
- [70] In response to criticism of the day she was interviewed, she said she told the agencies she had the training records in her restaurant diary. They did not ask to see the diary. Ms Nongyang said when she was asked for the ServeWise certificates, she got confused between that and the LCQ. Other documents requested, for example, a manager's register, temporary manager file, etc, were provided. The Host Responsibility Policy had some mistakes highlighted by the agencies and this has since been amended.
- [71] Ms Nongyang believes she is a suitable person to hold an alcohol licence and as a result of the renewal process, has made changes to her processes.

DECISION

- [72] This is an application for the renewal of an on-licence for the restaurant situated at 18 Mailer Street, Dunedin, and known as “Mornington Thai”. No change to the conditions of the licence was being sought.
- [73] The three reporting agencies, Police, Medical Officer of Health Delegate, and Licensing Inspector, all opposed the renewal of the licence. They question the suitability of the Applicant and do not believe the staff, systems and training at the premises are adequate.
- [74] Many of the matters mentioned during this hearing, in particular the purchase of the premises and the involvement of people who had connections with a premises that was closed, were addressed during the hearing for the initial licence. No new evidence was produced so this will not be considered further.
- [75] Another concern of the Police was the Applicant’s purchase of a tyre business. While such a purchase would not be expected of a restaurant owner, they are entitled to invest where they choose. No evidence of an illicit transaction was produced therefore we will not address this further.
- [76] At the renewal interview the agencies expected to be shown various documents. The Applicant was asked if she had them and she replied in the affirmative but told the Committee she was not asked to produce them on the day. By her own admission, much of the documentation was not in the form expected, for example, the training records of staff, but the record of training was kept in the daily diary. The Applicant told the Committee that since the meeting, she has started recording the staff training in the form recommended by the agencies.
- [77] The Committee requested copies of the training records. The Applicant sent copies of how she used to record the training prior to December 2023 and how it is done now. The Committee is satisfied that records have been kept for the premises, albeit not in the format expected.
- [78] The Committee heard that Ms Nongyang had put Mr Santos in charge of the staff training. He is a certified manager with a good understanding of the requirements of the Act and is comfortable communicating in the English language.
- [79] The presence of Mr Malhotra at the premises was explained by the Applicant as someone who helped mainly in the kitchen. There was a period when he was not being paid for his work however, Ms Nongyang did state she was still paying for the business which was bought from Mr Malhotra so he was receiving an income. A copy of a casual employment contract between the Applicant and Mr Malhotra dated March 2024 was presented to the Committee when requested.
- [80] Mr Gandhi also works at the premises. The agencies described his attitude at the relicensing meeting as taking the lead. While we agree that was not ideal, we have seen the Applicant before us twice and we gain the impression she would not speak over someone. In future we would expect the Applicant to represent herself at such meetings but would accept that she would have someone to assist her as she had at the hearing.
- [81] There was no evidence presented to indicate the Applicant was being ‘controlled’ by someone else, just speculation.
- [82] The Committee has no reason to believe there are suitability issues with the Applicant. They operate a restaurant which relies on table turnover and therefore does not encourage people to sit and consume alcohol. This is not a premises from which one would expect alcohol-related harm to come from and this is supported by a comment from the Police when they stated there was no evidence of harm from the premises.

- [83] The Applicant has made changes to their record keeping so it is better accepted by the agencies. The Committee would like to ensure the new processes are embedded into the practice of the Applicant and will therefore truncate the renewal period so the agencies get an opportunity to re-evaluate the premises sooner than the usual three years.
- [84] After hearing the evidence presented at the hearing, the Committee is satisfied as to the matters to which we must have regard and therefore renew the licence for twelve months from the date of this decision, that is, until 24 June 2025, and authorise the issue of a replacement licence and notice of renewal.

DATED AT Dunedin this 24th day of June 2024

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 Rustic Restaurant and Bar Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 50 Princes Street, Dunedin, known as "Rustic Restaurant & Bar"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by Rustic Restaurant and Bar Limited for the renewal of an alcohol on-licence in respect of their premises situated at 50 Princes Street, Dunedin, and known as the "Rustic Restaurant & Bar".

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

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

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

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 17 April 2027, 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 10th day of June 2024

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/42/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Scenic Hotel
Group Limited pursuant to s.127 of
the Act for renewal of an on-licence
in respect of premises situated at
118 High Street, Dunedin, known as
"Scenic Hotel Southern Cross"

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 Scenic Hotel Group Limited for the renewal of an alcohol on-licence in respect of their premises situated at 118 High Street, Dunedin, and known as the "Scenic Hotel Southern Cross".

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 May 2027, that being the anniversary date of the licence and three years from the most recent date of expiry and authorise the issue of a replacement licence and notice of renewal.

DATED at Dunedin this 10th day of June 2024

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 Seed Bar and Restaurant Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 7 Bath Street, Dunedin, known as "The Wayfarer"

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 Seed Bar and Restaurant Limited for the renewal of an alcohol on-licence in respect of their premises situated at 7 Bath Street, Dunedin, and known as "The Wayfarer".

This is the first renewal for the premises. After the first 12 months of operation, they are seeking a variation to the licensed hours for the premises. Currently the premises is licensed during the following times:

Sunday and Wednesday	5.00 pm to 12.00 midnight
Thursday	5.00 pm to 1.00 am the following day
Friday	5.00 pm to 2.00 am the following day
Saturday	5.00 pm to 2.00 am the following day

They have asked for the hours to be changed to:

Sunday, Tuesday and Wednesday	12.00 midday to 12.00 midnight
Thursday	12.00 midday to 1.00 am
Friday and Saturday	12.00 midday to 2.00 am

The applicant is also seeking to have the supervised designation at the premises start at 10.00 pm instead of the current 5.00 pm.

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

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

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 26 May 2027, 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 10th day of June 2024

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 Neem Karoli Limited for an on-licence pursuant to s.99 of the Act in respect of premises situated at 66 Princes Street, Dunedin, and known as "Two Fat Indians"

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 Neem Karoli Limited for an on-licence in respect of the premises situated at 66 Princes Street, Dunedin, and known as "Two Fat Indians". The general nature of the business to be undertaken is that of a restaurant.

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.

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 11.30 am to 10.00 pm

(c) The following steps must be taken to promote the responsible consumption of alcohol:

(i) A range of food choices must be readily available at all times that the premises is open. Menus must be visible, and food should be actively promoted. A minimum of three types of food should be available. The range or style of food will be shown on any menu submitted. Alternatively, the range of food should include such items as paninis, pizzas, lasagne, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.

(ii) A range of low alcohol and non-alcoholic drinks must be readily available at all times the premises is open.

(iii) Water must be freely available at all times that the premises is open.

(d) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:

(i) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.

(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 30 April 2024. The entrance from Princes Street is designated as the principal entrance.

DATED at Dunedin this 14th day of June 2024

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/121/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Leith Pub Company Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 135 Stuart Street, Dunedin, and known as "Albar"

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 Leith Pub Company Limited for a special licence for their premises situated at 135 Stuart Street, Dunedin, and known as "Albar".

The applicant has requested a special licence to extend the area in front of their premises for the All Blacks Test weekend. They have asked for the area to be licensed on Friday 5 July and Saturday 6 July 2024 between 11.00 am and 3.00 am the following day on each of the days. They have requested the premises be designated a supervised area for the duration of the extension.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. A requirement to operate a one-way door from 2.30 am has been added to the 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 14th day of June 2024

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 Angus Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 65 Hanover Street Dunedin and known as Hanover 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 Angus Limited for a special licence for the premises situated at 65 Hanover Street, Dunedin, and known as “Hanover Hall”.

The applicant has requested a special licence for the event The Tempest Production to be held on the following days and times:

Thursday 13 June 2024	8.00 pm to 10.15 pm
Friday 14 June 2024	1.00 pm to 3.00 pm
Friday 14 June 2024	7.30 pm to 9.45 pm
Saturday 15 June 2024	7.30 pm to 9.45 pm
Sunday 16 June 2024	2.30 pm to 4.45 pm

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

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

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

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

DATED at Dunedin this 7th day of June 2024

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/106/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by OURFC Bookies Bar Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 1A - 20 Logan Park Drive, Dunedin, and known as "Otago Cricket Long Room"

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 OURFC Bookies Bar Limited for a special licence for the premises situated at 1A - 20 Logan Park Drive, Dunedin, and known as the "Otago Cricket Long Room".

The applicant has requested a special licence for an All Blacks Experience to be held during the All Black's Rugby Test on Saturday 6 July 2024. The 'experience will be between 4.00 pm and 12.00 midnight. They have requested the premises be designated a restricted area for the duration of the event.

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

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

DATED at Dunedin this 14th day of June 2024

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

The applicant has requested a special licence for the Deloitte Games Evening to be held on Saturday 22 June 2024 between 7.30 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 4th day of June 2024

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 Creative Natives Aotearoa Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 20 Princes Street, Dunedin, and known as "Te Whare O Rukutia"

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 Creative Natives Aotearoa Limited for a special licence for the premises situated at 20 Princes Street, Dunedin, and known as "Te Whare O Rukutia".

The applicant has requested a special licence for the Pīata Mai Matariki Festival Closing Celebration to be held on Saturday 6 July 2024 between 8.00 pm to 11.30 pm. They have requested the premises be designated a restricted area for the duration of the celebration.

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 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 14th day of June 2024

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 Clay Target Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 395 Brighton Road, Green Island, and known as “Dunedin Clay Target 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 Dunedin Clay Target Club Incorporated for a special licence for their premises situated at 395 Brighton Road, Green Island, and known as the “Dunedin Clay Target Club”.

The applicant has requested a special licence for various competitions during the shooting season. The following schedule details the dates and times:

Sunday 14 July 2024	10.00 am to 6.00 pm	ISSF Shoot
Sunday 25 August 2024	9.00 am to 6.00 pm	Skeet Day
Sunday 29 September 2024	9.00 am to 6.00 pm	Dunedin District Champs
Sunday 27 October 2024	9.00 am to 6.00 pm	Club Champs
Sunday 8 December 2024	1.00 pm to 5.00 pm	Christmas Shoot
Saturday 25 January 2025	9.00 am to 6.00 pm	Skeet Festival
Sunday 26 January 2025	9.00 am to 6.00 pm	Skeet Festival

The club did hold a club licence however they found it was only used on competition days so they decided to not renew the licence and to seek special licences for the few occasions in a season it would be used.

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 applications are required at least 20 working days of the first event to be processed in time. On this occasion, the first event on the schedule provided could not be accommodated.

DATED at Dunedin this 4th day of June 2024

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 Ice Hockey Association Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 105 Victoria Road, Dunedin, and known as "Dunedin Ice Stadium"

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 Ice Hockey Association Incorporated for a special licence for the premises situated at 105 Victoria Road, Dunedin, and known as the "Dunedin Ice Stadium".

The applicant has requested a special licence for the Dunedin Women's Thunder Home Games to be held on:

Saturday 29 June 2024	5.30 pm to 9.30 pm	v. Wakatipu Wild
Sunday 30 June 2024	4.00 pm to 8.00 pm	v. Wakatipu Wild
Saturday 24 August 2024	6.45 pm to 10.45 pm	v. Auckland Steel
Sunday 25 August 2024	6.15 pm to 10.15 pm	v. Auckland Steel

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.

Each application must be circulated to the reporting agencies for comment and it is becoming increasingly difficult for them to report when they are given short notice of an event. **We must therefore remind the applicant that, although the special licence was granted on this occasion,**

there is no guarantee that future applications received within 20 working days of the event will be processed in time.

DATED at Dunedin this 25th day of June 2024

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 Ice Hockey Association Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 105 Victoria Road, Dunedin, and known as "Dunedin Ice Stadium"

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 Ice Hockey Association Incorporated for a special licence for the premises situated at 105 Victoria Road, Dunedin, and known as the "Dunedin Ice Stadium".

The applicant has requested a special licence for a Dunedin Women's Fundraising Quiz to be held on Saturday 8 June 2024 between 6.00 pm and 9.00 pm. 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.

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.

The Applicant has a history of submitting applications within the minimum 20 working days required in the legislation. While the Committee has been lenient in the past, they are mindful of the time pressures the reporting agencies operate under and will, in the future, only accept late applications if there is a genuine reason or unforeseen circumstance that has led to the late submission. The application was accepted on this occasion but there is no guarantee that future applications received within 20 working days of the event will be accepted.

DATED at Dunedin this 7th day of June 2024

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 Midwinter Celebrations pursuant to s.138 of the act for a special licence in respect of the premises situated at 415 Moray Place, Dunedin, and known as "First Church"

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 Midwinter Celebrations for a special licence for the grounds around the premises situated at 415 Moray Place, Dunedin, and known as the "First Church".

The applicant has requested a special licence for the Dunedin Midwinter Carnival 2024 to be held on Friday 21 June and Saturday 22 June 2024 between 6.00 pm and 9.00 pm on each of the days.

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

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 14th day of June 2024

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 Eastern Boating and Fishing Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 13 Barvas Street, Karitane, and known as "Eastern Boating and Fishing 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 Eastern Boating and Fishing Club Incorporated for a special licence for their premises situated at 13 Barvas Street, Karitane, and known as the "Eastern Boating and Fishing Club".

The applicant has requested a special licence for Club Days and Dinners to be held on the following days:

Saturday 29 June 2024	2.00 pm to 5.00 pm	Club Day
Saturday 27 July 2027	5.00 pm to 9.30 pm	Club Dinner
Saturday 10 August 2024	4.00 pm to 7.00 pm	AGM
Saturday 14 September 2024	2.00 pm to 5.00 pm	Club Day
Saturday 12 October 2024	2.00 pm to 5.00 pm	Club Day
Saturday 23 November 2024	2.00 pm to 6.00 pm	Club Day
Saturday 7 December 2024	5.00 pm to 10.00 pm	Christmas Dinner
Saturday 28 December 2024	3.00 pm to 6.30 pm	Club Day
Saturday 11 January 2025	2.00 pm to 6.30 pm	Ladies Day
Saturday 1 February 2025	2.00 pm to 6.30 pm	Festiville Fishing Competition
Saturday 8 March 2025	3.00 pm to 6.00 pm	Club Day
Saturday 5 April 2025	2.00 pm to 5.00 pm	Club Day

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

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 14th day of June 2024

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/120/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

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

The applicant has requested a special licence to host Jen Kara's 50th Birthday on Friday 21 June 2024 between 6.00 pm and 11.00 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 14th day of June 2024

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 Jacinda Lee Reid (the "Applicant") pursuant to s.138 of the act for a special licence in respect of the premises situated at 480 Moray Place, Dunedin, and known as "Bru Café & Venue"

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 Jacinda Lee Reid (the "Applicant") for a special licence for their premises situated at 480 Moray Place, Dunedin, and known as the "Bru Café & Venue".

The applicant has requested a special licence to host a Supper Club for Ronald McDonald House to on Thursday 20 June 2024 between 7.00 pm and 11.00 pm. They have requested the premises be designated a supervised area for the duration of the event.

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

There is no certified manager at this event however the person responsible has relevant experience. The applicant has therefore been granted an exemption by the Dunedin 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.

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 14th day of June 2024

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 John McGlashan Presbyterian College Board Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 2 Pilkington Street, Dunedin, and known as "John McGlashan College Chapel"

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 John McGlashan Presbyterian College Board Incorporated for a special licence for their premises situated at 2 Pilkington Street, Dunedin, and known as the "John McGlashan College Chapel".

The applicant has requested a special licence for their Sports Council Fundraising Dinner to be held on Thursday 4 July 2024 between 5.30 pm and 10.30 pm. They have requested the premises be designated a restricted area for the duration of the dinner.

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

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

DATED at Dunedin this 21st day of June 2024

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 Leith Bowling Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 2 Duke Street, Dunedin, and known as "Leith 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 Leith Bowling Club Incorporated for a special licence for their premises situated at 2 Duke Street, Dunedin, and known as the "Leith Bowling Club".

The applicant has requested a special licence to host P Lane's 21st Birthday to be held on Saturday 29 June 2024 between 6.30 pm and 10.00 pm.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. Fire and Emergency New Zealand (FENZ) have, however, pointed out that the applicant has intimated they have maintained their Fire Evacuation Scheme. FENZ state this is not the case which limits the premises occupancy to 100 people. In this instance, the applicants indicate an expected attendance of about 60 people so there are no issues. 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.

The Committee recommends the Club addresses the Fire Evacuation Scheme so this is not an issue in the future.

DATED at Dunedin this 21st day of June 2024

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 McKenzie and Willis pursuant to s.138 of the act for a special licence in respect of the premises situated at 95 Crawford Street, Dunedin, and known as "McKenzie & Willis"

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 McKenzie and Willis for a special licence for their premises situated at 95 Crawford Street, Dunedin, and known as "McKenzie & Willis".

The applicant has requested a special licence to host the Ronald McDonald House Supper Club Dunedin on Thursday 20 June 2024 between 7.30 pm and 10.30 pm. They have requested the premises be designated a supervised/restricted area for the duration of the event.

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

There is no certified manager at this event however the person responsible has relevant experience. The applicant has therefore been granted an exemption by the Dunedin 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 4th day of June 2024

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/128/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Pirates Football Club Dunedin Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 4 John Wilson Ocean Drive, Dunedin, and known as "Pirates Football 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 Pirates Football Club Dunedin Incorporated for a special licence for their premises situated at 4 John Wilson Ocean Drive, Dunedin, and known as the "Pirates Football Club".

The applicant has requested a special licence to host the Stateside Streeters Incorporated 45th Anniversary to be held on Saturday 29 June 2024 between 6.00 pm and 12.00 midnight. They have requested the premises be designated a supervised area for the duration of 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.

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 16th day of June 2024

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 Pirates Squash Rackets Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 4 John Wilson Ocean Drive, Dunedin, and known as "Pirates Squash 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 Pirates Squash Rackets Club Incorporated for a special licence for their premises situated at 4 John Wilson Ocean Drive, Dunedin, and known as "Pirates Squash Club".

The applicant has requested a special licence for the Skillzea Professional Squash Association (PSA) Open Challenger Tournament to be held each day from Wednesday 19 June to Sunday 23 June 2024, from 12.00 noon to 9.00 pm on each of the days. They have requested the premises be designated a supervised area for the duration of the tournament.

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 14th day of June 2024

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/115/SP

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Port Chalmers Golf Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 101 Reservoir Road, Sawyers Bay, and known as "Port Chalmers 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 Port Chalmers Golf Club Incorporated for a special licence for their premises situated at 101 Reservoir Road, Sawyers Bay, and known as the "Port Chalmers Golf Club".

The applicant has requested a special licence for their PCGC Club Quiz Night to be held on Friday 21 June 2024 between 7.00 pm and 10.00 pm. 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 14th day of June 2024

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 Ronald McDonald House Charities New Zealand Trust pursuant to s.138 of the act for a special licence in respect of the premises situated at 48 The Octagon, Dunedin, and known as "Dunedin 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 Ronald McDonald House Charities New Zealand Trust for a special licence for the premises situated at 48 The Octagon, Dunedin, and known as the "Dunedin Town Hall".

The applicant has requested a special licence for the RMHC New Zealand - Dunedin Supper Club fundraiser to be held on Thursday 20 June 2024 between 5.00 pm and 7.30 pm. They have requested the premises be designated a supervised area for the duration of the dinner.

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 4th day of June 2024

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 Waitati School Parent Teachers Association pursuant to s.138 of the act for a special licence in respect of the premises situated at 28 Harvey Street, Waitati, and known as "Waitati Community 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 Waitati School Parent Teachers Association for a special licence for the premises situated at 28 Harvey Street, Waitati, and known as the "Waitati Community Hall".

The applicant has requested a special licence for a Quiz Fundraising Evening to be held on Friday 14 June 2024 between 6.00 pm and 10.00 pm. They have requested the premises be designated a restricted area for the duration of the evening.

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

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 7th day of June 2024

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by The Alchemist Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 218 Crawford Street, Dunedin, and known as "Errick's Venue"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by The Alchemist Limited for a special licence for the premises situated at 218 Crawford Street, Dunedin, and known as "Errick's Venue".

The applicant has requested a special licence for the Spirit of Mixology - Cocktail Festival to be held on Saturday 8 June 2024 between 12.00 noon and 10.00 pm. They have requested the premises be designated a restricted area for the duration of the festival.

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.

It is noted that the expected variation to increase the occupancy of the premises for the event has not, at the time of writing, been approved therefore the **maximum occupancy is set at 300 people**.

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 6th day of June 2024

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE