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Decision No. 2024/21/CL

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by Belleknowes Golf

Club Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 3 Lawson Street, Dunedin, known as

"Belleknowes Golf 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 Belleknowes Golf Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 3 Lawson Street, Dunedin, and known as the "Belleknowes Golf Club".

The Applicant sought a slight change in their licensed hours. Currently the Friday hours are 10.30 am to 7.30 pm. They have asked for the hours to be the same as for a Saturday, that is, 10.30 am to 12.00 midnight.

This is a new premises on the site. The former club house was destroyed by fire about three years ago and the current premise on the site is the new clubroom. The maximum occupancy for the new structure is 94 people.

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 13 August 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 9th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/16/CL

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

AND

IN THE MATTER of an application by Brighton Club

Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 1038 Brighton Road, Brighton, known as

"Brighton 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 Brighton Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 1038 Brighton Road, Brighton, and known as the "Brighton 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 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 13 July 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 19th day of September 2024

Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/30/CL

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

AND

IN THE MATTER of an application by Middlemarch

Bowling Club Incorporated for an onlicence pursuant to s.99 of the Act in respect of premises situated at 26 Swansea Street Middlemarch and known as Middlemarch 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 Middlemarch Bowling Club Incorporated for a club licence in respect of their premises situated at 26 Swansea Street, Middlemarch, and known as the "Middlemarch Bowling Club".

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

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant a club licence authorising the sale and supply of alcohol for consumption on the premises, to any member of the club, guest of a member at the invitation of that member or member of another club which has reciprocal visiting rights with this club, who is present on the premises.

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

- 1. A copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons using the premises; AND,
- 2. A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.

The licence will be subject to the following conditions: -

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

Monday and Tuesday 6.00 pm to 9.00 pm

Wednesday 1.00 pm to 9.00 pm
Thursday 11.00 am to 9.00 pm
Friday 5.00 pm to 10.00 pm
Saturday 1.00 pm to 10.00 pm
Sunday 10.00 am to 8.00 pm

- (d) The following steps must be taken to promote the responsible consumption of alcohol:
 - (i) A range of food choices must be readily available at all times that the premises is open. Menus must be visible and food should be actively promoted. A minimum of three types of food should be available. The range or style of food will be shown on any menu submitted. Alternatively, the range of food should include such items as panni's, pizzas, lasagne, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.
 - (ii) The club must have available for consumption on the premises, at all times the club is open for the sale of alcohol, a reasonable range of non-alcoholic and low-alcohol refreshments.
 - (iii) Drinking water must be freely available from the bar and other suitable locations within the premises.
- (e) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) The licensee must ensure that the provisions of the Act relating to the sale and supply of liquor to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

DISPLAY OF LICENCE

A copy of this licence must be displayed inside of the premises so as to be easily read by people using the premises. The premises is detailed in the plan received by the Dunedin District Licensing Committee on 20 June 2024.

DATED at Dunedin this 30th day of September 2024

Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COM

Decision No. 2024/23/CL

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

AND

IN THE MATTER of an application by Outram Bowling

Club Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 8 Skerries Street, Outram, known as

"Outram 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 Outram Bowling Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 8 Skerries Street, Outram, and known as the "Outram Bowling Club".

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

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

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

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 13 August 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 9th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/23/CL

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

AND

<u>IN THE MATTER</u> of an application by St Clair Golf Club

Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 20 Isadore Road, Dunedin, known as "St

Clair Golf 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 St Clair Golf Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 20 Isadore Road, Dunedin, and known as the "St Clair Golf Club".

The Applicant has requested an earlier start time on their licence. The current licence open time it 11.00 am. They have asked for this to be changed to 10.00 am so those starting earlier in the day can use the facilities when they finish. The club is also looking to add a deck to the side of their premises. Once this is complete we ask that the final plans are submitted so they can be added to the licensed footprint.

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 operated properly and that the earlier start time is appropriate.

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 13 August 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 19th day of September 2024

Kevin Mechen

Secretary

Decision No. 2024/22/CL

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

AND

<u>IN THE MATTER</u> of an application by Taieri Squash

Rackets Club Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 187D Gordon Road, Mosgiel, known

as "Taieri Squash Rackets Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by Taieri Squash Rackets Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 187D Gordon Road, Mosgiel, and known as the "Taieri Squash Rackets 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 if 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 July 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 9th day of September 2024

Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/72/ON

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

AND

IN THE MATTER of an application by Filadelfio's

Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 5 North Road, Dunedin, known as

"Filadelfio's"

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 Filadelfio's Limited for the renewal of an alcohol on-licence in respect of their premises situated at 5 North Road, Dunedin, and known as "Filadelfio's".

The Applicant is seeking a change to their licence hours. The current hours are Monday to Saturday 9.00 am to 1.00 am the following day, and Sunday 10.00 am to 10.00 pm. The hours they are seeking are Tuesday to Thursday, 3.00 pm to 10.00 pm, Friday 3.00 pm to 12.00 midnight, and Saturday and Sunday 11.00 am to 12.00 midnight.

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

The Licensing Inspector has assessed the application against the criteria in the Act and is satisfied that the premises is being operated properly. The hours sought are appropriate and are more aligned with their trading practice.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence, with the new licence hours, until 14 August 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 9th day of September 2024

Kevin Mechen
Secretary

Decision No: 2024/75/ON

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by 3S Food Limited

for renewal of an on-licence pursuant to s.127 of the Act in respect of premises situated at 11 The Octagon, Dunedin, and known as "Mela

Eatery"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall Members: Ms K Elliot

Mr L Vandervis

Appearances: Ms Y Khattri – for Applicant by AVL

Ms S Khattri – for Applicant

Mr W van Harselaar - Counsel for Applicant

Ms T Morrison – Licensing Inspector

Sgt S Jones - Police Alcohol Harm Prevention Officer Mr A Whipp – Medical officer of Health Delegate

Mr I Stücki – for Objector, Students for Sensible Drug Policy (SSDP)

Mr J Sontier - Counsel for Objector

Mr K Mechen – Alcohol Advisor/Secretary Ms R Murray – Governance Support

HEARING at Dunedin on 7 March 2024

INTRODUCTION

- [1] This is an application by 3S Food Limited for an alcohol on-licence for the premises situated at 11 The Octagon, Dunedin, and known as "Mela Eatery". The Applicant has a sole director and shareholder, Ms Y Khattri. They have another restaurant with the same name at 379 George Street, Dunedin. There have been no issues at this premises.
- [2] The Applicant is seeking to trade Monday to Sunday, 11.00 am to 12.00 midnight. The are not seeking a designation for the premises.
- [3] Public notice of the application attracted one objection and all reporting agencies have opposed the grant of this licence.
- [4] The premises is currently trading but without alcohol.

PROCEDURAL MATTERS

- [5] Sgt Jones requested that some of their opening submission and his brief-of-evidence be subject to a non-publication order.
- [6] Mr van Harselaar requested that no photos to be taken of himself and the Applicant's daughter, Ms S Khattri.
- [7] The Committee accepted the sensitivity of the information for which the Police sought a non-publication order. The order was granted and covers matters relating to the Applicant's suitability in their opposition report, paragraphs [11] [13] of the Police opening submissions and paragraphs [23] [25] of Sgt Jones' brief-of-evidence.
- [8] With regards to the photography, the matter before the Committee is open to the public therefore it will allow photos that have not been enhanced in any way but asks the media to be sensitive in their reporting.

HEARING

Mr van Harselaar

- [9] Mr van Harselaar is Counsel for the Applicant.
- [10] He told the Committee the application is essentially for a 'curry house' in the centre of Dunedin. He said he understands the opposition arises from the Applicant's husband being involved with the former "Eleven Bar & Club". However, his involvement in that premises was minimal and he was only caught up in the issues by association.
- [11] The Applicant herself has a conviction for driving with an excess breath alcohol. Such a conviction is not uncommon and the matter has been dealt with by the District Court and her manager's certificate had been suspended by the Alcohol Regulatory and Licensing Authority. The Applicant has had a lot of personal issues to deal with and these are being worked through with her family.
- [12] Mr van Harselaar asked if a 'curry house' in the Octagon was not suitable, then what would be suitable in that position? He said the Applicant was looking at closing the George Street premises once they obtain an alcohol licence for the Octagon premises.

Ms Y Khattri - by AVL

- [13] Ms Khattri is the sole director and shareholder of 3S Foods Limited. Ms Khattri is currently overseas and asked if her daughter, Ms S Khattri, could assist with translation if required because the Applicant's spoken English is not the best.
- [14] The Applicant said she was in a bad space mentally when she consumed alcohol then drove her car. She said she was working through those issues.
- [15] She said the family runs both businesses. Ms S Khattri is studying in her fourth year at the University of Otago while at the same time assisting with the management of the premises. It is a small family business, not a bar. There are four managers working at the premises including Ms Y Khattri and Ms S Khattri with two being rostered to work at any time.
- [16] When asked to summarise the hours during which alcohol is sold, Ms S Khattri said no alcohol was sold when they are open Tuesday to Sunday for lunches between 12.00 midday and 2.00 pm. They serve alcohol between 5.00 pm and 9.30 pm when open for dinner with the last drinks at 9.30 pm. They would look at replicating these hours in the Octagon premises once licensed.

- [17] Ms S Khattri said they were recruiting for more staff and hope to have them trained and have completed the ServeWise training before the alcohol licence is granted. When asked, she said she put together the organisation chart and developed the training record sheets provided in their statement. Ms S Khattri said she had copies of staff contracts and training documents for viewing if required. Ms Y Khattri confirmed all the documents were correct.
- [18] When asked by the Committee, Mr van Harselaar explained how the management of the premises would be undertaken as shown on the organisation chart supplied with the statements. He said the Applicant would have a 'hole in the wall' for food sales only after 10.00 pm. There would be no alcohol sold with takeaway food.
- [19] Mr van Harselaar also told the Committee that Mr P Khattri would only be working at the premises as a chef. He would not be a duty manager.
- [20] The Committee asked if the 'personal issues' of the Applicant would impact their suitability to have an alcohol licence. Mr van Harselaar explained that mental health problems were common and are treated with medications. There have been some family matters that have been compounded with what happened with the "Eleven Bar & Club".
- [21] Mr van Harselaar said in the Octagon, it would be nice to sit outside having some food with a drink with the focus being on food which would make up about 80% of their turnover. The former premises was a late night venue on two levels. He believes Mela Eatery will be a much better option for the location. He believes the Octagon area will benefit from this and similar places if they develop.
- [22] Ms S Khattri said in their George Street premises, people sat down for a curry or Chow Mein and had a drink. In the Octagon, they are losing customers because they realise they cannot have a drink with their meal. They are also losing group bookings from conferences in the city.
- [23] The Committee voiced a concern that their figures implied about 20% would be in the premises to drink. Mr van Harselaar said the figures related to percentage income, not patron numbers. People will go to the premises to have a meal accompanied by a drink.
- [24] The Applicant was asked if they would close the George Street premises if the licence in for their Octagon restaurant was granted. Ms S Khattri said they would consider surrendering their alcohol licence but would look at retaining the premises because takeaway meals is the main business. She said they had four certified managers so they would have two rostered to work at any time in the Octagon and would not have alcohol in George Street.
- [25] When asked, Ms S Khattri said the occupancy of the Octagon will be 86 including staff. The occupancy at George Street is only 21 people.
- [26] Sgt Jones asked if Mr Khattri was still a duty manager at the George Street Mela Eatery. Ms S Khattri said he was a chef only and did not work as a duty manager.
- [27] Ms Khattri was asked if they knew where else Mr Gandhi worked. Both replied they were not aware he worked at any other premises. They said there is no relationship between their premises and Mornington Thai. Mr Gandhi is a very experienced manager and is often available when required.
- [28] Sgt Jones asked Ms Y Khattri about any other businesses she owns. She replied she did not have an interest in any other premises. She said she was the sole director and shareholder of 3S Food Limited. Mr Khattri had a premises in Cromwell but only visits to make deliveries.
- [29] Ms S Khattri explained that it was her idea to expand into the Octagon. She said 3S Food Limited took over the lease from Mr Khattri to establish another Mela Eatery.

- [30] When asked, Ms Y Khattri said about 99% of the income at the George Street premises came from food sales. When it was put to Ms Khattri she only wanted to sell alcohol to make money, she said people enjoyed their food but wanted to have a drink while they dined.
- [31] Sgt Jones asked what engagement with the regulatory agencies and community was undertaken prior to applying for this licence. Ms Y Khattri said that other than requesting resources for the Octagon premises at the beginning of the year, there has been no engagement. She said they were unaware this was a requirement.
- [32] The Police asked about the hole in the wall food sales. Ms S Khattri said they would use that system after 10.00 pm when the restaurant doors were closed. She admitted the idea could become popular and were considering ways to manage crowds if they formed. They would employ security from SPS Security to ensure a line was maintained.
- [33] Ms Morrison asked who their target market would be. Ms S Khattri replied families, middle to old age people and tourists. The students would tend to use the George Street premises because it was closer to the university and the main accommodation areas.
- [34] When asked to confirm the hours requested on the alcohol licence, Ms S Khattri said they would be closed on Mondays. On Tuesday to Saturday, they are seeking 12.00 midday to 2.00 pm and 5.00 pm to 10.00 pm. On Sundays they are only seeking 5.00 pm to 10.00 pm. Ms Khattri acknowledged these hours were different to those stated on the application.
- [35] Ms Morrison asked questions about the ServeWise training, appointment of new managers and staff training. Ms Khattri told the Committee all front of house staff have completed the ServeWise training and the others have been asked to do that training. She said she forgot to put a place for her signature against each person on the training schedule but believes she has trained the staff well. She acknowledged she had only recently obtained her own manager's certificate but has seven years working in hospitality and has the help of other experienced people to develop training packages for staff. While the premises does not have an alcohol licence the staff are taught about serving size using non-alcoholic beverages. Ms Morrison asked Ms Khattri how they would know when more training was required. She replied that once a licence was in place there would be more training undertaken.
- [36] The Committee asked when the management chart was produced. Ms Khattri said about a month ago as more staff were employed. She said her role in the business was to manage the two premises, manage the staff and undertake marketing of the premises.
- [37] When asked how the requested hours would work for functions, Ms Khattri said they would stop selling alcohol at 9.30 pm because most people have finished eating by then.
- [38] Mr Sontier asked how the Applicant would manage functions or conferences if they got rowdy. Ms Khattri said they would call SPS Security for assistance.
- [39] Mr van Harselaar asked the Applicant if they were aware of the Octagon's dynamics at night time and sought clarification of the hours sought for the licence. Ms S Khattri said Mr Khattri explained what the night-time was like in the Octagon, and she frequented some of the premises herself.
- [40] She said the Applicant would ideally like licence hours of Tuesday to Sunday, 12.00 midday to 9.30 pm but would accept split hours of 12.00 midday to 2.00 pm and 5.00 pm to 9.30 pm. She said they would not be running or hosting conferences but as a venue for dinners by conference attendees.

Sgt S Jones

- [41] Sgt Jones is the Dunedin Police Alcohol Harm Prevention Officer. He presented his submissions and evidence which were accepted.
- [42] Mr van Harselaar asked if Sgt Jones had any experiences relating to issues with curry houses or restaurants generally. Sgt Jones said he had not experienced issues with the premises themselves but there have been issues with students taking alcohol to premises that allow BYO.
- [43] The Committee asked if there had been any issues recorded at the two nearby restaurants. Sgt Jones replied that they were least likely to appear in the data.

Ms M Morrison

- [44] Ms Morrison is a Licensing Inspector employed by the Dunedin City Council.
- [45] She said that while Ms Y Khattri is the sole director and shareholder of the applicant company, she believes Mr Khattri is involved with the daily management of the premises. During the agencies' visit to the premises for the licence, Mr Khattri took the lead during the interview and answered most of the questions.
- [46] Ms S Khattri obtained her manager's certificate in February 2024 but during monitoring of premises, she was not working at the George Street premises despite her name being displayed as the duty manager, nor was she at the Octagon premises. They were told that it was Ms Khattri's day off. Ms Y Khattri had sent an email advising of their daughter's appointment but it was not on the correct form. There are two other certified people involved with the business but advice of their appointments had not been received.
- [47] Ms Morrison does not believe the Applicant has appropriate systems in place to manage the premises properly. While the family will help, ultimately it is the Applicant that holds the licence.
- [48] The Committee asked about the relationships associated with the premises. Ms Morrison said Mr Khattri had a link to Mr Kirit Gandhi and Mornington Thai which in turn was linked to Mr Naveen Malhotra. She said she did not accept that Mr Khattri would not be involved with the running of the premises.
- [49] When asked what the 'issue' was with the managers, Ms Morrison said there was poor communication regarding the appointment of managers and the suitability of some associated with the premises.
- [50] Ms Morrison was asked for her thoughts regarding the Authority's decision regarding the conviction received by Ms Y Khattri. She said they followed the normal process by suspending her manager's certificate. The Committee could see the suspension as a 'strike' against the suitability of Ms Y Khattri. She was a licensee at the time but the licence was not impacted by the Authority's decision.
- [51] Mr van Harselaar asked about Mr Gandhi's involvement with the premises. Ms Morrison said Ms S Khattri had indicated he was involved with staff training at the premises. He is involved with former directors of the Eleven Bar & Club and his name is associated with a lot of premises in Dunedin. In response to a further question, Ms Morrison acknowledged there was no 'legal' tie between the people.

Mr A Whipp

- [52] Mr Whipp is the Medical officer of Health Delegate. He did not present a submission nor evidence.
- [53] Mr van Harselaar asked for Mr Whipp's thoughts on the proposed amendments to the application, for example, the new proposed licence hours. Mr Whipp said his concerns related to the named duty manager not being present and the poor processes apparent at the premises. Mr Whipp said the implementation of training processes was positive.

Mr J Sontier

- [54] Mr Sontier presented the submissions for SSDP which were accepted. He summarised the submission.
- [55] He said the premises is opening in a highly vulnerable area. Alcohol harm comes from the consumption of alcohol and SSDP does not believe the Applicant is suitable nor do they have the systems and processes in place to reduce harm in the community. Mr Sontier said the Applicant had made a false claim that they would be better than the previous operator.
- [56] The Committee asked for clarification of the 'false claim' statement and if it was a false claim, what evidence is presented to support the statement. Mr Sontier agreed that 'false claim' was a mis-statement and that a restaurant would be an improvement on the former mismanaged bar.
- [57] The Committee asked why they considered this premises to be more of a concern than the two other restaurants in the Octagon. Mr Sontier said the suitability of the operator in a vulnerable location was their concern. When asked if he thought an unlicensed restaurant would be a viable option in the locality or would a bar be a better use for the location, Mr Sontier told the Committee that commercial interest cannot yield to the Act. He also commented that SSDP had given their support to the premises above the Applicant's proposed restaurant.

Mr I Stücki

- [58] Mr Stücki represents SSDP. He presented the Brief of Evidence of Mr M Phillips which was made on behalf of SSDP. The evidence was accepted.
- [59] Mr van Harselaar said Counsel for SSDP made the comment that the Applicant was incapable of managing alcohol and sought clarification. Mr Stücki said the Committee had heard evidence of poor systems in place at the premises. He conceded 'incapable' may be a bit strong but he did not believe it was too far from the current situation. He suggested 'mismanaged' may have been a better term.

CLOSING

Sgt Jones

- [60] Sgt Jones told the Committee that the purpose of the Act was for the benefit of the community and the object of the Act was to minimise the harm caused by the excessive or inappropriate consumption of alcohol. The Applicant's restaurant was located in the highest risk and vulnerable area of the district. Sgt Jones does not believe the Applicant can minimise the alcohol-related harm at the premises.
- [61] He complimented Ms S Khattri on the presentation to the Committee but considered it inappropriate for the Applicant to place such a task on their daughter. This demonstrated a lack of suitability on the part of the Applicant.

[62] Sgt Jones does not believe the threshold for suitability has been met, and definitely not the extended suitability required for vulnerable locations.

Ms Morrison

- [63] Ms Morrison said the Applicant's other premises is small and sells very little alcohol. The premises in the Octagon is larger with greater ability to sit and consume alcohol.
- [64] Ms Morrison does not believe the Applicant has appropriate staff, systems or training to comply with the legislation therefore is not suitable to hold a licence. Information was submitted to the Committee very late. The Applicant has another licensed premises therefore she would have expected the application to have been accompanied by all documentation.
- [65] To obtain and hold an alcohol licence an applicant must reach a high mantle. In this matter, the Applicant has not reached the required level to be successful.

Mr Whipp

- [66] Mr Whipp pointed out that the late documents were developed in 2024 but the application was submitted in 2023. He would have expected the information to have been submitted at the same time.
- [67] He said it was situated in a high-risk area. Students were attracted to the area to drink.
- [68] This was a family run business but the sole director and shareholder is Ms Y Khattri. The involvement of her husband in the running of the business is uncertain.

Mr Sontier

- [69] SSDP were concerned at the late preparation of documents for the hearing.
- [70] Mr Sontier said the Applicant does not understand the area in which the premises is located. He said there did not need to be a direct correlation between the premises and the harm in the area. The Applicant needed to demonstrate an extended suitability but in this matter, however, this was not demonstrated. The Applicant has a conviction for driving with an excess breath alcohol which demonstrates another risk associated with the premises.
- [71] Mr Sontier told the Committee that a licence cannot be issued with conditions to ensure compliance with the legislation.

Mr van Harselaar

- [72] Mr van Harselaar acknowledged that things could have been done better. There should have been engagement with the agencies but personal circumstances took the Applicant out of the country. The Applicant's comprehension is fine but the speed of responses is slow because English is not her first language. He disagreed with the Police comment that there has been a 'lack of candour'.
- [73] Installing a restaurant in the Octagon is a good thing. When they took over the premises in November it was rough. However, they have turned it into a higher class premises.
- [74] There have been questions about Mr Khattri because he has been looked at in other matters. Regarding his associates, people know people but they are all separate entities.
- [75] Changes have been notified by emails. This shows intent but not using the appropriate form shows a lack of understanding. They are trying to make the most of a bad situation.
- [76] Mr van Harselaar told the Committee the application should be approved.

INTERIM DECISION

[77] The Committee has decided to adjourn the hearing until November 2024. This will allow time for Ms S Khattri to complete her study at university, prepare tailored policies and processes for the premises and to gain more experience in the hospitality industry.

RECONVENED HEARING: 28 AUGUST 2024

Appearances: Ms Y Khattri – for Applicant

Ms S Khattri – for Applicant

Mr W van Harselaar - Counsel for Applicant

Ms T Morrison – Licensing Inspector

Sgt S Jones - Police Alcohol Harm Prevention Officer Mr A Whipp — Medical officer of Health Delegate

Dr L Gordon – Counsel for Objector

Mr K Mechen – Alcohol Advisor/Secretary Ms L Adamson – Governance Support

PROCEDURAL MATTERS

- [78] Dr Gordon
- [79] Dr Gordon said they received notice of the reconvened hearing on 12 August 2024. She said there was no opportunity to catch up with Mr Sontier. She said there were two issues: the first being the notice period for the hearing. No submissions were called for which was a breach of natural justice, especially under the new hearings process. Dr Gordon did agree to participate in the hearing, albeit reluctantly.
- [80] The second point was that Dr Gordon believed financial interests were taking precedence in the matter.
- [81] The Committee pointed out that there was sufficient notice given of the hearing to be reconvened. While there was a new hearings process, this matter began under the old regime so the 'old' rules continued in this matter.

Sgt Jones

- [82] Sgt Jones said he did not see the File Minute issued at the end of the initial hearing and no request for reports was received. He said he had received three emails from the Applicant regarding a variety of information regarding progress at the premises.
- [83] Sgt Jones said he would prefer a further adjournment.

Ms Morrison

[84] Ms Morrison did not believe there was any reason to delay the matter and was wiling to provide a verbal submission.

Mr Whipp

[85] Mr Whipp said he was happy to move forward.

Mr van Harselaar

[86] Mr van Harselaar said they were ready to proceed. Information had been provided prior to this hearing. He commented that providing alcohol with food is the better option for people.

ADJOURNMENT

[87] The Committee decided to proceed with the hearing and acknowledged the good will of the parties.

RECONVENED HEARING

Mr van Harselaar

- [88] Mr van Harselaar told the Committee the Applicant had followed the advice of the Committee as detailed in the File Minute. Ms S Khattri has obtained some experience in an inner city bar and is now in a position to move forward.
- [89] The documents associated with the new premises have been updated and distributed to the reporting agencies.
- [90] Regarding the concerns of other people associated with the premises, Mr van Harselaar said they were no longer involved with the business.

Ms S Khattri

- [91] Ms Khattri told the Committee that after being advised to seek experience in ate night bars, she approached the "Indigo Room" where she undertook some work to gain the experience of managing in a high alcohol environment. She emphasised that "Mela Eatery" is a restaurant while "Indigo Room" is a late night bar. She said she amended the documents to a 'position' somewhere between the two types of premises.
- [92] She said that during the recent test weekend, customers refused to eat at "Mela Eatery" because they couldn't have a drink with their meal. They would go to the bars where there are more issues. They would like to get their alcohol licence so customers can have a better dining experience.
- [93] The Committee asked how they would deal with people when it became noisier in the area. Ms Khattri said there would be no alcohol sales after 9.00 pm because that would be their licence hours.
- [94] When asked by the Committee, Ms Khattri said she now had a direct communication with a manager at "Indigo Room" if she needed advice. She had learned that when there was a 'tipsy' patron, they would only serve water or other non-alcoholic drink. No alcohol would be served. They would always be checking on people around the premises because at the "Indigo Room" the whole premises was not visible from the bar. Ms Khattri said they would adapt that to "Mela Eatery" to ensure patrons were always monitored. In response to another question, she admitted she did not get to experience a severely intoxicated person. However, if this was to happen at "Mela Eatery", they would check for friends, arrange a taxi or other alternative transport and give the person water and food.
- [95] The Committee asked what hours they were now seeking for their licence. Ms Khattri said 5.00 pm to 9.30 pm. If there was an 'obnoxious' person in the premises, they would be told they were not able to sell alcohol after 9.30 pm because that was the latest allowed on the licence.

Sgt Jones

- [96] Sgt Jones commended Ms Khattri for seeking experience at another premises. He asked how they were going to deal with security for the late night food sales. Ms Khattri replied they tried the late night food service but it was not successful so they would not be continuing with that idea.
- [97] When asked, Ms Khattri said on busy nights, like the test weekend, they would use SPS Security to provide assistance while they were open. To date they have not needed their services because they have not been selling alcohol.
- [98] Sgt Jones asked about the bar in the premises. Ms Khattri said it was small. People would be able to order drinks at the bar but they would be served at their tables. They would not be able to stay at the bar and drink.

Ms Morrison

- [99] Ms Morrison asked for confirmation of the hours now sought for the licence. Ms Khattri said they are looking at 12.00 midday to 9.00 pm but their usual trading hours would be 12.00 midday to 2.00 pm and 5.00 pm to 9.00 pm. They would only be open in the evenings on Sunday.
- [100] When asked about duty managers, Ms Khattri said she would be the main manager in the Octagon while her mother, Ms Y Khattri, would be mainly in their George Street premises. However, they would occasionally alternate between the premises. When there was no manager present in the premises, there would be a sign put up advising customers there was no alcohol service because no manager was present. They do this now in George Street and the same system would be used in the Octagon.
- [101] Alcohol is not sold in George Street during the afternoons. Staffing is difficult at the moment but if a licence is issued for the Octagon premises, more staff will be employed. At the moment, Ms Khattri said she is managing the Octagon at night. If for some reason she was not available, no alcohol would be sold in George Street and the duty manager would be in the Octagon.
- [102] Ms Morrison asked about staff training. Ms Khattri said there are weekly meetings and staff will be required to complete the ServeWise training. At the moment there is no training in the Octagon premises because it is unlicensed. When the licence is issued each staff member will be supplied with a booklet for training purposes and records kept.
- [103] Clarification was sought regarding the Host Responsibility Policy. There were two versions, one of which had handwritten notations. Ms Khattri said the most recent has the notations on it.
- [104] Ms Morrison asked Ms Y Khattri if she believed she had the skills necessary to run a licensed restaurant in a high risk area. Ms Khattri said she did have the skills and knowledge to run the restaurant.

Mr Whipp

[105] Mr Whipp said that during discussions with the Applicant, they said if the Octagon premises was successful in gaining an alcohol licence, they would close their George Street business. Ms Khattri said they were still thinking about it. If they only had the one licence, they would prefer that to be attached to the premises in the Octagon. They would still keep the food business in George Street.

Dr Gordon

- [106] Dr Gordon asked if the Applicant had contacted the Committee requesting the date be brought forward. Ms Khattri said they had sent an email with the request. When it was suggested they made the request because they were losing business, the Applicant agreed that they were losing customers but it was also better to have people drinking with a meal, especially in an area like the Octagon.
- [107] Dr Gordon asked for confirmation that there would be no alcohol sold from 9.00 pm. Ms Khattri confirmed that, saying the restaurant would be closed by 9.30 pm each night.
- [108] Regarding the placement of signage in the premises, Dr Gordon suggested it was not appropriate for it to be placed behind the bar. Ms Khattri replied by saying there was other signage around the walls of the premises. People could go to the bar to look at what was available but they would also be able to see everything from their tables.
- [109] Dr Gordon asked how, if they get their alcohol licence, they will advertise the fact. Ms Khattri said they would just remove the sign advising there was no alcohol at the premises.
- [110] The Committee asked for a brief description of the layout of the premises. Ms Khattri said the premises was a restaurant. There was a reception area at the front of the premises by the entrance. A bar is a short distance inside the premises opposite the entrance. The drinks would be behind it and would be made up on the counter. It was not really a bar but a term she had used.
- [111] The Committee also pointed out that the Host Responsibility Policy was not really tailored for a restaurant and suggested they look on the Restaurant Association website and adopt one of their templates. There were also suggested notices that can be added to menus so messages are in front of the customer.

CLOSING

Sgt Jones

- [112] Sgt Jones said the premises was in a high-risk area but the Police are more comfortable now the Applicant has improved knowledge and systems for the premises. The revised licence hours now being requested significantly negate any risk associated with the premises.
- [113] The Police withdraw their opposition and they look forward to working with the Applicant.

Ms Morrison

- [114] Ms Morrison said they originally opposed the application because they questioned the systems, staff and training proposed for the premises. The premises is located in a high-risk area and the Applicant needs to mitigate the risk.
- [115] The Applicant has come a long way. The requested hours have been revised and are more in keeping with a restaurant where alcohol is secondary to the principle purpose of the premises.
- [116] Ms Morrison asks that the Applicant continues to train and refine their knowledge and processes. The Host Responsibility Policy also needs to be reviewed against the purpose of the business. Ms Khattri is very confident and competent and needs to get other staff up to the same level.
- [117] Monitoring of the premises will continue, especially in the first year of being licensed. Ms Morrison told the Applicant that they are there to help and support them in the venture.
- [118] Ms Morrison said their opposition is withdrawn.

Mr Whipp

- [119] Mt Whipp noted that during the adjournment, the Applicant had done some work in a bar to gain experience in a high alcohol environment and their processes at the premises have improved as a result.
- [120] The Medical Officer of Health withdraws their opposition to the application.

Dr Gordon

- [121] Dr Gordon acknowledged that she had concerns coming to this hearing.
- [122] She said the suitability of the Applicant had improved and she was encouraged to hear Ms Morrison commit to helping as they move forward. The amenity and good order of the locality is an issue later at night but the 9.00 pm closing will mitigate any impact this premises would have on the area.
- [123] Dr Gordon said they were now comfortable with the issue of this licence.

Mr van Harselaar

- [124] Mr van Harselaar thanked the Committee for the advice to look at the Restaurant Association website. The Applicant has been able to access some great information. The Applicant has indicated they would look at the language around the 'bar' and the signage in the premises.
- [125] The Applicant asks, if the licence is to be granted, that it takes effect from about 25 September 2024. This would allow time for other staff to be employed and training to be provided. Mr van Harselaar said the Applicant would continue to be proactive in seeking help and advice.

DECISION

- [126] The Committee thanks the parties for allowing the hearing to be finalised in the day.
- [127] This application is for an on-licence for a restaurant situated in Dunedin's Octagon. This is a high-risk area but it is later at night the issues become evident.
- [128] The Applicant originally sought licence hours of 11.00 am to 12.00 midnight. While the Committee accepted these hours are more the norm for a restaurant, they were encouraged when they came back after the adjournment seeking 12.00 midday to 9.00 pm. As pointed out by the reporting agencies, the closing time of the restaurant would mean they will be closed when most people come to the area. This has seen the opposition to the application withdrawn.
- [129] There was also initial concern at the involvement of some people in the running of the business who had history in relation to the former business operating from this location. The Applicant has told the Committee these people are not involved in any way with this business and this was not challenged during the hearing.
- [130] In considering an application, the Committee must have regard to section 105(1) of the Act. In this case, now the opposition and public objection have been withdrawn, we are satisfied as to the matters to which we must have regard and grant the Applicant an on-licence authorising the sale and supply of alcohol for consumption on the premises. The licence will take effect from 25 September 2024.
- [131] The Applicant's attention is drawn to ss56 and 57(1) of the Act obliging the holder of an onlicence to display:

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

[132] 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 12.00 midday to 9.00 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 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

[133] 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 20 November 2023. The entrance from The Octagon is designated as the principal entrance

DATED at Dunedin this 23rd day of September 2024

Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/74/ON

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by Reading Dunedin

Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 33 The Octagon, Dunedin, known as

"Reading Cinemas Dunedin"

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 Reading Dunedin Limited for the renewal of an alcohol on-licence in respect of their premises situated at 33 The Octagon, Dunedin, and known as "Reading Cinemas Dunedin".

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

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

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

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 23 July 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 20th day of September 2024

Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/73/ON

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

AND

IN THE MATTER of an application by St Margarets

Residential College Council Incorporated pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 333 Leith Street, Dunedin, known as

"St Margaret's College"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by St Margarets Residential College Council Incorporated for the renewal of an alcohol on-licence in respect of their premises situated at 333 Leith Street, Dunedin, and known as the "St Margaret's College".

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

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

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

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and therefore renew the licence until 23 July 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 9th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/193/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

<u>IN THE MATTER</u> of an application by Dunedin City

Council Social Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 230 Moray Place, Dunedin, and known as

"Dunedin Public Library"

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 City Council Social Club Incorporated for a special licence for the premises situated at 230 Moray Place, Dunedin, and known as the "Dunedin Public Library".

The applicant has requested a special licence for the DCC Social Club Annual Quiz Night to be held on Friday 4 October 2024 between 6.00 pm and 9.30 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 6th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/185/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by Dunedin City

Petanque Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 81 Eglinton Road, Dunedin, and known as "Dunedin City Petanque

Clubrooms"

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 City Petanque Incorporated for a special licence for their premises situated at 81 Eglinton Road, Dunedin, and known as the "Dunedin City Petanque Clubrooms".

The applicant has requested a special licence for Various Pétanque Events to be held on the following days:

Sunday 22 September 2024	9.00 am to 7.00 pm	Southern Region Petanque
Friday 4 October 2024	2.00 pm to 9.00 pm	National Pointing Competition
Saturday 5 October 2024	9.00 am to 9.00 pm	National Mixed Doubles
Sunday 6 October 2024	9.00 am to 8.00 pm	National Mixed Doubles
Saturday 12 October 2024	9.00 am to 10.00 pm	South Island Doubles
Sunday 13 October 2024	9.00 am to 8.00 pm	South Island Singles
Saturday 9 November 2024	2.00 pm to 9.00 pm	Club Singles
Sunday 15 December 2024	4.00 pm to 10.00 pm	Club Christmas Party
Friday 20 December 2024	2.00 pm to 8.00 pm	Corporate 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. It was noted, however, that the Club's Host Responsibility Policy makes no mention of minors <u>not</u> being served alcohol. While the premises is a very low risk, the agencies have suggested the policy is updated.

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 19th day of August 2024

Kevin Mechen Secretary

Decision No. 2024/216/SP

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 101 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 101 Victoria Road, Dunedin, and known as the "Dunedin Ice Stadium".

The applicant has requested a special licence for the Dunedin Ice Hockey Association - Adult League Finals to be held on Saturday 21 September 2024 between 3.00 pm and 11.00 pm. They have requested the premises be designated a supervised area for the duration.

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

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

This application was received well inside the statutory 20 working days of the event. There is a requirement for the above-mentioned reporting agencies to report on each application. If they do not have the time to make such reports, the Committee would be left with no option but to either not receive the application or if received, to decline the application. The Association has recently been submitting late applications. Be aware they may not be accepted in the future.

 $\underline{\text{DATED}}$ at Dunedin this 19^{th} day of September 2024

Kevin Mechen Secretary

Decision No. 2024/208/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by Eastern Rugby

Football Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 133 Matanaka Drive, Waikouaiti, and known as "Eastern

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 Eastern Rugby Football Club Incorporated for a special licence for their premises situated at 133 Matanaka Drive, Waikouaiti, and known as the "Eastern Rugby Football Club".

The applicant has requested a special licence for a Waikouaiti Community Playcentre Fundraiser to be held on Thursday 26 September 2024 between 6.30 pm and 9.30pm. 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.

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

We must remind the applicant that, although the special licence was granted on this occasion, there is no guarantee that applications received within 20 working days of the event will be processed in time. The Committee is aware the reason for the late submission was the late approval from the Council's Parks and Reserves Department so in the future, this may need to be taken into consideration.

DATED at Dunedin this 19th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/188/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by Encore Events

Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 17 Green Street, Mosgiel, and known as "Taieri

Parents Centre"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by Encore Events Limited for a special licence for the premises situated at 17 Green Street, Mosgiel, and known as the "Taieri Parents Centre".

The applicant has requested a special licence for the Mosgiel Kindergarten Bingo Night to be held on Monday 16 September 2024 between 6.00 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 6th day of September 2024

Kevin Mechen
Secretary

Decision No. 2024/195/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by Grants Braes

Association Football Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 1 Domain Avenue, Dunedin, and known as "Ocean Grove Sports Ground"

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 Grants Braes Association Football Club Incorporated for a special licence for their premises situated at 1 Domain Avenue, Dunedin, and known as the "Ocean Grove Sports Ground".

The applicant has requested a special licence for their Grants Braes Senior Prize Giving to be held on Saturday 28 September 2024 between 7.00 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 6th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/198/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

<u>IN THE MATTER</u> of an application by Green Island

Bowling Club Incorporation pursuant to s.138 of the act for a special licence in respect of the premises situated at 183 Main South Road, Green Island, and known as "Green

Island 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 Green Island Bowling Club Incorporation for a special licence for their premises situated at 183 Main South Road, Green Island, and known as the "Green Island Bowling Club".

The applicant has requested a special licence for their Bingo Fundraiser to be held on Saturday 21 September 2024 between 6.30 pm and 9.30 pm.

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

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

DATED at Dunedin this 6th day of September 2024

Kevin Mechen

Secretary

Decision No. 2024/197/SP

<u>IN THE MATTER</u> of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

<u>IN THE MATTER</u> 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 the Riding for Disabled Dinner and Dance to be held on Saturday 21 September 2024 between 6.00 pm and 12.00 midnight.

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

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

DATED at Dunedin this 6th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/191/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

<u>IN THE MATTER</u> of an application by Kaikorai Rugby

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

Football Club"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

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

The applicant has requested a special licence to host the Bradford School Quiz Night to be held on Friday 27 September 2024 between 7.00 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 6th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/192/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by Kaikorai Rugby

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

Football Club"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

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

The applicant has requested a special licence for two functions. The first is Hannah Pollock's 21st birthday on Saturday 28 September between 7.30 pm and 12.00 midnight. The second is Des Smith's 80th Birthday to be held on Sunday 29 September 2024 between 1.30 pm and 10.00 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 6th day of September 2024

Lovin Machan

Kevin Mechen Secretary

Decision No. 2024/201/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by North East Valley

Bowling Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 139 North Road, Dunedin, and known as "North East Valley

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 North East Valley Bowling Club Incorporated for a special licence for their premises situated at 139 North Road, Dunedin, and known as the "North East Valley Bowling Club".

The applicant has requested a special licence to host Miro's Birthday Party on Saturday 28 September 2024 between 4.00 pm and 12.00 midnight. They have requested the premises be designated a supervised area for the duration of the evening.

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

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

DATED at Dunedin this 19th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/194/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

<u>IN THE MATTER</u> 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 the Disc Golf - The Final Meltdown to be held on Sunday 22 September 2024 between 9.00 am and 6.00 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 6th day of September 2024

Kevin Mechen Secretary

Decision No. 2024/202/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

AND

IN THE MATTER of an application by Roslyn Wakari

> Football Association Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 49 Frasers Road, Dunedin, and known as

"Roslyn Wakari AFC"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

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

The applicant has requested a special licence to host Paige's 21st Birthday on Friday 4 October 2024 between 7.30 pm and 12.00 midnight.

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

It is noted the Club has not maintained its Fire Evacuation Scheme however Fire and Emergency NZ is dealing directly with the Club.

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 19th day of September 2024

Kevin Mechen

DUNEDIN DISTRICT LICENSING COMMITTEE

Secretary

Decision No. 2024/178/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by St Clair Bowling

Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 13 Ings Avenue, Dunedin, and known

as "St Clair 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 St Clair Bowling Club Incorporated for a special licence for their premises situated at 13 Ings Avenue, Dunedin, and known as the "St Clair Bowling Club".

The applicant has requested a special licence to host Tasha Wyrill's 40th Birthday party to be held on Saturday 14 September 2024 between 4.00 pm and 12.00 midnight.

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

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

DATED at Dunedin this 6th day of September 2024

Kevin Mechen

Secretary

Decision No. 2024/168/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by St Clair Golf Club

Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 20 Isadore Road, Dunedin, and known

as "St Clair Golf Club"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

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

The applicant has requested a special licence to host the Caversham Bowling Club's Bingo night to be held on Friday 4 October 2024 between 6.30 pm and 9.30 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 6th day of September 2024

Kevin Mechen
Secretary
DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2024/200/SP

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

<u>AND</u>

IN THE MATTER of an application by St Clair Golf Club

Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 20 Isadore Road, Dunedin, and known

as "St Clair Golf Club"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

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

The applicant has requested a special licence for two events. The first is for the Dunedin Cake Decorators on Wednesday 25 September between 6.30 pm and 11.00 pm. The second is Carisbrook Kaikorai Cricket Club Fundraising night to be held on Friday 27 September 2024 between 6.30 pm and 9.30 pm. They have requested the premises be designated a supervised area for the duration of each 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 6th day of September 2024

Kevin Mechen Secretary

TEMPORARY AUTHORITY

(on-licence premises)
Section 136, Sale and Supply of Alcohol Act 2012

<u>PURSUANT</u> to the Sale and Supply of Alcohol Act 2012, the Dunedin District Licensing Committee has granted <u>Phosia Limited</u> temporary authority to operate an on-licence in accordance with section 136 of the Act in respect of the premises situated at 36 George Street, Port Chalmers, and known as "Café Santosha", to any person for consumption on the premises and to let people consume alcohol there.

This temporary authority is effective for a period of 3 months from 6 September 2024 to 6 December 2024 or until the substantive on-licence application lodged by **Phosia Limited** is determined, whichever is the sooner.

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

This temporary authority relates to 069/ON/09/2023.

OBLIGATIONS OF THE HOLDER OF A TEMPORARY AUTHORITY

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

DISPLAY OF TEMPORARY AUTHORITY

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

CONDITIONS

This temporary authority is subject to the following conditions:

- (a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day to any person who is not present on the premises to dine.
- (b) Alcohol may be sold only on the following days and during the following hours:

Sunday to Wednesday 9.00 am to 5.00 pm

Thursday to Saturday 9.00 am to 1.00 am the following day: EXCEPT THAT on the Thursday before Good Friday, and on Easter Saturday, and on Christmas Eve and on the day before Anzac Day, alcohol may only be sold between 9.00 am and 12.00 midnight.

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

DATED at Dunedin this 6th day of September 2024

	Kevin Mechen
	Secretary
DUNEDIN DISTRICT L	ICENSING COMMITTEE

Decision No. 2024/21/TA

IN THE MATTER of the Sale and Supply of Alcohol Act

2012

AND

IN THE MATTER of an application by Phosia Limited for a

temporary authority authorising the holder to carry on the sale and supply of alcohol pursuant to s.136 of the Act in respect of premises situated at 36 George Street, Port Chalmers, and known as "The Galley Café & Bar"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Commissioner C Weatherall

DECISION

This is an application by Phosia Limited an order allowing them to carry on the sale and supply of alcohol pursuant to the underlying licence no. 069/ON/09/2023 in respect of the premises situated at 36 George Street, Port Chalmers, and known as "The Galley Café & Bar".

The premises will have a name change and be operating as "Café Santosha".

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

The Licensing Inspector advises that there have been no issues of concern raised in relation to the premises and the Applicant has experience at this premises.

The Committee is satisfied that the applicant will operate the premises properly and therefore issues an order authorising the applicant to carry on the sale and supply of alcohol, under the same conditions as were granted initially, for a period of three months from 6 September 2024.

DATED at Dunedin this 6th day of September 2024

Kevin Mechen Secretary