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IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Grants Braes Association Football Club Incorporated pursuant to s.127 of the Act for renewal of a club licence in respect of premises situated at 1 Domain Avenue, Dunedin, known as "Grants Braes Association Football Club"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by Grants Braes Association Football Club Incorporated for the renewal of an alcohol club licence in respect of their premises situated at 1 Domain Avenue, Dunedin, and known as the "Grants Braes Association Football 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 21 October 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 21st day of January 2025

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Green Island Rugby Football Club Incorporated for renewal of a club licence pursuant to s.127 of the Act in respect of premises situated at 82 Neill Street, Green Island, and known as "Green Island Rugby Football Club"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall

Members: Ms K Lane

Ms K Elliot

Appearances: Mr G Weatherston – for Applicant (President)

Mr A Belcher – Counsel for Applicant

Mr T Mole – Witness for Police

Ms A Smyth – Witness for Police

Ms T Morrison – Licensing Inspector

Sgt S Jones – Police Alcohol Harm Prevention Officer

Mr A Whipp – Medical officer of Health Delegate

Mr K Mechen – Alcohol Advisor/Secretary

Ms L Adamson – Governance Support

HEARING at Dunedin on 12 November 2024

PROCEDURAL MATTERS

- [1] Mr Belcher sought clarification on the status of submissions and briefs of evidence. The Committee advised all documents circulated prior to the hearing will be taken as read and that only summaries of, and key points from, the documents are required.
- [2] The Police had two witnesses for their case. One was to attend via an audio visual link but this could not be established and their evidence related to the chain of evidence for documents to be presented by the Police. The Committee accepted the evidence so the witness testimony was not required.
- [3] The second witness was a former licensing inspector who was named by the Applicant as previously providing him with advice. There was no evidence to support the Applicant's statement about the provision of any earlier advice by the former Licensing Inspector, therefore the witness's oral testimony was not required.

INTRODUCTION

- [4] This is an application by Green Island Rugby Football Club Incorporated for the renewal of their alcohol club licence for the premises situated at 82 Neill Street, Green Island, and known as the Green Island Rugby Football Club.
- [5] The application did not attract any public objection and neither the Medical Officer of Health Delegate nor the Licensing Inspector opposed the renewal. However, the Police did raise matters in opposition.
- [6] The Applicant is seeking a slight change to the opening time for Saturdays. Currently they can open at 2.00 pm but would like to open at 12.00 noon. They are also seeking a change to their licensed area with the inclusion of a small outside courtyard.
- [7] The Police have opposed the application citing the object of the Act, suitability of the applicant and a lack of appropriate systems, staff, and training to comply with the legislation.

HEARING

Mr Belcher

- [8] Mr Belcher appeared as Counsel for the Applicant.
- [9] He said the Police are relying on limited detail in the opposition regarding the late special licence applications and training of staff at the premises.
- [10] The late special licence application for 21 July 2024 did not reflect on the suitability of the Applicant. The late submission of the application was not done in bad faith. They applied late because it was the first time in 58 years that they had won the Premier Men's Banner Competition which was not an anticipated result. The Committee was able to consider the application and it was granted. Mr Belcher said this was the only late special licence submission made by the Applicant.
- [11] The other incident referred to, "Meet the Barretts", resulted from the Applicant's misunderstanding of information which they say was provided to them by a former licensing inspector and the Applicant accepts that the buck stopped with them. Mr Weatherston, the Club president, has taken responsibility for the error and assures the Committee it will not happen again.
- [12] This event was advertised on social media and the Applicant thought it was allowable because it was a rugby related event. The event itself was organised as a fundraiser by the Otago Boys' High School who had asked to use the Club's facilities. Attendees at the event were not random members of the public but invitees of the organisers. This was not a wilful or reckless act on behalf of the Applicant.
- [13] Mr Belcher said the Applicant had learned a valuable lesson and now the object of the Act will be met to a higher standard.
- [14] The alcohol harm referred to by the Police relates to five incidents in the streets near the club's premises in the past 18 months. The Police inference is that the incidents are related to the club in some way, and while the Police do not need to prove a causal nexus, the inference is rejected.
- [15] With regards to the systems and training of staff at the club, they believe they are appropriate for the club.
- [16] Mr Belcher referred to the "Game On" programme and admitted he was unsure what it was about and was unsure how this reflected on the applicant.

- [17] The Graduated Response Model (GRM) warning was issued because some people walked out to the playing area carrying alcohol. The warning was accepted and a mitigation plan put in place to ensure this did not happen in the future.
- [18] Mr Belcher referred to the Police assertion that the club was in a highly deprived area. He told the Committee that Green Island was no different to many other areas in New Zealand.
- [19] The Club has no alcohol advertising within the premises itself and there is no alcohol branding on their playing jerseys. This may have seen club sponsorship being declined in the past.
- [20] Mr Belcher said there was nothing in the Police evidence that would suggest the licence should be declined.
- [21] The Committee asked about the "Meet the Barretts" evening. Mr Belcher said Mr Weatherston acted under a mistaken belief about information which he says was imparted by a former licensing inspector and accepts he may have misunderstood this advice. The school had been invited to use the club facilities by one of the club members and because it was related to rugby, no questions were asked. Entry to the event was by presold tickets with the proceeds from alcohol sales going to the club. Mr Weatherston accepted that a mistake had been made and that it would not be repeated. The Applicant has made changes and they are much more aware of the requirement for special licences and will be a lot more cautious going forward.
- [22] When asked about the presence of duty managers, Mr Weatherston responded that there were two certified managers at the club and they were both generally present when the premises was open. He said at the least, one duty manager is always present when the bar is open.
- [23] The Committee asked what the club's usual hours of trade were. Mr Weatherston said they did not open Monday, Tuesday, or Sunday. There was a bingo night on Wednesdays and on Thursday they had a \$5.00 meal night where they opened at 6.00 pm and closed after the last meal. Saturday was the only day when they traded properly as a bar for the club members.
- [24] When asked why they wanted to open earlier on a Saturday, Mr Weatherston said club games are starting earlier and they wanted to be able to open for full catering. He said they would accept a 1.00 pm opening if that was more favourable. The bar was always closed when there was a game in progress. When they were open, there were no jugs or large bottles served.
- [25] The Committee asked about Grizzlie's, the caterer at the club. Mr Weatherston said there was always food available but there was a 'dumbed down' menu for the other days, for example the bingo nights. He commented that people were 'blown away' by the meals provided on the \$5.00 meal nights.
- [26] When asked about the bingo nights, Mr Weatherston told the Committee that people tended to leave when the last game finished.
- [27] The Committee asked if the kitchen was open if the club opened on the Sunday, Monday, or Tuesday nights. He said Grizzlies operated the kitchen and they were always prepared for any number of people whenever the club is open.
- [28] When asked how many special licences they applied for, Mr Weatherston said 2023 was a very busy year but things have quietened down this year. They get special licences for weddings, funerals, and some birthday parties. In response to further questioning, he said they have obtained special licences for Spartans charity rugby games when they extend their licensed area to include some outdoor areas. On those occasions there is a 30 minute break between when the special licence time ends and the bar in the club opens.
- [29] Mr Weatherston was asked if they intended getting more certified managers at the club. He said they were going to get two more managers and the whole committee will be completing the ServeWise training. There is a kitchen worker with a manager's certificate who has

advised she is available if needed. They will record all the training in the licensing toolkit. When Green Island committee members are working behind the bar, they wear a different shirt so they are easily identified.

- [30] The Committee asked if they kept an incident log book. Mr Weatherston said there was and any incident that happened in the club was recorded in the log. When asked if they recorded Police visits to the club, he said they didn't but the Police log it and it is acknowledged by club staff at the time. When issues are identified, the Applicant will take whatever action is required to remedy the situation and to ensure they don't happen again.
- [31] When asked to confirm the bar is not open when there is a game being played, Mr Weatherston said the bar is not open. They did have it open for John Leslie's final game and a person took their drink outside. This led to the Police warning and since then, only non-alcoholic drinks and food can be purchased during a game.
- [32] The Committee asked if the area they want to include in their licensed area was visible from the bar area. The response was that the area was sheltered and they have installed CCTV cameras to ensure there is monitoring of the area when the bar is open. The area is part of the Dunedin City Council's reserve and is used by people walking past, exercising dogs, etc. The area is not visible from the road. The Applicant is waiting to see if the area is included in the licensed area before developing it properly. When a big night is anticipated at the club they employ security.
- [33] The Committee sought clarification regarding the hours sought. If they opened at 12.00 noon and a game started at 12.15 pm, the bar would shut again and not reopen until after 1.30 pm? Mr Weatherston said that was what would happen. Some of the women's development games start at 11.00 am but the bar is not open while those games are taking place.
- [34] When asked if they would be comfortable with a condition added to the licence stating there is to be no alcohol served when a game is in play, Mr Weatherston said that would be fine, it is how they operate.
- [35] The Committee asked how often their alcohol Host Responsibility Policy was reviewed. Mr Weatherston said it was reviewed annually at the club's AGM. They are committed to having a certified manager working whenever the bar is open and more are to be trained. In response to another question, he said if a safe place for an intoxicated person was required, the office would be used. It is away from the bar area and a staff member would stay with the person until they could be picked up. The Committee pointed out that the Kiwi Access Card needed to be included as a form of acceptable identification and that every incident, including visits by the police, needed to be recorded in the incident book.

Sgt Jones

- [36] Sgt Jones is the Dunedin Police Alcohol Harm Prevention Officer. His opening submission was presented and accepted.
- [37] He said the issue with the club's licence is the risk of alcohol-related harm.
- [38] The application as it is at the moment could not meet the object of the Act. The premises is in an area of high deprivation and as pointed out in *Lion Liquor Retail Limited*, [2018] NZHC 1123, there did not need to be a causal nexus. The premises no doubt contributes to some of the alcohol-related harm in the locality.
- [39] The Applicant has made some changes so Sgt Jones recommended a truncated renewal period to allow the Committee the opportunity to determine if the changes have been made and the effectiveness of any change.
- [40] Sgt Jones presented his brief of evidence and it was accepted.
- [41] The Committee asked how often the club had been visited by the Police, especially since the incident where alcohol was taken out of the bar area. Sgt Jones could not answer that

question but said the staff focussed on high risk premises. He said he could get the information if required by the Committee.

- [42] When asked why he proposed a truncated renewal, Sgt Jones said it would allow time to see if what the club has stated would be changed had been complied with.

Mr Mole

- [43] Mr Mole is a former licensing inspector from the Dunedin City Council. His evidence was presented and accepted.
- [44] In his evidence, Mr Mole denied that he had given advice to the Applicant which was contrary to the requirements of the legislation regarding who a club can sell or supply alcohol to in their premises. The Committee records that the Applicant accept that they misinterpreted any message from Mr Mole regarding this matter.
- [45] Mr Mole did comment that the Green Island Rugby Football Club was a responsible club and to his knowledge, there has never been an issue.

Ms Smyth

- [46] Ms Smyth is the Medical Officer of Health delegate for the Queenstown Lakes District area. She was to present evidence of the Applicant's attendance at the three yearly 'Game On!' sessions for clubs in the months leading up to their licence renewal. The evidence is accepted therefore this will not be examined further.

Ms Morrison

- [47] Ms Morrison is the Chief Licensing Inspector at the Dunedin City Council. No further information was provided beyond the initial Inspector's Report for the application.
- [48] She told the Committee there had been 20 special licence application sought by the club in 2023 with a lot of those relating to bingo evenings. In 2024 there had been 16 applications to date with four relating to bingo evenings. Some of the special licences related to rugby but the majority were non-club related activities.
- [49] Ms Morrison said there had been two rounds of monitoring visits of club premises. No issues were identified.
- [50] When asked if the mitigation plan which resulted from the GRM warning in 2023 had been complied with, Ms Morrison said she was unaware of any non-compliance.

Mr Whipp

- [51] Mr Whipp is the Medical Officer of Health Delegate for the Dunedin area. He had nothing further to add to his initial report.

CLOSING

Mr Whipp

- [52] Mr Whipp said they were not opposed to the renewal of the club licence. However, after hearing the evidence presented at the hearing, he agrees with the Police that a truncated renewal would be appropriate.

Ms Morrison

- [53] Ms Morrison said they did not oppose the licence renewal. She said the reporting agencies had a good relationship with the Applicant and encouraged continued communication.
- [54] With regards to the unlicensed event, the Applicant has accepted fault in the matter and have taken proactive steps to ensure it was not repeated.
- [55] Ms Morrison said they were not opposed to a truncated licence and would be comfortable with a full renewal.

Sgt Jones

- [56] Sgt Jones said they had a good relationship with the club. He is aware that clubs are run by volunteers but an alcohol licence was a privilege. The Applicant has stated what actions they have taken to ensure better compliance moving forward.
- [57] Sgt Jones told the Committee it would have been remiss not to have raised the special licence incident. He also acknowledged that the Police needed to monitor club premises more regularly.
- [58] Sgt Jones would like to see a truncated renewal period and liked the idea of the period covering two seasons.

Mr Belcher

- [59] Mr Belcher asked for the application to be amended for the Saturday opening – the Applicant would like the opening time to be 1.00 pm and they also like the added condition that no alcohol is to be served during game time. They would still like the deck area to be included in the licensed area.
- [60] There would be two further certified managers at the club from 1 April 2025 which would mean there will be four managers in total.
- [61] There had been no further issues at the club since the GRM warning was issued in 2023. There has been nothing to reflect a poor performance by the Applicant. The matter of the event with no licence was a result of a misunderstanding. There was no malice in the situation.
- [62] Mr Belcher does not believe there was sufficient evidence presented to warrant a truncated licence. That would be a step too far.

DECISION

- [63] This application is for the renewal of a club licence. No public objections were received and neither the Licensing Inspector nor Medical Officer of Health Delegate opposed the renewal.
- [64] The Police opposed the renewal stating the object of the Act was not able to be met, doubted the suitability of the Applicant, and did not believe there were appropriate systems, staff or training within the club.
- [65] Regarding the matter of the event for which a special licence was not sought, there is no evidence to suggest that the Applicant had earlier been provided with incorrect advice from the former licensing inspector. Any assertion that they had been provided with incorrect information from this officer is not accepted and any statement to that effect is rejected. It is to be noted that the Applicant has accepted they were at fault. They have now put in place systems to ensure there is no repeat of this nature in the future.
- [66] The Committee has considered the evidence presented. In making a decision the Committee must consider the following matters:
 - a. s.105(1)(a) – object of the Act: the Committee does not find anything that suggests the object of the Act is compromised by this club.
 - b. s.105(1)(b) – suitability of the Applicant: the Applicant has accepted fault for the event held which should have been covered by a special licence. It has taken a proactive position and put in place a process to ensure there is no repeat of the incident. They were issued a warning for allowing people to take alcohol from the bar area but have changed their rules to ensure this does not happen again. Other than the two incidents described, no other evidence of issues relating to the club has been presented. The Applicant's willingness to remedy any issue demonstrates they are suitable to have an alcohol licence.

- c. s.105(1)(c) – the relevant local alcohol policy: the application falls within what is allowed pursuant to the policy.
- d. s.105(1)(d) – days on which and hours during which the Applicant proposes to sell alcohol: the hours are reasonable for the style of licence sought. The request to extend the opening time on Saturdays is appropriate.
- e. s.105(1)(e) – design and layout of the premises: the Applicant has asked for an outdoors area to be included on the licensed footprint. The area can be monitored and the rest of the premises was not discussed. The extension is acceptable.
- f. s.105(1)(f) – whether the Applicant will sell other goods other than alcohol, low-alcohol and non-alcoholic refreshments and food: there is no indication this will be the case.
- g. s.105(1)(g) – whether the Applicant will engage in the provision of other services unrelated to their core business: there is no indication that this will be the case.
- h. s.105(1)(j) – appropriate systems, staff, and training to comply with the law: the Applicant has demonstrated a willingness to improve the systems they have in place and they have committed to having two more certified managers by 1 April 2025. The Committee finds no issue with the systems, staffing or training at the club.
- i. s.105(1)(k) – any other matters raised: no other matters were raised for consideration.
- j. s.131(1)(b) – would the amenity and good order of the locality be likely to be increased by more than a minor extent if the licence was not renewed: the Committee does not believe this would be the case.
- k. s.131(1)(c) – any other matter raised by the agencies: there were no other matters raised.
- l. s.131(1)(d) – the manner in which alcohol has been sold and/or supplied, displayed, advertised, or promoted: this matter was not raised.

[67] It was suggested to the Committee that the licence is renewed for a truncated period to allow time for the Applicant to demonstrate their commitment to the systems and processes they have put in place. The Committee agrees with this approach and has found such action to be beneficial. It does allow time for the Applicant to embed their revised systems and processes and these will be assessed by the agencies when the licence is renewed.

[68] The Applicant has agreed to the condition that there shall be no alcohol sales or supply while there is a game being played at their ground.

[69] The Committee is satisfied with the matters to which it must have regard and renews the licence for one year to 14 August 2025, that being the anniversary date of the licence and one year from the most recent date of expiry and authorises the issue of a replacement licence and notice of renewal.

[70] The Committee notes the dedication of the club's representative, Mr Weatherston, and the efforts he has taken to ensure the club is a safe environment for its members and the environment in which it is situated.

DATED at Dunedin this 28th day of January 2025

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 Piccolo Bar Limited for an off-licence pursuant to s.99 of the Act in respect of premises situated at 246 Forbury Road, Dunedin, and known as "Piccolo"

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 Piccolo Bar Limited for an off-licence in respect of **new** premises situated at 246 Forbury Road, Dunedin, and known as "Piccolo".

The application is in respect of premises in which the principal business is the sale of alcohol. The applicant also wants to sell alcohol remotely so long as the order is accompanied by food from the premises.

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

The premises is in a new building opposite a playground. It is associated with a wine bar and considered low risk. The applicant has agreed to conditions relating to the types of alcohol to be sold, minimum pricing and that remote orders will only be filled if the alcohol is an accompaniment to a food order.

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

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

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

Remote sellers have different requirements to other premises and these will apply in this matter. The first is a response to the fact the buyer is not confronted at the time of purchase and to this end, regulation 14 of the Sale and Supply of Alcohol Regulations 2013 details the requirements imposed on licensees to ensure prohibited people do not purchase alcohol. This regulation is reproduced here for clarity:

14 Reasonable steps to verify that people not under purchase age

(1) The procedures described in subclauses (2) to (4) are reasonable procedures for the purposes of complying with [section 59\(3\)](#) of the Act (which requires the holder of an off-licence to take reasonable steps to verify that the buyer of any alcohol that the holder sells by remote sale (and, if a person other than the buyer is to receive it, to verify that the receiver) is not under the purchase age).

(2) In the case of an order made using an internet site, the procedure is to—

- (a) ask the prospective buyer to declare, by ticking an on-screen box, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—*
 - (i) once when the prospective buyer first enters the internet site; and*
 - (ii) again, immediately before the sale of any alcohol is completed; and*
- (b) refuse to sell alcohol to the prospective buyer unless, on both occasions, he or she declares that he or she is 18 years of age or over (and, where a prospective receiver is involved, also declares that the prospective receiver is 18 years of age or over).*

(3) In the case of a telephone order, the procedure is to—

- (a) ask the prospective buyer to declare, orally, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—*
 - (i) once when the conversation concerned begins; and*
 - (ii) again, immediately before the conversation is completed; and*
- (a) refuse to sell alcohol to the prospective buyer unless, on both occasions, he or she declares that he or she is 18 years of age or over (and, where a prospective receiver is involved, also declares that the prospective receiver is 18 years of age or over).*

(4) In the case of an order made on a physical order form, the procedure is to—

- (a) ensure that the form—*
 - (i) requires the prospective buyer to sign the form at a place at or near its end; and*
 - (ii) contains 2 requests for the prospective buyer to declare, by ticking a box, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—*
 - (A) one at the beginning of the form; and*
 - (B) the other, immediately before the place on the form where the prospective buyer is required to sign it; and*
- (b) refuse to sell alcohol to the prospective buyer unless he or she has ticked both boxes and signed the form.*

Regulation 15 describes the information to be provided by remote sellers. When using an internet website the licence holder must display prominently on the website, any catalogue produced and every receipt issued for alcohol sold remotely:

- (a) The licence holder's name and licence number*

- (b) The date the licence expires.
- (c) And in addition to this either a legible image of the licence, or a clearly identified link to such image, must be clearly displayed on the website.

The licence will be subject to the following conditions:

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day
- (b) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday 12.00 midday to 9.00 pm
- (c) The following whole of the premises is designated a supervised area.
- (d) Only wine and beer is to be sold from the premises.
- (e) No wine will be sold for less than \$25.00 per unit.
No beer will be sold for less than \$9.00 per unit.
- (f) Online sales of alcohol **must** be accompanied by a food order.
- (g) While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
- (h) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

A copy of this licence must be displayed at the principal entrance(s) to the premises as outlined in the plan received by the Dunedin District Licensing Committee on 22 October 2024. The entrance from Forbury Road is designated as the principal entrance. A copy of this licence must also be displayed on the company's website.

DATED at Dunedin this 24th day of January 2025

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 KSK PVT Limited pursuant to s.127 of the Act for renewal of an off-licence in respect of premises situated at 72 Princes Street, Dunedin, and known as "Super Liquor Octagon"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Ms K Lane
Mr C Weatherall
Ms K Elliot

HEARING at Dunedin on 14 October 2024

Appearances: Mr G Singh – for the Applicant
Mr C Shearer – Ignition Group Ltd, for the Applicant
Mr G Hoar – National operations Manager Super Liquor, for the Applicant

Ms T Morrison – Licensing Inspector
Mr A Whipp – Medical Officer of Health Delegate

Mr S Stücki – for Objector: Students for Sensible Drug Policy Ōtepoti Dunedin (SSDP)
Mr J Sontier – Counsel for Objector via AVL

Ms L Adamson – Governance Support Officer

Apologies: Sgt S Jones – Dunedin Police Alcohol Harm Prevention Officer
Mr M Phillips – SSDP
Mr I Stücki – SSDP

PROCEDURAL ISSUES

- [1] Mr Sontier advised the Committee that Mr Phillips would not be attending because of an incident during the last weekend. Mr I Stücki was also unavailable to attend. Mr S Stücki would be appearing for the Objector.

INTRODUCTION

- [2] This is an application by KSK PVT Limited for the renewal of an alcohol off-licence for their premises situated at 72 Princes Street, Dunedin, and known as "Super Liquor Octagon".
- [3] The applicant company has a single director and shareholder, Mr Gurjeet Singh. He holds two on-licensed premises and three off-licensed premises in several South Canterbury locations.

- [4] Public notice of the application attracted an objection from the Students for Sensible Drug Policy Ōtepoti Dunedin. There was no opposition from the reporting agencies.

HEARING

Mr C Shearer

- [5] Mr Shearer gave an overview of the premises. He said when Mr Singh purchased the business in 2017 he was required to attend a hearing in order to obtain his off-licence.
- [6] The application to renew the licence was not opposed by the reporting agencies but attracted one objection. Mr Shearer told the Committee it was significant that the agencies had no issue which indicates the Applicant is operating the store according to the requirements detailed in the legislation.
- [7] Mr Shearer described the objection as a 'conditional objection' where they seek a number of conditions to be added to the licence or it should be declined. He said that many of the statements made in the evidence of SSDP are not relevant to the licence renewal, for example, the operational and financial stability of on-licence premises in the area, remote deliveries by an Auckland based licensee, and the photographs of graffiti, vomit, etc., being evidence of alcohol-related harm being attributable to the Applicant's premises.
- [8] Suitability of the Applicant was defined in *NZ Police v Casino Bar No 3 Limited*, [2013] NZHC 33, at [36]. Several matters are to be considered including:
- a. Previous convictions, especially involving liquor;
 - b. Character and reputation;
 - c. Matters raised in reports by the reporting agencies;
 - d. Previous unlawful operation of the premises;
 - e. Breach of an undertaking; and
 - f. Misleading information in the application material.
- [9] The Applicant in this matter is a responsible operator and complies with all of the above considerations. They accept the student population may be vulnerable but most of the student accommodation is clustered in the North Dunedin area. The reporting agencies have not raised any issues regarding the Applicant's suitability.
- [10] When considering the renewal of a licence, the Committee must consider noise, nuisance, and vandalism. The only evidence produced by the Objector relates to vandalism in the form of graffiti and litter. The evidence is general in nature and could be attributable to a number of nearby premises: it is not specific to this premises. Mr Shearer does not believe the Objector has demonstrated that a refusal to renew the licence, or the imposition of stricter licence conditions, will increase the amenity and good order of the locality by more than a minor extent.
- [11] The object of the Act is that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised. The object is considered after assessing the other criteria relevant to a licence renewal and there is no suggestion that the Applicant's premises is being operated in a manner that is not meeting the object of the Act.

Mr G Singh

- [12] Mr Singh is the sole director and shareholder of KSK PVT Limited. He presented his brief of evidence.

- [13] He has owned the premises since 2017 and the licence has been renewed twice without opposition. In the time he has owned the premises, there has never been an issue and no enforcement action has been taken by the agencies.
- [14] Mr Singh accepted that SSDP has the right to object to the renewal of the licence but does not believe there are grounds for the application to be refused.
- [15] The Committee asked the Applicant about the types of customers he receives at the premises. Mr Singh said they were generally workers from nearby businesses, contractors and some students. In response to another question, he said they did not get school children going into the premises.
- [16] Mr Singh agreed that the photos presented by SSDP in their evidence were of the exterior of his store. When asked he said there was no advertising on the exterior of the premises the morning of this hearing because it was the day it was changed. Advertising is changed every two to three weeks.
- [17] The Committee explained to the Applicant that they were beginning to require licensees to only use black writing on white for their external advertising with no product branding. Mr Singh said they would be happy to support such a move once shown what was acceptable.
- [18] Mr Singh told the Committee the largest single serve container for beer was 500ml. It was between 5.2 and 7.8% ABV with the average price being \$7.00 per unit. The cheapest is between \$6.00 and \$6.50 per unit when on special. When asked, Mr Singh said they have small containers of beer but they are craft beers and more expensive.
- [19] The Committee commented that the application shows they have four certified managers at the Dunedin premises. Mr Singh said that was correct. He lives in Geraldine but is in Dunedin once per month to catch up with the staff, or more often if there is training required. There is a minimum of two staff at busy times but during quieter times, only one person is working. The premises usual day starts when the doors are opened at 11.00 am. Shifts are usually 5 hours long. If a person needs a break and they are working by themselves, they can shut the doors for up to 15 minutes after putting a sign up. When there are two staff working, they work their breaks between them. When asked, Mr Singh said the busiest time for them is the week leading up to Christmas.
- [20] When asked about audits of the premises, Mr Singh said it was part of being a franchisee of Super Liquor. There is also ongoing staff training which is recorded in a folder that is retained at the store. The premises manager ensures all staff complies with the training requirements and sends through weekly reports. Mr Singh presented a training folder for the Committee to view. When training has been completed, the staff member receives a certificate for inclusion in their folder.
- [21] In response to a question about the premises trading hours, Mr Singh said their licence hours are Monday to Sunday, 9.00 am to 10.00 pm. However, they generally open at 11.00 am Sunday to Thursday and 10.30am on Fridays and Saturdays. In the lead up to Christmas, the premises opens at 10.00 am.
- [22] Mr Singh was asked how often they have been tested in the controlled purchase operation (CPO). He said he did not know how often they have been tested and that in some areas premises are told there had been a CPO but not in Dunedin. Mr Singh said they have never failed a CPO in any of his premises.
- [23] The Applicant said they were aware they are situated in the alcohol ban area. If the staff gain the impression the purchaser may be going to drink their alcohol immediately, they are reminded of the alcohol ban. On a couple of occasions, staff have gone outside and told people they are in a ban area.

Mr G Hoar

- [24] Mr Hoar is the National operations Manager for Super Liquor Holdings Limited. His brief of evidence was presented.
- [25] The Committee asked for his thoughts of the advertising they have started requiring in Dunedin. Mr Hoar said some areas have the same conditions but admitted he struggled a bit with the discretionary conditions being imposed across the country. It was explained that in Dunedin, the Committee was restricting external advertising to black text on a white background. The company logo was acceptable but no product branding. Mr Hoar said he would work with the franchisee on what was required for the premises.
- [26] When asked about this Applicant, Mr Hoar said he had known Mr Singh since 2015. Once a licensee has a Super Liquor franchise, they must follow strict rules about the operation of their premises. If the rules are broken, or they bring the Super Liquor brand into disrepute, the franchise is removed. He has never had any issues with Mr Singh in any of his premises.
- [27] Mr Hoar was asked about the staff training. He said prior to 2015 a premises could belong to Super Liquor but their training was taken elsewhere. In 2015 it was decided to introduce their own training for consistency across the brand and the training folder was developed. The certificates on completion are issued as proof of training in case the staff member moved to another premises. All new staff at a premises must undergo induction training which is part of the programme.
- [28] The Committee asked about single serves and minimum pricing at the premises. Mr Hoar noted SSDP did not want single serve or cask wine to be sold at the premises. However, supermarkets in the area sold them. He said he wanted to see a level playing field. Mr Hoar also commented that the on-licence premises in the Octagon had advertising on bollards and both food and drinks menus on front windows. They also promoted 'happy hours' at the premises.

Reporting Agencies

- [29] There was no opposition from the reporting agencies and no questions asked of them.

Mr J Sontier

- [30] Mr Sontier is the Counsel for the Objector and presented their opening submission.
- [31] Mr Sontier said SSDP objected to the renewal of this licence on all grounds available to them as detailed in the submission. He said that while the harm in the central city could not be attributed to a single premises, each contributed to the harm. He said the Objector's focus was on the actual harm in the area, not the density of premises.

Mr S Stücki

- [32] Mr Stücki presented the evidence of Mr I Stücki and Mr M Phillips, both of whom could not be present. The briefs of evidence were made collectively with members of SSDP. Mr Shearer had no issue with the change of representation for the Objector and so the evidence was accepted.
- [33] The Committee asked if the removal of an off-licence that was situated so close to the Octagon on-licence premises would significantly reduce the level of alcohol harm in the area. Mr Stücki said the outlet density was one part of the issue. Reducing the hours of the premises, or removing the licence completely, would reduce the harm in the area. However, SSDP was focussed on alcohol-related harm in Dunedin generally.

- [34] Mr Stücki said they were not prohibitionists. The Act provides for off-licence premises to sell and supply alcohol safely and responsibly. In an area of extremely high alcohol-related harm, the evidence needed to be considered before decisions are made or conditions imposed. There needs to be a citywide approach to the identified issues.
- [35] When asked about the Dunedin Hospital data presented, Mr Stücki said the Medical Officer of Health, Mr Butchard, provided the information. It shows that about 10% of all alcohol-related hospital visits are in the 15-24 year age group.
- [36] The Committee asked about other drugs in the community. Mr Stücki said the drug of choice in Dunedin was MDMA. When taken, MDMA masks the effects of alcohol so people using both will tend to consume alcohol excessively. SSDP are looking at some form of educational material advising MDMA users of the risks of taking alcohol with the drug.

CLOSING

Objector

- [37] Mr Sontier said the premises is near the Octagon which is the heart of Dunedin's nightlife. There was evidence of significant alcohol-related harm in the Octagon despite there being a 24/7 alcohol ban in the area. Nearby areas were frequently littered by broken alcohol bottles, urine, vomit, and excrement. SSDP also raised concerns about the pre- and side-loading resulting from nearby off-licences being open until 10.00 pm.
- [38] He reminded the Committee that the Authority has commented that a licence was a privilege, not a right, and that there was no presumption that an application for a licence will be granted. Mr Sontier said the changes implemented by the 2012 Act were to create a regime where licences were harder to get and easier to lose.
- [39] Evidence presented by SSDP clearly showed that the Octagon area was seriously affected by alcohol-related harm, primarily from student drinking.
- [40] In addition, Mr Sontier told the Committee there were a number of nearby residential areas and services that cater for Dunedin's vulnerable mental health, addicted, and transitional/homeless community, as well as the Otago Girls' High School. This required the Applicant to operate at a higher level of suitability.
- [41] Mr Sontier submitted that the Applicant had not demonstrated that their strategies are reducing alcohol-related harm in the area. Therefore, the Applicant has failed the extended suitability requirement.
- [42] Mr Sontier also submitted that the Authority has repeatedly found the sale of ready to drink single units, that is, they are stored in chillers, encourage their immediate consumption and therefore do not meet the object of the Act. Mr Sontier cited *Singh Trading (2016) Limited v St Joseph's School Pleasant Point*, [2021] NZARLA 123, where the applicant in that matter stated they would not sell single cans or bottles of beer under \$6.00 per unit. The Authority agreed this was an appropriate condition and included it on their licence.
- [43] The Applicant in this matter suggested such a condition imposed on them would be unfair because other premises in the area did not have that condition. Mr Sontier submitted that the applicant's refusal to accept such a condition that is commonly accepted across the country must go against their suitability.
- [44] Regarding the hours of operation, Mr Sontier submitted that a 10.00 pm closing time contributed to the alcohol-related harm identified in the area. It was a factor in pre- and side-loading by people going to the entertainment venues in town. Because of its proximity to the centre of town, it can be reasonably assumed alcohol is purchased for that

purpose and significantly increases the level of intoxication in the on-licence premises and decreases the amenity and good order of the locality.

- [45] When all the evidence was considered, Mr Sontier submitted that the Applicant does not meet the object of the Act. Refusal to renew the licence would significantly reduce the unacceptably high level of alcohol-related harm in the area.
- [46] If the Committee was to renew the licence, SSDP suggested the inclusion of the following conditions to the licence:
- a. No chevrons or directions to the door 20m away;
 - b. Removal of most of the Super Liquor exterior signage so there is one on each side and an illuminated sign above the door;
 - c. Removal of all exterior alcohol product and price advertising;
 - d. No same-day delivery of alcohol products by the store or third-party delivery service, and all deliveries to go to a named person;
 - e. Store close time to be 9.00 pm;
 - f. No single unit sales of cheap popular products like beer, cider, RTDs and Soju under \$6.00 per unit and no specials for these products; and,
 - g. Cask wine and bulk products never to be placed on special.

Applicant

- [47] Mr Shearer believed the licence should be renewed with slight amendments to the conditions on the licence.
- [48] With regards to the suitability of the Applicant, Mr Shearer noted that the photos submitted by SSDP, those of graffiti and vomit nearby, are not necessarily a result of people consuming alcohol. Other photos showing alcohol containers were not linked directly to Super Liquor Octagon. There are numerous other licensed premises in the area. Further, the Police have not opposed the application which indicated they have no issue with the Applicant's suitability.
- [49] SSDP produced hospital data to support their position. However, the data is from Dunedin as a whole. Included in the data discussed are 15-17 year olds. These people cannot purchase alcohol therefore the data presented can only be attributed to alcohol available throughout the city. This is a matter for a district wide policy, for inclusion in the Local Alcohol Policy (LAP), and not the role of the District Licensing Committee.
- [50] Mr Singh has never failed a CPO in any of the businesses he owns. His staff actively approach people consuming alcohol in the street and remind them of the alcohol ban which is highlighted on a plan of the ban area in the premises. They have very good staff training and processes in the store. The reporting agencies have not indicated any issues with the suitability of the Applicant.
- [51] The premises complies with the current LAP.
- [52] Mr Singh did not agree with SSDP that a reduction in the closing time of the premises will reduce the harm identified. No evidence was presented to support such a change.
- [53] Mr Shearer discussed the signage on the exterior of the premises. He noted that Super Liquor have requested that all franchisees have 'clean branding sites'. They do not allow supplier's brands to be on the exterior of the buildings. The premises is painted in the Super Liquor colours but there are no product logos or signs on the building.
- [54] Mr Shearer said SSDP produced photos of external advertising. He said one photo showed three posters on the Moray Place side of the premises but submitted that this level of

advertising is minimal. However, after discussion during the hearing, the applicant is prepared to commit to advertising in black on white and to make an undertaking to this effect. They would make the following undertaking: ***The three two-monthly special posters will be reduced to two A0 sized black and white posters.*** Any breach of the undertaking would be a matter for consideration at the next renewal.

- [55] SSDP relied on the negative impact of the premises on people from the various sensitive sites in the area, for example, Otago Girls High School. However, there was no opposition from any representative from these sensitive sites.
- [56] Mr Shearer discussed SSDP's proposed prohibition on same day deliveries from the premises. he said the Applicant does not deliver from the premises however, they may deliver to private functions like weddings, or to restaurants. This is standard practice for off-licence premises.
- [57] The Applicant offered the following condition: ***No single bottles, cans or containers of beer, cider or RTDs priced less than \$6.00 per unit are to be displayed or sold.*** The Applicant did not agree with the proposed condition that cask wine should not be part of any special deal. Even at a special price, it would still be beyond the reach of those with limited finances.
- [58] Mr Shearer submitted that the renewal of this licence would achieve the object of the Act. The sale and supply of alcohol will be undertaken safely and responsibly.

DECISION

- [59] This hearing is for the renewal of an off-licence by KSK PVT Limited for their premises situated at 72 Princes Street, Dunedin, and known as "Super Liquor Octagon".
- [60] There was one public objection, from SSDP. Their concern was that the premises was only 140 metres from the Octagon which is where Dunedin's vulnerable people frequented during the evenings and later at night. The grounds for the opposition related to the object of the Act, suitability of the applicant, days and hours of operation, whether there were appropriate systems, staff and training to comply with the law and the amenity and good order of the locality.
- [61] SSDP presented photographic evidence of some of litter, human waste, etc., from nearby locations. While there is a high probability alcohol may have been a factor in some of the images, there was no evidence the litter, etc., was a direct result of alcohol consumption.
- [62] SSDP was also concerned that the premises was open until 10.00 pm. They said this meant the premises was actively contributing to side-loading and pre-loading of alcohol before going to the entertainment venues in the Octagon. The Applicant needed to acknowledge the issues and actively mitigate the harm and consult with the community. SSDP said there was no evidence the Applicant understood the alcohol-related harm in the area or consulted with the nearby community.
- [63] The Objector used a report detailing alcohol-related presentations at the Dunedin Public Hospital. The data was broken down showing the 15-24 year age group and the number of alcohol-related admissions per year.
- [64] During the hearing the Objector raised further matters: the sale of cheap alcohol, advertising of products on the premises windows, and delivery of alcohol from the premises. While these matters were not in the initial objection, the Applicant was made aware of them in the pre-circulated briefs of evidence.
- [65] The Applicant told the Committee there was no issue with their suitability. There has never been an issue at the premises and they have never failed a CPO at this, nor any of his

other premises. The Applicant was fully compliant with the legislation. Whenever staff at the premises thought a patron would consume their alcohol purchase on the street they were reminded of the alcohol ban. If they identified someone drinking outside or near their premises, they advised the person of the alcohol ban.

- [66] Mr Shearer noted the Applicant did not sell cheap alcohol and any promotion or advertising met the requirements of the law. However, the Applicant offered to reduce their advertising to two A0 size posters with black text on a white background. They also agreed to a condition stating they would not sell single bottles, cans or containers of beer, cider or RTDs priced less than \$6.00 per unit.
- [67] Mr Shearer accepted the data presented relating to alcohol-related admissions to the hospital. He commented, however, that the data presented admissions from the greater Dunedin area, not necessarily from the centre of town.
- [68] The Committee visited the premises immediately after the hearing. They found no evidence of cheap alcohol being sold at the premises and there was no advertising or promotion that was in breach of the legislation.
- [69] Suitability of the Applicant was raised by SSDP. The Committee found there was no evidence to suggest there were issues with the Applicant and the Licensing Inspector noted in their report that there were no issues as to the suitability of the Applicant. Neither the Police nor Medical Officer of Health Delegate opposed the renewal.
- [70] External advertising was not raised as an initial matter of concern however, it was discussed during the hearing. This is being raised more often at hearings and the Committee is now imposing a condition on off-licence premises that external advertising is restricted to black text on a white background. There is to be no product branding but the company banner is acceptable. A new condition will be added to the licence: ***“external, fixed advertising to be restricted to black text with only the company name/logo”***. This is similar to that offered by the Applicant.
- [71] Pricing of products in the premises was also discussed. The Applicant stated they did not sell cheap alcohol and during the visit to the premises, the Committee found no evidence of cheap alcohol or promotions offering special prices. The Applicant has offered a condition relating to pricing; ***“No single bottles, cans or containers of beer, cider or RTDs priced less than \$6.00 per unit are to be displayed or sold”***. As stated in *Dharma Enterprises Limited* [2023] NZARLA 79, at [22] the Authority said, *“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...”*
- [72] SSDP requested an earlier closing time of 9.00 pm. However, the Committee does not believe this would impact the alcohol-related harm referred to by the Objector. The legislation prohibits the sale of alcohol to intoxicated people and it has been found that the Applicant is compliant with the legislation. Furthermore, the premises is situated in the Dunedin Alcohol Ban area so any alcohol purchased from the premises cannot be consumed in the immediate area.
- [73] In considering the renewal of a licence, the Committee is guided by s.131 of the Act which refers to s.105:
- a. Section 105(1)(a) – object of the Act. The Committee was presented with no evidence that the Applicant sold alcohol in any manner that was not safe or responsible.

- b. Section 105(1)(b) – suitability of the Applicant. There was no evidence to support a challenge to the applicant’s suitability. The Licensing Inspector made comment in their report that there were no suitability issues.
- c. Section 105(1)(c) – relevant Local Alcohol Policy. The application is within the scope of the Local Alcohol Policy.
- d. Section 105(1)(d) – trading days and hours. This was considered and the Committee finds that the current hours are suitable for the premises.
- e. Section 105(1)(e) – design and layout of the premises. This was not challenged.
- f. Sections 105(1)(f) & (g) – whether the Applicant is engaged in the sale of goods, or provision of services, other than those directly related to alcohol. This was not raised.
- g. Section 105(j) – appropriate systems, staff, and training. This was raised as a matter of objection in their initial objection however SSDP did not speak to it at the hearing. The reporting agencies have no issues in this area.
- h. Section 131(1)(b) – amenity and good order. No evidence was presented that the amenity and good order of the locality would improve by more than a minor extent if the licence was not renewed. There are other off-licence premises in the central city also contributing to the reduced amenity and good order so refusing to renew this licence would not improve the area by more than a minor extent.
- i. Section 131(1)(d) – the manner in which the applicant has sold, displayed, advertised or promoted alcohol. While not raised as an initial objection, SSDP raised the price of alcohol and the external advertising in their submissions. As mentioned above, the Committee found no evidence of the Applicant selling or promoting cheap alcohol at the premises. The Committee will impose a condition relating to acceptable external advertising as well as the condition offered by the Applicant regarding pricing.

[74] The Committee is 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 16 August 2027, that being the anniversary date of the licence and three years from the most recent date of expiry. We authorise the issue of a replacement licence and notice of renewal

DATED at Dunedin this 23rd day of January 2025

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 Compass Group New Zealand Limited for renewal of an on-licence pursuant to s.127 of the Act in respect of premises situated at 130 Anzac Avenue, Dunedin, and known as "Forsyth Barr Stadium"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Ms K Lane
Ms K Elliot

Appearances: Mr C McLay – General Manager Operations, Southern, Compass Group
Mr J Seaman – Chairman of Operations for Compass
Mr R McLean – Director of Operations

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

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

HEARING at Dunedin on 12 November 2024

PROCEDURAL MATTER

- [1] Ms Lane, Committee member, wanted it mentioned that she represented the 'Stop the Stadium' group in the Court of Appeal hearing regarding the construction of the Forsyth Barr Stadium. She said it was some time ago and did not have a conflict of interest.

INTRODUCTION

- [2] This matter relates to an application by Compass Group New Zealand Limited for the renewal of their on-licence for the premises situated at 130 Anzac Avenue, Dunedin, and known as the "Forsyth Barr Stadium".
- [3] The Applicant is not seeking any changes to the conditions on the licence but the agencies question why the start time on the licence should be 8.00 am when no one can recall a start at this time. The Applicant is seeking a caterer's endorsement on their licence.
- [4] Public notice of the application did not attract any public objections and there was no opposition from the reporting agencies.
- [5] However, the Committee has called the matter so they can reassure themselves the Applicant has appropriate processes in place to cater for large events.

HEARING

Mr C McLay

- [6] Mr McLay is the General Manager Operations, Southern, for the Compass Group. He presented a slide show to the Committee.
- [7] He said the Forsyth Barr Stadium (FBS) has been licensed since 2011. He and Mr Seaman started working at the FBS in 2022, after the pandemic lockdowns.
- [8] Prior to any event at the stadium, they meet with Dunedin Venues Management Limited (DVML) to get an understanding of the expected attendance and the likely make up of the crowd. During an event they have a certified duty manager in every stand, and one on every level in the South stand. All duty managers have a means of communicating with each other with radios and WhatsApp for sharing information and photos.
- [9] All staff are briefed prior to the start of any large event and all 'front of house' staff sign an acknowledgement that they have been briefed and understand the nature of the event.
- [10] They do not tolerate intoxication. When an intoxicated person is identified security is notified and asked to remove the person.
- [11] They provide a full range of food, non-alcoholic and low alcohol options. In the corporate areas, the food is pre-ordered before the start of the event. Compass staff ensure there is enough food and refreshments for the occasion. More food can be purchased at any time during an event.
- [12] Mr McLay said that for the past events, 300,000 people have attended the stadium and of those, 0.1% have required St John attention and 0.003% were alcohol-related.
- [13] The Committee said their concern was that at events attended by members in the last few years, the availability of food has been poor. Concerts have sold out of a lot of the food and they were left with fried options only. Mr Seaman said they ensure there is a variety of food available at events. They are aware of the importance of food availability and concentrate on ensuring food is available until the end of an event. Depending on the nature of the event, they will also have food trucks at one end. It can be a challenge but they are aware of the food requirements.
- [14] When asked how many refreshment outlets there were at the stadium, Mr Seaman said there were four on each of the North and South stands. The number open depends on the number of people at an event. The outlets are restocked during an event to ensure there are always refreshments available.
- [15] In response to a question about the drinks limit when they are purchased, Mr Seaman said the limit was four units per sale. While the drinks may be for the one person, they may also be purchasing them for their friends/family. During some of the longer events, some people will purchase the maximum four units and not buy any more, keeping them under their seats and spreading them throughout the event. People cannot buy bottles of wine. Wine is limited to two drinks per sale because of its higher alcohol content. The Committee pointed out that they have seen people walking back to their seats with two trays of four drinks, eight drinks in total. Mr Seaman said for this to have happened, there would have been two people present at the time of purchase but only one carrying the drinks back, for whatever reason.
- [16] In the past they have reduced the number of units per sale to two but there have been complaints. People do buy for friends and with queues, people were upset by the change. During an event there are hourly debriefs with staff, security, and the Police. A call is made at the meetings when the number of drinks per serve should be reduced.

- [17] Mr Seaman was asked if they had ever dropped the drinks per serve to one. He replied that has not happened and that it was not common to reduce the number to two serves per sale because it is generally not required. During sports games, they often close the alcohol service shortly after halftime and all sales stop 10 minutes prior to the estimated end of the game.
- [18] There is more control in the corporate spaces: fewer people and more staff. The ODT Lounge can hold 100 people and for large events, there is a 'pop-up' area on the first floor that can be used. The third level has 20 suites, each capable of holding 20 people. The fourth level has two suites with a separate food area. Each of the suites have their own host. They open drinks for people and ensure there is food available all the time. The larger suites have more hosts. Food must be pre-ordered for any of the event.
- [19] People attending corporate suites have 30 minutes longer to buy alcohol and they can remain up to an hour after the event before the suites close.
- [20] The Committee commented that a duty manager has a large area of responsibility. Mr McLay said the supervisor for each outlet will brief their teams, including any community group helping on an occasion, and these briefing are overseen by the duty managers for the area. All the staff work closely with the security staff.
- [21] When asked if they were confident proof of age checks were being carried out, Mr Seaman said they were very confident. The outlet supervisors check the lines and check the ages of anyone looking young. In the student 'Zoo' area, the ages of people in groups are checked, not just the person making the purchase. There will be occasions when a mistake is made but they are confident this is not a regular occurrence.
- [22] The Committee asked about the availability and use of drugs at the stadium and whether it was an issue for them. Mr McLay said when someone is suspected of using drugs, security and Police are advised.
- [23] When asked about security at the stadium, Mr Seaman told the Committee that DVML had changed security companies but a large number of staff transferred to the new company. Security is not part of the Compass Group remit but Messrs Seaman and McLean represent Compass at security meetings.
- [24] The Committee noted the Licensing Inspector had suggested a 10.00 am start for their licence because they didn't open before that time and asked why they wanted to retain the 8.00 am start. Mr Seaman said the earlier start would allow them to be available for champagne breakfasts, weddings, etc. They are not common and there are rules around alcohol and food service at such events. When questioned about the closing time, Mr Seaman said they usually close by 12.30 am, although during the FIFA World Cup they closed at 1.30 am. They want to retain the flexibility of being able to meet any demands from DVML.
- [25] The caterer's endorsed on-licence they are seeking would give them the ability to cater for small events around the University of Otago and Dunedin generally. They have the staff and ability to do external catering and this would allow for more options when it is quiet at the stadium.
- [26] Mr Seaman was asked if records are kept when there are incidents at the stadium. He replied that DVML keeps those records in log books and the Compass Group is advised of incidents at the debrief following an event.
- [27] The Committee said it was struggling with how DVML, security and the Compass Group work the stadium. They asked how Compass Group, as the licensee for the premises, can be certain they are meeting all their obligations pursuant to the Act. Mr Seaman said they were aware that the buck stopped with them and worked closely with DVML and the

security company to ensure compliance with the legislation. The Committee pointed out that the licensee was expected to retain a logbook but in this case, DVML retained the logs. How accessible were the logs if they were required? Mr Seaman said they had regular meetings with DVML so are aware of what is in their logbooks.

- [28] Mr McLean was asked if the recent change of CEO in DVML was a risk for their alcohol licence. He said that while the CEO has changed, the management team remains the same so there is no risk of change. Mr Seaman commented that they work with what they are given. They occasionally ask for different things but they don't always get them.
- [29] The Committee told the applicant they were very focussed on the health and safety of people using licensed premises. It appears that DVML is in control of this aspect of the stadium's operation. They said they were not convinced the evacuation processes were adequate with announcements over the speaker system often being inaudible at different points in the premises. Mr Seaman said he had been present when an evacuation drill was being conducted and assured the Committee that the alarms were very loud.
- [30] When asked what role Compass has during an evacuation, Mr Seaman said DVML classifies Compass as a contractor so they are required to evacuate with the public. Security at the premises takes control and are responsible for ensuring the premises is vacated.

Ms T Morrison

- [31] Ms Morrison is a Licensing Inspector for the Dunedin City Council. She did not oppose the renewal of this licence.
- [32] The Committee asked about her comment that the Building Warrant of Fitness had expired. Ms Morrison said that it was current until 2025 but would confirm.
- [33] When asked if she was confident the current security provider was aware of the requirements of the legislation, she told the Committee she was very confident. She said she had attended one of their training sessions the week before this hearing.
- [34] Regarding food availability, Ms Morrison said food was always available but ensuring the food was at the right place when needed was the issue. Compass have learned some lessons and how to react differently on each occasion.

Mr A Whipp

- [35] Mr Whipp is the Medical Officer of Health Delegate in Dunedin. He did not oppose the renewal of the licence.
- [36] He confirmed that during major events, there are meetings held every hour and any incidents that have taken place are recorded in the meeting minutes. The minutes are available if requested.

Sgt S Jones

- [37] Sgt Jones is the Alcohol Harm Prevention Officer for the Dunedin Police. He told the Committee he didn't support the application but did not oppose it. When asked to clarify the statement he said he did not support any application.
- [38] Sgt Jones said the stadium had very robust egress procedures in place if the premises needed to be evacuated.
- [39] The Committee asked if the Police attended events at the stadium to support the security. Sgt Jones said Police attendance was event specific. If the event was an NPC game with only 6,000 people, Police would probably not be present. However, larger games, for example an All Blacks game, Police would be present.

- [40] When asked if DVML's decision not to allow the annual Toga Party was related to alcohol use, Sgt Jones said he wasn't sure. The Toga Party was an event run by the Otago University Students' Association.

CLOSING

Mr McLean

- [41] Mr McLean told the Committee that the Compass Group had been involved at the FBS for 12 years. They have a lot of experience locally, nationally, and worldwide and have been able to draw on that experience.
- [42] The areas under the control of Compass are important, e.g., recruitment and training of their teams, and community groups that are a part of their operation. The briefings held prior to the start of an event, as well as the hourly meetings during the event, are very important.
- [43] The provision of food, and how they weren't as prepared as they should have been, is important and they take lessons from every event so they can ensure they are better prepared in the future.
- [44] It is very important that they work closely with the other groups so they can support Compass to provide a safe venue for everyone. They will work closely with DVML to ensure evacuations from the premises are conducted quickly and properly.
- [45] Compass is looking at renewing their licence with the same conditions but with the inclusion of a caterer's endorsement. They do not utilise the current hours very often but they do allow them to offer flexible options for the people of Dunedin.

DECISION

- [46] This is an application by Compass Group New Zealand Limited for the renewal of their on-licence for the "Forsyth Barr Stadium", situated at 130 Anzac Avenue, Dunedin. they do not seek any changes to their licence but would like the inclusion of a caterer's endorsement.
- [47] There were no objections to the application and no opposition from the reporting agencies.
- [48] The Committee called the matter before them to satisfy themselves the Applicant has appropriate systems, staff, and processes in place to operate Dunedin's largest venue.
- [49] We have heard that there is at least one certified duty managers on each stand and one on every level in the South stand. They communicate with each other using radios and share information and photos using WhatsApp.
- [50] Each of the outlets has a supervisor who monitors the queues and checks the ages of anyone appearing to be too young to purchase alcohol.
- [51] Prior to events there are briefings for duty managers and outlet supervisors who subsequently brief their teams. During an event there are meetings every hour to discuss any issue of concern and if required, they will decide whether or not to reduce the number of drinks that may be sold per sale.
- [52] The Committee is somewhat concerned that the Applicant has no control over the security at the premises. They are reliant on a company employed by DVML to monitor crowd behaviour and intoxication levels when, if an issue arises, it is their licence at risk.
- [53] The Licensing Inspector has suggested the licence start time should be 10.00 am. However, DVML does not know the time requirements of events in the future and the Applicant

ideally should retain the ability to open early if an occasion starts early. There was no opposition raised regarding the inclusion of a caterer's endorsement on the licence.

- [54] In renewing a licence, the Committee must have regard to the following matters:
- a. s.105(1)(a) – object of the Act: the Committee does not find anything that suggests the object of the Act is compromised in relation to this premises.
 - b. s.105(1)(b) – suitability of the Applicant: the suitability of the Applicant company has not been questioned and the Committee has heard nothing to suggest there are issues.
 - c. s.105(1)(c) – the relevant local alcohol policy: the application falls within what is allowed pursuant to the policy.
 - d. s.105(1)(d) – days on which and hours during which the Applicant proposes to sell alcohol: as discussed above, the Applicant is not seeking any changes to the licence conditions. The Committee accepts the need to retain flexibility in the licence hours.
 - e. s.105(1)(e) – design and layout of the premises: no issues were raised regarding the design and layout of the premises.
 - f. s.105(1)(f) – whether the Applicant will sell other goods other than alcohol, low-alcohol and non-alcoholic refreshments and food: there is no indication this will be the case.
 - g. s.105(1)(g) – whether the applicant will engage in the provision of other services unrelated to their core business: there is no indication that this will be the case.
 - h. s.105(1)(j) – appropriate systems, staff and training to comply with the law: the reporting agencies did not raise any concerns. The Committee is satisfied the Applicant meets the appropriate requirements. However, it is concerned that most of the control at the stadium is out of their hands but there do not appear to be any issues with how the stadium has managed to date.
 - i. s.105(1)(k) – any other matters raised: no other matters were raised for consideration.
 - j. s.131(1)(b) – would the amenity and good order of the locality be likely to be increased by more than a minor extent if the licence was not renewed: the Committee does not believe this would be the case.
 - k. s.131(1)(c) – any other matter raised by the agencies: there were no other matters raised.
 - l. s.131(1)(d) – the manner in which alcohol has been sold and/or supplied, displayed, advertised, or promoted: this has not been raised as an issue.
- [55] The Committee is satisfied with the matters to which it must have regard and renews the licence until 4 August 2027, that being the anniversary date of the licence and three years from its most recent renewal date.
- [56] The Committee also allows the licence to be endorsed pursuant to section 38 of the Act as a caterer.

DATED at Dunedin this 13th day of January 2025

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 Piccolo Bar Limited for an on-licence pursuant to s.99 of the Act in respect of premises situated at 246 Forbury Road, Dunedin, and known as "Piccolo"

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 Piccolo Bar Limited for an on-licence in respect of the **new** premises situated at 246 Forbury Road, Dunedin, and known as "Piccolo". The general nature of the business to be undertaken is that of a wine bar.

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

The premises is in a new building situated across the road from the playground next to the St Clair Surf Lifesaving Club. The Dunedin Local Alcohol Policy allows premises other than new hotels, taverns, and bottle stores to be considered on a case by case basis, depending on the nature of the premises. This is a small wine bar operated by the owners of The Esplanade, the neighbouring premises.

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 12.00 midday to 11.00 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.
 - (ii) The whole of the premises is designated a supervised area.
- (e) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.

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 22 October 2024. The entrance from Forbury Road is designated as the principal entrance.

DATED at Dunedin this 24th day of January 2025

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2025/02/ON

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Plato Catering Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 2 Birch Street, Dunedin, known as "Plato"

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 Plato Catering Limited for the renewal of an alcohol on-licence in respect of their premises situated at 2 Birch Street, Dunedin, and known as "Plato".

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 1 November 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 21st day of January 2025

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 Lion NZ Limited
for renewal of an on-licence pursuant
to s.127 of the Act in respect of
premises situated at 200 Rattray
Street, Dunedin, and known as
“Speight’s Heritage Centre”

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Ms K Lane

Members: Mr C Weatherall
Ms K Elliot

Appearances: Mr T Gordon – for Applicant
Mr D Minhinnick – Counsel for Applicant
Ms N Dally – Counsel for Applicant
Ms Sara Ticker – Applicant Support
Ms Elle Rolfe – Applicant Support

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

Mr M Phillips – Objector, Students for Sensible Drug Policy Ōtepoti Dunedin
Mr I Stücki – for Objector, Students for Sensible Drug Policy (SSDP)

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

HEARING at Dunedin on 27 September 2024

PROCEDURAL MATTERS

- [1] The Objector in this matter, Students for Sensible Drug Policy Ōtepoti Dunedin (SSDP), represented by Mr Phillips, raised several procedural issues before the commencement of the hearing.
- [2] The first was the suggestion the Chair should recuse herself from this hearing because the Objector considered she had a pre-determined position before the hearing had started. This was a result of a phrase used in an email that was copied to all parties. Mr Phillips interpreted the phrase in a way that was unintended.
- [3] SSDP also suggested the Chair was biased against their group. When asked to clarify the statement they said they did not interpret the email as explained by the Chair.

- [4] SSDP requested consideration be given to the matter being referred to the Alcohol Regulatory and Licensing Authority for their determination.
- [5] The Chair asked the Applicant and agencies present for their interpretation in case there was a perception of bias. There were no issues raised by the Applicant or the agencies therefore she did not recuse herself and the hearing proceeded as scheduled.
- [6] Mr Phillips asked for the hearing to be adjourned. The Objector said they did not have the same amount of time as the Applicant to prepare for the hearing which was a breach of natural justice. They said the Committee set its own dates and did not consider the requirements and commitments of SSDP and its membership. SSDP say they were advised on 3 September 2024 which gave them less than two weeks to prepare for the hearing whereas the Applicant had 32 days to prepare.
- [7] SSDP also suggested requesting all evidence to be circulated prior to the hearing, and not at the hearing, was a breach of natural justice. The Committee's pre-hearing minute prescribed that the evidence and closing submissions were to be presented at the hearing.
- [8] Mr Phillips told the hearing that the natural justice of SSDP was hopelessly compromised and requested that the hearing be rescheduled. SSDP also pleaded that the Committee did not ask SSDP when they would like the hearing date to be which again, is a breach of natural justice.
- [9] The Chair told the Objector that everyone was advised of the hearing at the same time, including Counsel representing SSDP, Dr Gordon. Dr Gordon accepted the date and confirmed that she would be present. Communication between parties and their Counsel is not a matter for the Committee. The Minute that was sent was to clarify matters raised in a phone conversation between the secretary of the Committee and the Applicant's Counsel. The Minute went to all the parties but SSDP did not respond until yesterday, 26 September, two weeks after it was distributed. The Committee stated that 10 working days was more than adequate time in which to prepare submissions and evidence, also considering the hearing date was advised prior.
- [10] The Committee explained to the Objector that the expectation of being able to introduce new evidence on the day of a hearing was a clear breach of natural justice and the Applicant is entitled to be fairly advised of the case against them. The introduction of new evidence on the day of the hearing does not allow any time for the Applicant to prepare their case adequately, which is why there was a direction that all evidence was to be filed prior to the hearing.
- [11] Mr Minhinnick told the Committee that the Applicant considered the Committee's processes were entirely orthodox in the context of a Licensing Committee hearing. He commented that it was perverse that SSDP claimed a breach of natural justice when they were allowed to submit late documents but the Committee would not consider a change of hearing date as requested by the Applicant. Mr Minhinnick said he considered the Committee very accommodating of the Objector's requests.
- [12] The Chair of the Committee, in response to another concern of the Objector regarding confidential agendas, explained that there was nothing confidential about hearings; they are publicly notified. The confidential agendas differ only in that personal details of individuals, in particular duty managers' personal details (excluding their names) are redacted in the public agenda so individuals maintain their confidentiality.

HEARING

- [13] The matter before the Committee is an application by Lion NZ Limited for the renewal of an on-licence for the premises situated at 200 Rattray Street, Dunedin, and known as the “Speight’s Heritage Centre”. The Applicant is not seeking any changes to the conditions of the licence.
- [14] Public notice of the application attracted opposition from SSDP. The main concern of the Objector is the suitability of Lion NZ Limited to have an alcohol licence.
- [15] The reporting agencies, the Medical Officer of Health, Police and Licensing Inspector do not oppose the renewal of the licence.

The Applicant

- [16] The Applicant circulated their submission and evidence prior to the hearing.
- [17] Mr Minhinnick emphasised the application was for the renewal of an alcohol licence for New Zealand’s oldest, continually operating brewery. The application has not been opposed by the reporting agencies and the Licensing Inspector stated there were no suitability issues with the Applicant.
- [18] Mr Minhinnick said the objection related to a broader marketing issue, which is not related to this particular application, but with Lion NZ Limited. The operators of this premises have an exemplary record of compliance with the legislation. The business has been operating for many years with the main clientele being general tourists, families and older people.
- [19] The students of Dunedin are predominantly in North Dunedin, and this premises is about 3 kilometres from the dairy turned student accommodation, which has raised the advertising concerns expressed by SSDP.
- [20] SSDP have opposed the renewal application on three grounds. The first is the suitability of the Applicant, Lion NZ Limited. The second is the manner in which alcohol is sold, displayed, advertised or promoted and the third is the object of the Act. Mr Minhinnick told the Committee none of these grounds apply to this application.
- [21] Mr Minhinnick stated that suitability of an applicant is highly contextual and the weight apportioned to each varied between cases. The range of factors for the Committee include:
 - a. Character and reputation of the Applicant;
 - b. Matters raised in the reports from the agencies;
 - c. Operation of the premises;
 - d. Any breaches of undertakings;
 - e. Previous convictions; and
 - f. Misleading information in the application or public notice.
- [22] In this matter, the Applicant is clearly suitable. Lion NZ Limited is a responsible retailer and the Speight’s Heritage Centre has an exemplary record of compliance.
- [23] SSDP’s concern was the manner in which an RTD was advertised on a building. Mr Minhinnick said the campaign was not targeting North Dunedin but was a nationwide campaign. It was entirely lawful and it complied with the legal advertising rules. He noted that the RTD is not sold by Speight’s Heritage Centre.

- [24] Mr Minhinnick acknowledged the objection was a general concern regarding the advertisement of an alcohol product but stated it is not relevant to this application and that this hearing is not the appropriate forum to address the Objector's concerns.

Mr T Gordon

- [25] Mr Gordon is the Craft Director (Beer) for Lion NZ Limited. He said Lion NZ Limited is a wholly owned subsidiary of the Kirin Holdings Company and is responsible for the production, marketing, sale and distribution of a range of alcoholic beverages and is New Zealand's largest alcoholic beverage company.
- [26] In his current role, Mr Gordon is based in Dunedin and is responsible for marketing the Applicant's craft beer brands as well as the management of the Speight's Heritage Centre.
- [27] Mr Gordon stated that this application is about the renewal of an on-licence. There are no issues with the premises which mainly caters for small tours of the brewery which concludes with tastings of their product. A group would typically have 15 people.
- [28] Lion NZ has comprehensive policies to ensure compliance with the Act which includes regular staff training.
- [29] The company has invested in the "Alcohol & Me" educational programme and is the largest contributor to the "Smashed" programme. It does not sponsor flat parties nor does it give away its product.
- [30] The Committee asked about the tours of the premises. Mr Gordon said at the end of the tour each participant gets to taste three 140ml samples of their choice. The cost of the samples is included in the ticket price. There are also food items, low-alcohol and non-alcoholic drinks available for purchase.
- [31] When asked about the connection between the advertising seen in North Dunedin and the premises, Mr Gordon said there was no relationship at all. The alcoholic beverage is not available at the Speight's Heritage Centre. There was no relationship between anyone in Dunedin and the installation of that promotion; in fact, they were not aware that it had taken place as that kind of promotion is done by an external marketing team.

Sgt N White

- [32] Sgt White is a member of the Dunedin Alcohol Harm Prevention Unit. The Police did not oppose the renewal of this application but did produce evidence.

Sgt Jones

- [33] Sgt Jones is the Alcohol Harm Prevention Officer in Dunedin.
- [34] Sgt Jones said he was patrolling the North Dunedin area during the University of Otago's Orientation Week. While driving past a prominent flat on the corner of Castle and Howe Streets, he noticed it had been completely painted blue and yellow and was advertising 'Hyoketsu' RTD alcohol. He took photos of the structure and produced them as evidence.
- [35] Sgt Jones said he spoke to the painter who could only tell him he was contracted to paint the flat but could offer no further information.
- [36] While the Police do not oppose the renewal of the licence, Sgt Jones considered it prudent to present the images to the Committee.

[37] The Committee asked if he thought someone driving past would pick the advertisement as alcohol and would it encourage consumption of the product. Sgt Jones said it was part of a marketing campaign. If one wanted to purchase the product, there were off-licence premises within easy walking distance of the corner but he was unsure if the product was available at the stores.

[38] When asked, Sgt Jones said the link between the RTD marketing and the "Speight's Heritage Centre" is Lion NZ Limited.

Mr A Whipp

[39] Mr Whipp is the Medical Officer of Health Delegate. He had nothing to add.

Ms T Morrison

[40] Ms Morrison is a Licensing Inspector for the Dunedin City Council. She had nothing further to add to his report.

Mr I Stücki

[41] Mr Stücki represents the Objector.

[42] He said the Applicant had targeted the student population in North Dunedin during one of the most vulnerable times of the year, Flo week and O-week. At this time, students are most vulnerable to alcohol-related harm. To advertise an RTD product at this time of year in the manner it was done was a deliberate act and Mr Stücki believes it was driven by the 'turf war' over the student market. He said there needed to be a conversation about the students harmed by alcohol.

[43] Mr Stücki said SSDP would like to see an undertaking from the Applicant that there would be no more targeting of students and especially during the periods when they are most vulnerable to harm.

Mr M Phillips

[44] Mr Phillips is the President of SSDP, a club affiliated with the Otago University Students' Association. Mr Phillips presented his brief of evidence.

[45] He said there were two elements to their objection. The first related to the targeted marketing during Flo week and O-week and the second, the alcohol-related harm experienced by students in the North Dunedin area.

[46] The Applicant repainted a student flat on a prominent corner in the predominantly student flatting area. Students constantly walked past the location and were exposed to very prominent advertising for the 'Hyoketsu' RTD product. Part of the promotion was a 1 Million Yen Giveaway which required people to post images of a hand holding a can of the product.

[47] The promotion was clearly targeted at the vulnerable student market. Their campaign worked; the RTD became the most popular student drink during O-Week with the nearby Bottle-O store stocking the product.

[48] Mr Phillips said this was just one example of the vulnerable student population being targeted by alcohol companies. He said there was evidence that exposure to product messaging was related to alcohol-related harm.

- [49] He said the Applicant's comment that the marketing campaign was not relevant to this application was incorrect. The Applicant promoted the product to a vulnerable group.
- [50] Mr Phillips referred to the two programmes, "Smashed" and "Alcohol & Me", which received financial support from the Applicant. The emphasis of both programmes was on personal choice; if you drink then harm may result. On one hand the Applicant is 'educating' people as to the effects of alcohol consumption and on the other, marketing a product at a time students are most vulnerable.
- [51] The Applicant's claim that it was a national campaign was irrelevant. They knew they were targeting a vulnerable population at a particular time of year.
- [52] Not only did they target the student population, but they also used them to promote the product with a competition requiring the participants to take a photo of a hand holding the product and posting it on their social media pages. While no proof of purchase was required, the way the competition was promoted encouraged people to purchase more of the product.
- [53] The Committee asked where marketing stopped. Speight's caps, hoodies, etc were all available for purchase and questioned where the 'line in the sand' was? Mr Phillips said he would like to see all alcohol marketing banned. However, he suggested the 'line in the sand' is when the marketing targeted vulnerable populations and incentivised the purchase of the product.
- [54] When asked, Mr Phillips said they did not have issue with the Speight's Heritage Centre. The issue was the Applicant's targeted, manipulative marketing of the vulnerable student community. He said that the Speight's Heritage Centre was valuable for the city. However, the behaviour of the Applicant company represented a failure to meet the object of the Act. SSDP would like to see a condition imposed on the Applicant that there was to be no advertising or marketing of their product to the student population during, or leading up to, Flo week and O-week, and at other high-risk times.
- [55] The Committee mentioned that Dunedin's Local Alcohol Policy (LAP) was soon to be reviewed and that advertising may be something that is consider during the review. Mr Phillips said the off-licence premises are not advertising externally. There were few on-licence premises and bottle stores in the area. The problem is the marketing of the product and how it targets the vulnerable students. There does not appear to be a limit on how a company markets their product so they manipulate the system to get the product name in the communities they target.

Applicant's Response

- [56] Mr Minhinnick briefly summarised the Applicant's position. He noted SSDP did not lay a complaint with the Advertising Standards Authority (ASA). This was a nationwide campaign and, when s.237 of the Act is considered, the campaign did not encourage excessive consumption of the product.
- [57] This application is about the renewal of an on-licence for the Speight's Heritage Centre. There has been no suggestion there are issues with the premises nor are there any suitability issues with how it is being operated.
- [58] The condition sought by SSDP has not been contemplated in the LAP. It is not an issue for this premises and it would not address the concerns raised by SSDP.
- [59] The Applicant's position is that the licence for the Speight's Heritage Centre should be renewed.

CLOSING

[60] There were no closing statements from the reporting agencies.

Mr Phillips - SSDP

[61] Mr Phillips said the grounds for opposing this application included:

- a. The object of the Act which must be read with the purpose of the Act;
- b. The suitability of the Applicant, including their extended suitability; and
- c. The manner in which the Applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

[62] Mr Phillips acknowledged SSDP would make a formal complaint to the Office of the Ombudsman regarding procedural matters for this hearing. He also indicated they would appeal any decision made by this Committee and, on that basis, SSDP submitted that the Committee seeks leave pursuant to s.130(2) of the Act to refer the matter to the Authority. Several procedural matters were raised in the closing document submitted by SSDP as well as other areas of concern in their closing submission. The Committee has been very clear that new matters cannot be introduced as of right, and there needs to be a direction by the Committee for them to be introduced.

[63] Regarding the object of the Act, SSDP submitted that there is a direct connection between the safe and responsible supply of alcohol and the manner in which it is promoted and advertised. The Act specifically considers the promotion and advertising of alcohol at s.237 because it can significantly increase the sale, supply and consumption of alcohol. The manner in which the Applicant promoted the 'Hyoketsu' RTD was irresponsible and therefore is contrary to the object of the Act and raises doubts as to the suitability of the Applicant to hold an alcohol licence.

[64] Section 131(1)(d) of the Act requires the Committee to have regard to the manner in which the Applicant has sold (or, as the case may be, sold and supplied), displayed, or advertised, or promoted alcohol.

[65] SSDP produced extensive evidence of alcohol-related harm in North Dunedin and the vulnerability of the student population resident in the area. Targeting the area with the 'Hyoketsu' RTD promotion in the complex manner it was undertaken significantly increased the sale and consumption of the product in the area and therefore is an irresponsible promotion of alcohol. SSDP said the promotion included an invitation to participate in a 1 Million Yen Giveaway, the "hand model" competition, and contributed to the financial harm students experience due to excessive spending and consumption during Flo week and O-week. The invitation was painted on the side of the flat as part of the promotion of the RTD.

[66] There were also in-store promotions offering savings if two six-packs were purchased together. SSDP stated that this forced the purchase of greater volumes of alcohol to gain the benefit of the discount.

[67] Section 237(1)(e) of the Act states that a person commits an offence if, in the course of carrying on a business, that person *"offers (otherwise than by means of an offer made only on licensed premises, and made only in relation to the buying of alcohol on those premises) any goods or services, or the opportunity to obtain any goods or services, or the opportunity to win a prize, on the condition that alcohol is bought."* This section focuses on the opportunity to win a prize that constitutes what Parliament has determined to be an irresponsible promotion.

- [68] SSDP applied the test used by the Authority in *"Alicious v LNDLU & Co Ltd"*, [2021] NZARLA 37 and believed the 1 Million Yen Giveaway (the Hand Model) was a clear breach of s.237(1)(e).
- [69] SSDP stated that the promotion deliberately increased alcohol-related harm in North Dunedin. The Applicant's premises is not situated in North Dunedin so there was no justification for promoting the product in that area. The Applicant wilfully chose to promote the product to the highly vulnerable student community and the Act looks to minimise alcohol-related harm. As Clark J stated in *Towhill Ltd v Alcohol Wise Hurunui Inc*, [2021] NZARLA 50 at [120], *"Where there is an evidential foundation enabling a link to be drawn between a real risk of alcohol-related harm and the grant or renewal of a licence, the harm must be minimised not ignored or condoned."*
- [70] There is no doubt the Applicant, Lion NZ Limited, was the promoter of Hyoketsu and the 1 Million Yen Giveaway and therefore the application must fail because of the manner in which the Applicant sold (or, as the case may be, sold and supplied), displayed, advertised or promoted alcohol pursuant to s.131(1)(d).
- [71] The actions of the Applicant clearly indicate that they are not suitable to hold an alcohol licence. They engaged in predatory behaviour by deliberately targeting the student population which is vulnerable to alcohol-related harm, especially during the Flo week and O-week. The High Court has stated in *Lower Hutt Liquormart Ltd v Shady Lady Lighting Ltd*, [2018] NZHC 3100, that when a premises is operating in a vulnerable community, the applicant must meet a higher threshold of suitability, known as extended or enhanced suitability. SSDP submitted that the actions of the Applicant does not meet the required extended suitability.
- [72] The object of the Act requires that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised. The purpose of the Act is to put in place a new system of control over the sale and supply of alcohol with the law relating to the sale, supply, and consumption reformed so that its effect and administration helps to achieve the object of the Act.
- [73] SSDP submitted that the promotion by the Applicant clearly did not meet the object of the Act in that the 1 Million Yen Giveaway encouraged the vulnerable population to purchase the product with a subsequent excessive and inappropriate consumption.
- [74] In closing, SSDP stated they are seeking an undertaking from the Applicant that they will not target students with predatory off-licence supply advertising in the future, particularly during the high-risk periods of Flo week and O-week. They want the Committee to take steps to protect Dunedin's vulnerable student community and achieve the purpose and object of the Act by declining this application.

The Applicant

- [75] The Applicant is seeking to renew an on-licence for the Speight's Heritage Centre with the existing conditions. There is no opposition from the Medical Officer of Health nor the Licensing Inspector. The only objection is from SSDP.
- [76] With regards the procedural issues and breaches of natural justice, the Applicant stated that procedures adopted by the Committee were appropriate and in context of licensing hearings. The Applicant has no issues with the process that the Committee has used.

- [77] Mr Minhinnick said this application was not the appropriate forum for addressing SSDP's broader policy concerns about advertising to the Dunedin student community. SSDP have indicated they will be pursuing other avenues with their concerns which reinforces that this is not the appropriate forum.
- [78] He said the Hyoketsu campaign is irrelevant to this application. There was no evidence presented that the campaign encouraged excessive alcohol consumption.
- [79] Mr Minhinnick pleaded there was no justification to impose the condition sought by SSDP. Discretionary conditions imposed pursuant to s.117 of the Act must be reasonable, proportionate, and consistent with the Act. The Applicant's position is that this does not meet the threshold.
- [80] SSDP's assertion the Applicant is not a suitable licensee was not supported by any evidence. It understands the locality it serves, is a reasonable retailer which takes its obligations in respect of the sale and supply of alcohol very seriously and has robust policies in place to ensure it meets the object of the Act.

DECISION

- [81] This is an application by Lion NZ Limited for the renewal of an on-licence for the Speight's Heritage Centre, 200 Rattray Street, Dunedin. The Applicant is not seeking any changes to the licence.
- [82] There was no opposition from the reporting agencies but there was an objection from SSDP. Their opposition relates to a promotion undertaken by the Applicant in North Dunedin during Flo week and O-week 2024. They believe the campaign clearly targeted the vulnerable student population at one of their most vulnerable periods. The promotion included painting a student flat on the corner of Howe and Castle Streets (formerly a dairy) advertising the Hyoketsu RTD and a 1 Million Yen Giveaway for the best hand holding a can of the product.
- [83] SSDP's grounds for their objection were the manner in which the applicant sold, displayed, advertised, or promoted alcohol (s.131(1)(d)), the suitability of the Applicant (s.105(1)(b)) and the object of the Act (s.105(1)(a)).
- [84] The Committee shares SSDP's concerns regarding the promotion. The promotion was clearly targeting the student population as they returned to Dunedin for their academic year. Flo week and O-week are the two weeks immediately prior to the start of courses and a time where students reconnect with friends from other parts of the country and make new acquaintances. Unfortunately, alcohol plays a large part during this period and Lion NZ Limited sought to capitalise on the student behaviour.
- [85] In their submission, the Applicant stated the campaign was "*not limited to Dunedin, or to a particular demographic in Dunedin.*" They said it was a nationwide campaign after Hyoketsu RTD was introduced into New Zealand in October 2023 with the mural being a short-term element of the campaign.
- [86] The Committee would ask why, if the campaign was not targeting students, they chose to paint two entire sides of a prominent North Dunedin corner house, well-known in the campus area, with branding for Hyoketsu. The advertising was in an area acknowledged as one of Dunedin's most vulnerable, during a time when it would be viewed by one of the most vulnerable populations being students, during their most vulnerable time of year. There is no evidence this form of promotion was replicated anywhere else in Dunedin, nor the country generally.

- [87] The promotional tactics of the Applicant on this occasion are concerning. While the student population in Dunedin could be seen as a 'easy' market, they are vulnerable to such marketing. The harm caused by excessive and inappropriate consumption of alcohol by the student population is well publicised, both here in Dunedin and elsewhere, and this should be considered by the Applicant in their marketing plan. The Committee suggests to the Applicant that the nature of their promotions does reflect on their suitability generally and will be taken into account.
- [88] However, this is not the forum for this matter to be addressed. The Act is clear that irresponsible promotions are an offence and upon conviction, the licensee of a premises, or any other person, may be fined not more than \$10,000 and in the case of a licensee, their licence can be suspended for up to seven days. Once a conviction is entered, the Police then notify the authority of the conviction. Any breach of s.237 is a matter to be determined by the Court, not the Committee.
- [89] The only link between the promotion and the premises for which the licence renewal is being sought is the Applicant company, Lion NZ Limited. The Committee has been told the marketing/promotion of alcohol is undertaken by a separate department within the company. They are not involved with the operation of licensed premises.
- [90] SSDP has used the process to highlight a serious concern relating to the manner in which the Applicant company promoted one of their products. However, the product is not available from this premises and the promotion was developed independently of staff in Dunedin.
- [91] There has been no adverse report regarding the operation of the Speight's Heritage Centre. The reporting agencies have not indicated any issue with the premises and there has been no evidence presented to the Committee to suggest otherwise.
- [92] In considering the renewal of the licence, the Committee must consider the following:
- a. s.105(1)(a) – object of the Act: the Committee does not find anything that suggests the object of the Act is compromised in relation to this premises.
 - b. s.105(1)(b) – suitability of the Applicant: as mentioned above, the suitability of the Applicant company in relation to this licence is not in doubt. However, their method of marketing needs to be addressed by their marketing team so they are aware of what is acceptable. Their actions in North Dunedin in early 2024 should be a wake up call.
 - c. s.105(1)(c) – the relevant local alcohol policy: the application falls within what is allowed pursuant to the policy.
 - d. s.105(1)(d) – days on which and hours during which the Applicant proposes to sell alcohol: the hours are reasonable for the style of licence sought.
 - e. s.105(1)(e) – design and layout of the premises: no issues were raised regarding the design and layout of the premises.
 - f. s.105(1)(f) – whether the Applicant will sell other goods other than alcohol, low-alcohol and non-alcoholic refreshments and food: there is no indication this will be the case.
 - g. s.105(1)(g) – whether the applicant will engage in the provision of other services unrelated to their core business: there is no indication that this will be the case.
 - h. s.105(1)(j) – appropriate systems, staff and training to comply with the law: the reporting agencies did not raise any concerns.
 - i. s.105(1)(k) – any other matters raised: no other matters were raised for consideration.

- j. s.131(1)b) – would the amenity and good order of the locality be likely to be increased by more than a minor extent if the licence was not renewed: the Committee does not believe this would be the case.
- k. s.131(1)(c) – any other matter raised by the agencies: there were no other matters raised.
- l. s.131(1)(d) – the manner in which alcohol has been sold and/or supplied, displayed, advertised, or promoted: this matter was the main reason for the objection from SSDP. On this occasion, there was no link between the premises and the promotion in North Dunedin other than Lion NZ Limited being the licensee of this premises and the distributor of the Hyoketsu RTD, nor is the product available from this premises.

[93] The Committee is satisfied with the matters to which it must have regard and renews the licence until 15 July 2027, that being the anniversary date of the licence and three years from its most recent renewal date.

[94] The Committee must emphasise that it is highly concerned in respect of the Applicant's promotion. However, the premises is not implicated in the promotion and the District Licensing Committee is not the appropriate forum for the matter to be considered.

[95] Other matters were raised by SSDP in their closing submission. They are addressed here:

- a. SSDP submitted the matter be referred to the Authority for consideration because they consider they were not given the right to natural justice and a fair process had been breached. The Committee is of the view natural justice was afforded each of the parties and the process was fair to all. The matter has been dealt with fairly by the Committee and there is no requirement to refer the matter to the Authority.
- b. The nature of the hearing: hearings of a district licensing committee are inquisitorial, not adversarial. The Committee's processes accommodate the nature of the hearings accordingly.
- c. Hearing procedure: the Committee allowed the parties to present their cases. It did not, however, allow new information to be presented at the hearing without Committee approval as was notified to the parties in advance of the hearing.
- d. The Committee agrees with SSDP in that there is no place for bias in the process. The Committee was not biased during the hearing process.
- e. The Committee agrees that the decisions made must be based on logical proof or evidence. This was done both during the hearing and during deliberations.
- f. The Committee has considered the relevant caselaw, especially as it relates to promotions and marketing.
- g. SSDP believe they did not receive notice of the hearing until after the other parties. However, the email chain indicates they received notice, via Dr L Gordon, at the same time as the other parties. Dr Gordon advised of her availability for the hearing on 3 September 2024 – 24 days prior to the hearing.
- h. SSDP were concerned at the use of 'confidential agendas'. These are circulated to the parties while a redacted agenda is publicly notified. When an agenda requires redaction, confidential information is removed and is usually the subject of a request for non-public disclosure or contact or personal information relating to staff.
- i. The Committee needs to approve new evidence to be admitted during a hearing to prevent the Applicant being disadvantaged in not being able to prepare adequately. In this matter however, new evidence from SSDP was allowed to be presented and an adjournment granted for SSDP to make copies of the evidence for circulation. This new evidence related to the Terms and Conditions for the 1 Million Yen Giveaway promotion.

- j. SSDP stated that the law was clear: they do not have to establish or demonstrate a causative link between the grant of a licence and an increase in alcohol-related harm. The Committee does not dispute this but the matter under consideration is the renewal of a licence, not the grant of a new licence.

[96] The Committee would like to thank Mr Phillips and SSDP for raising their concerns. While the Committee is not the forum for the primary concerns to be addressed we hope that the Applicant takes note of the content of this decision when considering their marketing strategies generally.

DATED at Dunedin this 14th day of January 2025

Kevin Mechen

Secretary

Dunedin DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by New Level Developments Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 24 The Octagon, Dunedin, known as "The Craic Irish Tavern", and "Thistle"

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by New Level Developments Limited for the renewal of an alcohol on-licence in respect of their premises situated at 24 The Octagon, Dunedin, and known as "The Craic Irish Tavern", and "Thistle".

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 18 November 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 17th day of January 2025

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 Liquid Assets Limited pursuant to s.127 of the Act for renewal of an on-licence in respect of premises situated at 59 Princes Street, Dunedin, known as "Toast"

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 Liquid Assets Limited for the renewal of an alcohol on-licence in respect of their premises situated at 59 Princes Street, Dunedin, and known as "Toast".

The application is for a roll-over of the present conditions but they are seeking a caterer's endorsement with the licence.

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

The Licensing Inspector has assessed the application against the criteria in the Act and is satisfied that the premises is being operated properly and the inclusion of a caterer's endorsement is not opposed.

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 caterer's endorsement, until 28 November 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 21st day of January 2025

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 Beachlands Speedway Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 130 Friendship Drive, Waldronville, and known as "Beachlands Speedway"

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 Beachlands Speedway Incorporated for a special licence for their premises situated at 130 Friendship Drive, Waldronville, and known as the "Beachlands Speedway".

The applicant has requested a special licence for the Thursday Thunder to be held on Thursday 30 January 2025 between 5.00 pm and 11.00 pm.

The reporting agencies (Police, Medical Officer of Health and Licensing Inspector) have not raised any matters of concern. It is noted by Fire and Emergency NZ that the club's Fire Evacuation Scheme has not been update for their new area. 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 24th day of January 2025

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Green Island
Rugby Football Club Incorporated
pursuant to s.138 of the act for a
special licence in respect of the
premises situated at 82 Neill Street,
Green Island, and known as "Green
Island Rugby 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 Taylor Dixon's 30th Birthday Celebration to be held on Saturday 1 February 2025 between 5.00 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 17th day of January 2025

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Green Island
Rugby Football Club Incorporated
pursuant to s.138 of the act for a
special licence in respect of the
premises situated at 82 Neill Street,
Green Island, and known as "Green
Island Rugby 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 for Lyndon Huggins and Tania Ager's Wedding Celebration to be held on Saturday 8 February 2025 between 5.00 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 17th day of January 2025

Kevin Mechen

Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

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

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

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

The applicant has requested a special licence for the Silverpeaks Country Music Festival to be held on Friday 21 March between 5.00 pm and 11.00 pm, Saturday 22 March between 11.00 am and 11.30 pm and Sunday 23 March 2025 between 11.00 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 17th day of January 2025

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 Otakou Golf Club Incorporated pursuant to s.138 of the act for a special licence in respect of the premises situated at 33 Otakou Golf Course Road, Otago Peninsula and known as "Otakou 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 Otakou Golf Club Incorporated for a special licence for their premises situated at 33 Otakou Golf Course Road, Otago Peninsula, and known as the "Otakou Golf Club".

The applicant has requested a special licence for the Melchester Rovers Golf and BBQ Function to be held on Saturday 25 January 2025 between 11.00 am and 6.00 pm. 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 17th day of January 2025

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Outram Rodeo
Club pursuant to s.138 of the act for
a special licence in respect of the
premises situated at 9 Formby
Street, Outram, and known as
“Outram Rodeo 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 Outram Rodeo Club for a special licence for the premises situated at 9 Formby Street, Outram, and known as the “Outram Rodeo Ground”.

The applicant has requested a special licence for the Outram Rodeo to be held on Thursday 6 February 2025 between 11.00 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 17th day of January 2025

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 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 for Softball Otago's 7th Annual Invitational Tournament to be held on Friday 7 February and Saturday 8 February between 12.00 midday and 11.00 pm and Sunday 9 February 2025 between 12.00 midday 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.

We would like to remind the applicant that there is a shutdown period for alcohol licensing between 20 December and 15 January which is set in the legislation. In the future it would be helpful if any special licence applications for January and February were to be submitted early in the preceding December.

DATED at Dunedin this 31st day of January 2025

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

The applicant has requested a special licence for Zach's 21st Birthday to be held on Saturday 25 January 2025 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.

We would like to remind the applicant that there is a shutdown period for alcohol licensing between 20 December and 15 January which is set in the legislation. In the future it would be helpful if any special licence applications for January and February were to be submitted very early in the preceding December.

DATED at Dunedin this 17th day of January 2025

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

The applicant has requested a special licence to host Jade's 21st on Saturday 15 February 2025 between 6.30 pm and to 12.00 midnight.

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

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

DATED at Dunedin this 31st day of January 2025

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

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

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

The applicant has requested a special licence for the Otago Home and Garden Show to be held on Friday 21 February and Saturday 22 February between 10.00 am and 5.00 pm, and Sunday 23 February 2025 between 10.00 am and 4.00 pm. Stall holders selling alcohol will be able to offer samples and any bottles sold will be for consumption away from the site.

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 31st day of January 2025

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 Scenic Hotel Group Limited pursuant to s.138 of the act for a special licence in respect of the premises situated at 31 Queens Gardens, Dunedin, and known as "Toitū Otago Settlers Museum"

DECISION OF 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 a special licence for the premises situated at 31 Queens Gardens, Dunedin, and known as the "Toitū Otago Settlers Museum".

The applicant has requested a special licence for the Robbie Burns Night Dinner to be held on Saturday 25 January 2025 between 6.30 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.

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 would like to remind the applicant that there is a shutdown period for alcohol licensing between 20 December and 15 January which is set in the legislation. In the future it would be helpful if any special licence applications for January and February were to be submitted very early in the preceding December.

DATED at Dunedin this 17th day of January 2025

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by University of Otago pursuant to s.138 of the act for a special licence in respect of the premises situated at 660 Cumberland Street, Dunedin, and known as "University Union"

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

This is an application by University of Otago for a special licence for their premises situated at 660 Cumberland Street, Dunedin, and known as the "University Union".

The applicant has requested a special licence for three events during the OUSA Orientation Week 2025. The first is a concert on Wednesday 19 February from 4.00 pm to 1.00 am the following day. The second is also a concert on Thursday 20 February from 4.00 pm to 1.00 am the following day and the third is the annual Toga Party on Friday 21 February 2025 from 4.00 pm to 1.00 am the following day.

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

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

DATED at Dunedin this 31st day of January 2025

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

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

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

The applicant has requested a special licence for a Family Reunion to be held on Saturday 18 January 2025 between 1.00 pm and 7.00 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.

We would like to remind the applicant that there is a shutdown period for alcohol licensing between 20 December and 15 January which is set in the legislation. In the future it would be helpful if any special licence applications for January and February were to be submitted very early in the preceding December.

DATED at Dunedin this 17th day of January 2025

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

DECISION OF DUNEDIN DISTRICT LICENSING COMMITTEE

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

DECISION

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

The applicant has requested a special licence to host Sinead Hart and Chris Baughan's Wedding Dance to be held on Saturday 15 February 2025 between 4.00 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 17th day of January 2025

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2025/02/TA

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Douglas James
McDougall (the “Applicant”) 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 25 Snow
Avenue, Middlemarch, and known as
“Strath Taieri Hotel”

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Commission C Weatherall

DECISION

This is an application by Douglas James McDougall (the “Applicant”) for an order allowing them to carry on the sale and supply of alcohol pursuant to the underlying licence no. 069/OFF/26/2022 in respect of premises situated at 25 Snow Avenue, Middlemarch, and known as the “Strath Taieri Hotel”.

The general nature of the business to be undertaken is that of an off-licence.

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

The Committee is satisfied that the applicant will operate the premises properly and therefore issues an order authorising the applicant to carry on the sale and supply of alcohol, under the same conditions as were granted initially, for a period of three months from 31 January 2025.

DATED at Dunedin this 31st day of January 2025

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No. 2025/01/TA

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Douglas James
McDougall (the “Applicant”) 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 25 Snow
Avenue, Middlemarch, and known as
“Strath Taieri Hotel”

DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Commissioner C Weatherall

DECISION

This is an application by Douglas James McDougall an order allowing them to carry on the sale and supply of alcohol pursuant to the underlying licence no. 069/ON/50/2022 in respect of the premises situated at 25 Snow Avenue, Middlemarch, and known as the “Strath Taieri Hotel”.

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

The Licensing Inspector advises that there have been no issues of concern raised in the time they have been operating the premises. They have been involved with the premises for a number of years.

The Committee is satisfied that the applicant will operate the premises properly and therefore issues an order authorising the applicant to carry on the sale and supply of alcohol, under the same conditions as were granted initially, for a period of three months from 31 January 2025.

DATED at Dunedin this 31st day of January 2025

Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE