

Notice of Meeting:

I hereby give notice that an ordinary meeting of the District Licensing Committee will be held on:

Date: Friday 26 November 2021
Time: 9.30 am
Venue: Edinburgh Room, Municipal Chambers, the Octagon, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee

**Renewal Of Off-Licence For "Biggies Pizza & Suburbia", Dunedin
PUBLIC AGENDA**

MEMBERSHIP

Chairperson Colin Weatherall

Members Rakei Amohau
Katie Lane

Senior Officer Kevin Mechen, Secretary, District Licensing Committee

Governance Support Officer Lynne Adamson

Lynne Adamson
Governance Support Officer

Telephone: 03 477 4000
Lynne.Adamson@dcc.govt.nz
www.dunedin.govt.nz

Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

ITEM TABLE OF CONTENTS		PAGE
1	Apologies	4
2	Confirmation of Agenda	4
PART A REPORTS (Committee has power to decide these matters)		
3	Report for Renewal of Off-licence for "Biggies Pizza & Suburbia", 153 Stuart Street, Dunedin – From Secretary, District Licensing Committee	5

1 APOLOGIES

At the close of the agenda no apologies had been received.

2 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

- 6 The off-licence was sought during the 2020 nationwide lockdown resulting from the Covid-19 pandemic. They originally applied to sell off-licence alcohol over the counter, and it would only be done while the Biggies Pizza part of the business was operating. The applicant was looking for another income source to help support their business.
- 7 During the hearing the applicant was given the opportunity to discuss ‘acceptable’ conditions with the reporting agencies. At the end of an adjournment the final conditions were put to the Committee and these were accepted by the agencies. One of the points was that the applicant reserved the right to readdress the issue of over-the-counter sales at the first renewal.

PUBLIC NOTICE

- 8 Public notice of the renewal application did not attract any opposition.
- 9 The Police and Medical Officer of Health have both indicated they have no matters in opposition to the application.
- 10 The Licensing Inspector believes allowing the applicant to sell off-licence alcohol over the counter is a significant change to what was originally considered in 2020 and therefore should be reconsidered by the Committee at a public hearing.

CONCLUSION

- 11 The off-licence was obtained to try and cover some of the lost income resulting from the Covid-19 pandemic.
- 12 At the hearing to consider the original application the applicant was given an opportunity to reconsider what they would accept when it became apparent that the reporting agencies were willing to accept an off-licence if some of their concerns were addressed.
- 13 The applicant presented ‘acceptable conditions’ which were supported by the agencies and the licence was subsequently granted.
- 14 The applicant now seeks to readdress the matter of over-the-counter sales.

Signatories

Author:	Kevin Mechen - Secretary, District Licensing Committee
Authoriser:	

Attachments

	Title	Page
↓A	Renewal Application	8
↓B	Licensing Inspector's Report	26
↓C	Medical Officer of Health Report	27
↓D	Police Email	28
↓E	FENZ Email	30
↓F	Risk Mitigation for Over-the-Counter Sales	32

↓G	Notice of Declaration	34
↓H	Acceptable Conditions Proposed 2020	35
↓I	2020 Licence Decision	36

PUBLIC NOTICE

Section 101(a), Sale and Supply of Alcohol Act 2012

Ampt Entertainment Limited has made application to the District Licensing Committee at Dunedin for the renewal of a/an off licence number OFF-2-2020 in respect of the premises situated at 153 Stuart Street Dunedin and known as Biggies Pizza & Suburbia

The general nature of the business conducted under the licence is Tavern.

The applicant seeks the licence on the following hours:

Monday to Sunday 5.00 pm to 10.00 pm

First publication date: Wednesday, 25 August 2021

Second publication date: Wednesday, 1 September 2021

Objections Close 5:00 pm Wednesday 15th September 2021

- The application may be inspected during ordinary office hours at the office of the Dunedin District Licensing Committee at 50 The Octagon, Dunedin, or on-line at www.dunedin.govt.nz/alcohol-applications
- No objection to the renewal of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012
- Any person who is entitled to object and who wishes to object to the issue of the licence may, not later than 15 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the Dunedin District Licensing Committee at 50 The Octagon, PO Box 5045, Dunedin 9058

APPLICATION FOR RENEWAL OF LICENCE	
On-Licence, Off Licence or Club Licence Section 127(2) Sale and Supply of Alcohol Act 2012	
DETAILS OF LICENCEE:	
NAME OF LICENCEE:	Ampt Entertainment Limited
POSTAL ADDRESS FOR SERVICE:	PO Box 5037, Dunedin 9054
CONTACT DETAILS :	BUS:
	MOBILE: XXXXXXXXXX
	EMAIL: suburbia.dunedin@gmail.com
DETAILS OF LICENCE:	
LICENCE NUMBER :	069/OFF/04/2020
LICENCE TYPE:	Off Licence
REFERENCE NUMBER:	OFF-2-2020
EXPIRY DATE:	21 August 2021
DETAILS OF PREMISES:	
ADDRESS OF PREMISES:	153 Stuart Street Dunedin
TRADING OR OTHER NAME:	Biggies Pizza & Suburbia

Application for Off-Licence Renewal

Incomplete applications will not be processed

- The application must be accompanied by the correct fee (*see page 2*)
- Administration will notify the public of this application via the Dunedin City Council website and the Otago Daily Times (*advertising is included in the application fee*). The contact person will be emailed a copy of the public notice to be displayed on the premises
- If you have any queries while completing this form please contact Administration on 03 474 3481 or email dla@dcc.govt.nz

Please read and complete the following checklist before submitting the application

- **Supermarket or Grocery Stores** must provide a scale floor plan showing the single area and any sub area for the display and promotion of alcohol
- Location map showing location of 'sensitive' locations (*e.g., school, early childhood facilities, hospitals, churches, etc.*) together with a Risk Mitigation plan detailing how you will ensure impact upon the community will be minimised (*e.g. control of noise and litter; parking; dispersal of patrons*) – (*not required for Remote sellers*)
- Copy of Host Responsibility Policy
- If the application is for a **Grocery Store** you will also need to complete a Statement of Gross Annual Sales Revenue Declaration and have it **verified by a chartered accountant**
- Letter of authorisation for a consultant where a consultant is completing form

Calculate your fee

Select your premise type:

Type of premises	Points
Supermarket, Grocery Store, Bottle Store	15
Off-licence in a Hotel or Tavern	15
Remote sale premises or premises not otherwise specified	5
Winery Cellar Doors	2
Premises points	

Select the latest time you intend to sell alcohol:

Latest alcohol sales time	Points
Off licences closing before 10.00 pm or earlier	0
Off licences closing after 10.00 pm	3
Trading hours points	

Select the number of enforcement holdings and add to the points:

Number of enforcement holdings in the last 18 months	Points
None	0
1	10
2 or more	20
Enforcement points	

Add the premises points, trading hour's points and the enforcement points together to get the total:

Premises points: Trading hours points: Enforcement points: Total points:

5

5

Use the table below to work out the fee payable:

Total points	Risk rating	Application fee (GST Inc)	Annual Fee (GST Inc)	Total fee required
0-2	Very low	\$368.00	\$161.00	\$529.00
3-5	Low	\$609.50	\$391.00	\$1000.50
6-15	Medium	\$816.50	\$632.50	\$1449.00
16-25	High	\$1,023.50	\$1,035.00	\$2058.50
26 plus	Very high	\$1,207.50	\$1,437.50	\$2645.00

Application for Off-Licence Renewal

Section 127, Sale and Supply of Alcohol Act 2012

TO The Secretary

Dunedin District Licensing Committee

Application for the renewal of an off-Licence is made in accordance with the particulars set out below:

Contact Person

Full Name: Tacey Millard
 Phone No.: [REDACTED]
 Mobile No.: [REDACTED]
 Email address: [REDACTED]
 Postal address for documents: P.O. Box 5037, Dunedin
 Preferred mode of contact: email or phone

Details of the Applicant

Full legal name/s of the person/s or company who will receive any proceeds from alcohol sales:

Include any other names you may be known by e.g. maiden names, alias

Ampt Entertainment Ltd

Applicant status *please select from the below options*

<input type="checkbox"/>	Individual	<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Body Corporate
<input type="checkbox"/>	Public Company	<input checked="" type="checkbox"/>	Private Company	<input type="checkbox"/>	Club
<input type="checkbox"/>	Trustee	<input type="checkbox"/>	Local Authority	<input type="checkbox"/>	Licencing Trust
<input type="checkbox"/>	Government Department or other instrument of the Crown	<input type="checkbox"/>	Manager under the Protection of Personal Property Rights Act 1988	<input type="checkbox"/>	Board, organisation or other body

Have there been any changes to the licensee status? Yes No
(A change would include a change of any shareholders, directors or partners)
 If yes, detail changes:

Address:

Occupation:

(if individual) Male Female Other

(if individual) Applicants place and date of birth:

Postal address for documents:

Is this your principal business? Yes No
 Please state any other businesses:

Criminal Convictions		
Please state all criminal convictions against any applicants including Directors or Shareholders <i>(except convictions for offences to which the Criminal Records (Clean Slate) Act 2004 applies)</i>		
Full Name	Conviction	Date of Conviction
	NONE	
<i>(Use a separate sheet if necessary)</i>		

Details of Premises

Trading name: Suburbia / Biggies Pizza.

Name of the building (if applicable): —

Address of premises: 153 Stuart St
Dunedin

Does the building have a current Building Warrant of Fitness (BWF)? Yes No

What is the maximum occupancy of your entire premises including outside areas? 200

Please describe in detail the number and nature of the toilet arrangements e.g.: number of toilets male and female, number of urinals, unisex facilities and accessible facilities:

5 unisex toilets.

Fire Evacuation Declaration - Fire and Emergency Act 2017

Which of the following fire evacuation statements applies to you?
If unsure, check with Fire and Emergency New Zealand

- The owner of the building in which the premises is situated provides and maintains an evacuation scheme as required by section 76 Fire and Emergency Act 2017
- Because of the building's current use, the owner is not required to provide and maintain an evacuation scheme
- Because of the nature of the building, the owner is exempt from the requirement to provide and maintain an evacuation

Signed Tim Hall Date 11/8/21

Business Details

What is the general nature of the business conducted under the licence?

- Tavern Grocery Supermarket
 Hotel Bottle Store
 Other (specify)

On which days and during which hours do you to sell alcohol:

Day	<input checked="" type="checkbox"/> Mon	<input checked="" type="checkbox"/> Tues	<input checked="" type="checkbox"/> Weds	<input checked="" type="checkbox"/> Thurs	<input checked="" type="checkbox"/> Fri	<input type="checkbox"/> Sat	<input type="checkbox"/> Sun
Start time	5pm	_____	_____	_____	_____	_____	_____
End time	10pm	_____	_____	_____	_____	_____	_____

Will there be any changes to the current licenced hours? Yes No

(An extension to the existing hours may require resource consent, check with City Planning Department)

If yes, describe changes:

What designations apply to the premises?

- Undesignated (people of any age are permitted) *Before 8pm*
 Supervised (people under 18 years must be accompanied by parent or legal guardian)
 Restricted (people under 18 years not permitted)

Is the applicant seeking any changes to the current licenced areas or designations?

Yes No If yes, detail:

Is the sale of alcohol the principal purpose of the business? Yes No

If no, provide details: *Food*

Does the applicant supply or sell any goods other than alcohol and food? Yes No

If yes, provide details:

Does the applicant provide any services other than those related to the sale or supply of alcohol or food?

Yes No If yes, provide details:



Manager Details			
Provide the below details for each manager or proposed manager			
Full Name	Date of Birth	Managers Certificate Number	Expiry Date
Tacey Millard	[REDACTED]	069/KERT/132/2014	13/3/23
Ian Lindsay	[REDACTED]	069/KERT/546/2015	17/11/21
Nama Niane Enosa	[REDACTED]	069/CERT/193/2020	31/10/22
Tenera Herneman-Livett	[REDACTED]	069/KERT/244/2018	15/1/22
Danielle Sullivan	[REDACTED]	069/KERT/448/mc	28/10/21

Conditions

- 1) What steps are taken to prevent the sale and supply of alcohol to prohibited people (minors and intoxicated people)?

2 ~~XXXXXX~~ stage ID check first over phone 2nd in person on delivery. please see attached.
- 2) How does the applicant train staff to ensure compliance with the Act?

All staff are trained in ID procedures and recognising intox. We have policies + procedures to support the best decision making in this regard!
- 3) What other steps does the applicant take to promote the responsible consumption of alcohol?

We have an extensive range of non-alcoholic drinks available. We assess intox in every point of contact. We only provide alcohol with food purchase.

Signed *[Signature]* Date 11/8/21 Place Dunedin



Proposal for Acceptable Conditions for an Off-licence for the
Sale of Alcohol by Ampt Entertainment
T/A Biggies Pizza, and other Online Kitchens
(incl. but not ltd. to All Gravy Baby, Nugg Life, and I'm Nacho Daddy)
153 Stuart Street, Dunedin

- **Agreed limits on the amount to be delivered per order**
Under discussion with Toni Patterson from Public Health South we have identified appropriate maximum levels of sales per order. The details of these are attached in our policy.
- **The latest orders would be taken, accepting that deliveries would occur after this time**
We agree that orders would not be taken after 10pm delivered by 11pm.
- **Discounting or offering special deals for alcohol**
We agree that there would be no discounts or specials on delivery alcohol. Our alcohol menu prices would not change. Please see our menu attached.
- **Types of alcohol to be sold off-licence**
We would sell beer, wine and RTDs (no stronger than 5%) only, no bottles of unmixed spirits.
- **The type/s of premises to which deliveries would be made**
We will only deliver to a physical address not a street corner or park bench or paddock.
- **Over the counter sales of alcohol**
We agree to only accept delivery sales of alcohol and no over the counter sales, **however we would appreciate the opportunity to revisit this at our annual renewal date.**

Please may we revisit this issue.

Biggies Delivery Drinks Menu

BEERS

Speights 6 pack	\$ 20.00
Stella Artois 6 pack	\$ 24.00
Panhead Pilsner	\$ 30.00
Corona 6 pack (with lemon)	\$ 28.00
Steinlager pure 6 pack	\$ 24.00
Steinlager mid strength 6 pack	\$ 24.00

RIGGERS off the Tap

Biggies	\$ 12.50
Speights	\$ 14.50
Emersons Pils	\$ 16.00
Emersons Bookbinder	\$ 16.00
Panhead Quickchange	\$ 16.00
Panhead Supercharger	\$ 16.50
Macs Cloudy Apple Cider	\$ 16.00

WINE

Kopiko Bay Chardonnay	\$ 19.00
Kopiko Bay Sav Blanc	\$ 19.00
Kopiko Bay Merlot	\$ 19.00
Kopiko Bay Pinot Noir	\$ 19.00
Witherhills Sav Blanc	\$ 24.00
The Ned Rose	\$ 23.00
The Ned Pinot Gris	\$ 23.00
Angus the Bull Cab Sav	\$ 26.00
Mt Difficulty Roaring Meg Pinot Noir	\$ 45.00

RTDs

Smirnoff ice red 6 pack	\$ 25.00
Mck and cola 6 pack	\$ 25.00

Biggies Delivery Drinks Menu

Non Alcoholic

Red Bull	\$6
Orange Juice 1L	\$6
Pineapple juice 1L	\$6
Cranerry Juice 1L	\$6
Apple Juice 1L	\$6
Macs Ginger Beer 330ml	\$5
Macs Rhubarb and Lemonade 330ml	\$5
Macs Fejoa and Elderflower 330ml	\$5
Macs Mandarin Lime and Bitters 330ml	\$5
Dr Pepper 330ml	\$5
Pepsi 1.5L	\$4.50
Mountain Dew 1.5L	\$4.50
7up 1.5L	\$4.50
Pepsi Max 1.5L	\$4.50

Biggies/Suburbia

Risk Mitigation Report

We propose for our renewed off licence to pose minimum risk or negative impact to the community as we can possibly manage.

As we operate a restaurant from these premises 7 days a week and a nightclub up to 3 days per week we have robust systems in place and all staff are trained in the sale and supply of alcohol.

All our staff are trained to carefully assess intoxication and identification showing age so no intoxicated or underage persons are allowed entry to the venue, or service of alcohol.

We would make it a policy that any service of alcohol to take away would be managed closely by the manager on duty at the time.

We would have policies of maximum orders for takeaway alcohol please see attached. Alcohol would only be provided for take away accompanying an order for food.

As we operate a nightclub from these premises every weekend we have very good systems in place to manage noise including live music.

We pay serious consideration to neighbours and are in regular communication regarding any issues and immediate remedying of these.

The only 'sensitive' location in close proximity to us is the Regent Theatre (highlighted in red on the map provided) we have an open dialogue and work closely with them to ensure we do not have any negative impact on their venue

There are safe transport options available very close by in the Octagon by way of taxi rank and our staff are always happy to call a taxi to come direct to the venue if a customer wishes.

Our staff are all trained to mitigate the risks that occur in an environment where alcohol is served.

They are trained to assess intoxication and offer water, refuse service or request that a customer leaves our venue dependant on this assessment.

They are trained to observe behaviour and any aggressive, intimidating or harassing behaviour is immediately acted upon and the person asked to cease this behaviour or in serious cases asked leave the premise.

All staff hold the customers safety as the highest priority.

Free water is available at all times on all bars.

Entertainment is provided in the form of music, dancing and DJs.

Our queue is managed to form away from busy congestion areas of the Octagon, and we provide crowd management barriers for the Carousel doorway to prevent our queue from blocking this.

Our security staff are trained in de-escalation techniques to manage any persons who are asked to leave so as to minimise negative reactions and behaviour from these persons.

The two 'sensitive' locations in close proximity to Suburbia are highlighted in red:

- the Regent Theatre
- Bath Street



Biggies Policy for Alcohol Delivery:

Below we have used the Hells Pizza model (as agreed with Tony Mole Liquor Licencing and Toni Patterson Public Health South) to amend and create our own policy.

This has been discussed in detail with Tony and Toni to each agreement on appropriate levels of alcohol offering. We have agreed that we will only offer RTDs that are no stronger than 5%.

We are yet to set up our website to make this process work and so in the interim we propose to offer alcohol by phone order and credit/debit card payment over the phone. These orders will be managed by the duty manager and will strictly adhere to the matching of food orders with alcohol orders and limits. The customer would place an order online, then call the restaurant and quote their order number and be allowed to add the allowed amount of alcohol to the order paying by card over the phone.

Should any processes listed below need to be amended slightly in order to function appropriately on the website we will be in close consultation with Liquor Licencing, Public Health South and Police to ensure that the amendments are acceptable to them. We would like to run the functionality of the website past all agencies BEFORE it goes live for customers.

No proof of age = no sale

- If a team member knowingly accepts incorrect identification for the purchase of alcohol, this will be treated as serious misconduct, subject to disciplinary procedures, which may include termination of employment, and possible personal and company fines.
- If a team member knowingly or deliberately fails to ask for proof of age from any person who is purchasing alcohol and who appears to be under 25 years of age, it will be treated as serious misconduct, subject to disciplinary procedures, which may include termination of employment, and possible personal and company fines.
- If a team member knowingly sells or supplies alcohol to a person under the age of 18 years (including 'secondary supply' of alcohol via a third party), this will be treated as serious misconduct, subject to disciplinary procedures and possible personal and company fines.

Note: Under the Sale and Supply of Alcohol Act, adults are not allowed to supply alcohol to anyone under 18 unless they are the parent of the minor.

- If a team member knowingly sells or supplies alcohol to an intoxicated person this will be treated as serious misconduct, subject to disciplinary procedures and possible personal and company fines.

Accepted forms of ID

Our policy is that photo identification is the only acceptable form of identification when purchasing alcohol. Accepted forms of photo identification are:

- Kiwi Access Card
- HANZ 18+ identification card (while valid)
- Valid, original passport (NZ or International).
- NZ Drivers Licence

ALL STAFF WILL BE REQUIRED TO SIGN AND ADHERE TO THIS AS AN APPENDIX TO THEIR CONTRACT.

Biggies Liquor Delivery Information

Biggies is now able to deliver beer, wine and some RTDs to customers. When ordering Biggies food for delivery, customers will be eligible to purchase either one six-pack or rigger of beer, one bottle of wine or one six-pack of RTDs for every \$10 they spend on food. We look forward to providing these products to customers to enjoy with their meal.

We are aware we have a host responsibility, which is why we are setting a requirement of a food to alcohol ratio, and going above and beyond liquor licensing requirements to ensure everyone involved has a safe & enjoyable experience.

How it works:

1. Choose your Food

For every \$10 of food you purchase, you'll be eligible to buy one alcohol item. E.g Spending \$19 worth of food allows you one six-pack or rigger of beer, one bottle of wine or one six-pack of RTDs, or spending \$22 on food allows you two items.

2. Choose your Alcohol

You must choose your food first so an appropriate food alcohol ratio is adhered to.

3. Pay for your order with credit/debit card.

You'll be requested to pay by debit/credit card.

4. On its way

Your alcohol will arrive with your Biggies delivery for no extra cost. Please enjoy your drinks responsibly.

Only website credit/debit card purchases greater than \$10 will be eligible.

Frequently Asked Questions:

Can I order alcohol without any food?

No, it can only be purchased with food.

Can I buy alcohol on a pickup order? (we would like to review this please)

No unfortunately not at this stage.

Do I have to pay with card?

To pay for your food and alcohol delivery, you will need to pay by credit or debit card online so we can electronically identify the buyer and eliminate cash handling for safety reasons.

Why is Biggies delivering alcohol?

As a company, we're always keen to offer our customers something extra and provide a fun experience.

How will you ensure only people aged 18+ purchase the beer and wine?

Biggies is going above and beyond legal requirements to reduce alcohol-related harm. We have a two-step verification process - at the point of sale and again upon delivery, where Biggies Drivers will need to sight ID and have the customer sign a receipt.

What about the safety of Biggies delivery drivers?

We take the safety of our drivers very seriously, whether or not they're delivering alcohol. We already track our drivers through GPS, which helps keep our drivers safe and connected when they're out on the road. We support any and all decisions made by our delivery drivers regarding their safety while delivering our offerings.

Customers shall ensure that their Delivery Point is easily accessible to Biggies delivery drivers, and that it is safe for them to enter the customer's premises in order to complete the delivery. If in the courier's opinion the delivery point is not easily accessible, or it is unsafe to deliver the products, the delivery will not be made, and the customer will be contacted to make alternative arrangements. Biggies reserves the right to charge customers an additional delivery fee in respect of any deliveries repeated in accordance with this clause.

How will Biggies delivery drivers deal with obviously intoxicated customers?

We have a zero-tolerance policy when it comes to dealing with intoxicated customers. In this instance, only the food would be delivered, and not the alcohol. Any occasions the driver deems to

be unsafe, or beyond their control, the customer will be reported and banned from using Biggies Liquor Delivery service.

What about a liquor license, who is responsible?

Ampt Entertainment Ltd trading as Biggies Pizza hold the liquor licence. This delivery service is similar to what is already offered by other alcohol retailers. Our point of difference is, we deliver with food.

To meet legal requirements, Biggies verifies the age of the at the point of sale and, in addition, Biggies delivery-drivers will verify ID upon delivery.

You must be 18 years or older to use our online store to purchase alcohol. It is your responsibility to provide current valid ID (either a Passport, NZ Drivers Licence, Hospitality NZ 18+ card, or Kiwi Access Card) to the delivery driver. Someone over the age of 18 must be available to take delivery at the requested time – and they must have ID on them too. NO ID = NO DELIVERY. Biggies reserve the right to withhold delivery if it has any reason to believe that the laws relating to the supply of alcohol may be breached by the delivery.

Right to withhold delivery

Biggies reserves the right to withhold the delivery of any products to a customer for any reason whatsoever. Customers will not be charged for products that have been withheld until alternative delivery methods are made for those products.

INSPECTOR'S REPORT ON LICENCE APPLICATION

Applicant	AMPT ENTERTAINMENT LIMITED
Trading Name	Biggies Pizza and Suburbia
Address of premises	153 Stuart Street, Dunedin
Type of licence	Off licence
Pathway number	OFF-2-2020
Application type	Renewal with variation
Date of application	17 August 2021

Applicant details

AMPT ENTERTAINMENT LIMITED
Company number: 4842579
NZBN: 9429041025727
Incorporation Date: 10 Dec 2013
Company Status: Registered
Entity type: NZ Limited Company

Application details

On 21 August 2020, AMPT ENTERTAINMENT LIMITED was issued an off licence following a DLC hearing held on 10 July 2021.

The result of the hearing was that the licence would only be used for the delivery of alcohol with food and that over the bar sales would not occur.

The applicant now seeks that alcohol sales be allowed from the premises with or without food.

In effect the applicant seeks to vary condition (c) being "the types of alcohol to be sold/supplied are detailed in the policies submitted to the DLC".

Inspector's comment

This report is prepared for the District Licensing Committee's consideration.

The application for an off licence is borne of difficult trading times as a result of the Covid-19 lockdown measures. These have severely curtailed revenue for hospitality premises and consequently additional revenue streams are being investigated.

Changing the premise on which the licence was issued is something that the committee should consider at a hearing. The proposal is a significant change to what was originally considered in 2020



19 October 2021

Tony Mole
Licensing Inspector

Angie Symon

From: Melissa Joyce <Melissa.Joyce@southerndhb.govt.nz>
Sent: Friday, 10 September 2021 8:48 AM
To: Dunedin Licensing Agency
Subject: No Opposition OFF-2-2020 Biggies Pizza/Suburbia

10 September 2021

Ref: OFF-2-2020
Application received: 19 August 2021
Applicant: Ampt Entertainment Limited
Application type: Renewal Off
Premises: Biggies Pizza/Suburbia
Premises address: 153 Stuart Street, Dunedin

Dear DLC Secretary,

This application is not opposed.

Yours sincerely,

Aaron Whipp

Delegated by the Medical Officer of Health, under section 151 of the Sale and Supply of Alcohol Act 2012

Thanks,

Melissa Joyce | Administration Officer, Public Health Service | Southern District Health Board
Private Bag 1921, Dunedin 9054, New Zealand | Level 2, Main Block, Wakari Hospital, Taieri Road, Dunedin 9010
Office: 03 4769864 | fax: 03 4769858 | melissa.joyce@southerndhb.govt.nz



Caution: The information contained in this e-mail message is confidential and may be legally privileged. If the reader of this message is not the intended recipient you are hereby notified that any use, dissemination, distribution or reproduction of this message is prohibited. If you have received this message in error, please notify Public Health South, Southern District Health Board immediately. Thank you.

Please consider the environment before printing this email.

This email or attachments may contain confidential or legally privileged information intended for the sole use of the addressee(s). Any use, redistribution, disclosure, or reproduction of this message, except as intended, is prohibited. If you received this email in error, please notify the sender and remove all copies of the message, including any attachments. Please note, the views expressed in this communication are not necessarily those of the Southern DHB, unless expressly so stated or apparent from the context.

From: [Dunedin AHPU](#)
To: [Southern FMC](#); [Dunedin Licensing Agency](#)
Subject: FW: [EXTERNAL] Renewal - OFF-2-2020 - Ampt Entertainment Limited, Biggies Pizza & Suburbia, 153 Stuart Street Dunedin
Date: Wednesday, 25 August 2021 11:16:57 a.m.
Attachments: [0.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[OFF-2-2020 - Ampt Entertainment Limited, Biggies Pizza & Suburbia, 153 Stuart Street Dunedin.pdf](#)

Good Morning

Police have no matters in opposition to this application for renewal of their off-licence

FMC- please enter and file

Regards

Ian

Ian Paulin
Sergeant
Team leader
Alcohol Harm Prevention Unit
Dunedin Police

P +64 03 4714980
M +64 21 1914981
E ian.paulin@police.govt.nz



From: Angie Symon <Angie.Symon@dcc.govt.nz>
Sent: Thursday, 19 August 2021 11:03 AM
To: Aaron Whipp <Aaron.Whipp@southerndhb.govt.nz>; Admin DHB <admin@phsouth.co.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; fire <OtagoRiskReduction@fireandemergency.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Mark <mark.bredenbeck@fireandemergency.nz>; Dunedin AHPU <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>; Tony Mole <Tony.Mole@dcc.govt.nz>
Subject: [EXTERNAL] Renewal - OFF-2-2020 - Ampt Entertainment Limited, Biggies Pizza & Suburbia, 153 Stuart Street Dunedin

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited.

=====

WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents.

Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately

From: [Otago Risk Reduction](#)
To: [Dunedin Licensing Agency](#)
Subject: FW: Renewal - OFF-2-2020 - Ampt Entertainment Limited, Biggies Pizza & Suburbia, 153 Stuart Street Dunedin
Date: Thursday, 26 August 2021 3:15:31 PM
Attachments: [0.png](#)
[image002.png](#)
[image003.png](#)
[OFF-2-2020 - Ampt Entertainment Limited, Biggies Pizza & Suburbia, 153 Stuart Street Dunedin.pdf](#)

Hi

There are no issues with this application from Fire and Emergency.

Regards

Mark

Mark Bredenbeck
Fire Risk Management Officer
East Otago – Area 24

We Are Better Together – Whanaungatanga

Dunedin Central Fire Station
85 Castle Street
PO Box 341
Dunedin 9054



From: Angie Symon <Angie.Symon@dcc.govt.nz>
Sent: Thursday, 19 August 2021 11:03 AM

To: Aaron Whipp <Aaron.Whipp@southernhb.govt.nz>; Admin DHB <admin@phsouth.co.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Otago Risk Reduction <OtagoRiskReduction@fireandemergency.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Bredenbeck, Mark <Mark.Bredenbeck@fireandemergency.nz>; Police <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>; Tony Mole <Tony.Mole@dcc.govt.nz>

Subject: Renewal - OFF-2-2020 - Ampt Entertainment Limited, Biggies Pizza & Suburbia, 153 Stuart Street Dunedin



If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited.



Notice: This email and any attachments may contain information that may be subject to an obligation of confidence or the subject of legal privilege.

If you received it in error:

1. Please let us know immediately by return email and then delete the email and your reply.
2. You must not use, copy or disclose any of the information contained in this email.

There is no warranty that this email is error or virus free.

If this is a private communication, it does not represent the views of the organisation.

Biggies Risk Management of Proposed Off-licence Sales in-house.

When we attended a hearing for our first off-licence we agreed not to provide over the counter sales however asked if we could review this when the licence came up for renewal. We have been operating an off-licence for a year now with no issues or problems. Our licence is now up for renewal, and we would like the potential of over the counter sales to be reviewed at this time.

We are not looking to provide alcohol to be consumed in the streets. This is something we battle with every day in our business, and we are vehemently against it.

Our business is damaged by this, and it happens due to the ease and availability of cheap off-licence alcohol sales close to the Octagon by liquor stores and supermarkets.

We are not looking to provide anything remotely close to attractive to a person wishing to drink alcohol on the street. For many reasons:

- Our prices are set much much higher than the other close by options (Super Liquor and Fine Wines and Spirit Dunedin are on average anywhere between 25% and 50% cheaper than our proposed prices. **Countdown is drastically cheaper than our proposed prices.** For example a search of two of our products, cider showed 25 options that were up to 51% cheaper than us, Sauvignon White wine showed 96 options that were up to 63% cheaper than us)
- We stipulate that a purchase of takeaway alcohol can only occur paired with a purchase of a substantial amount of food
- We provide a warm and inviting environment where you can purchase alcohol without food for consumption at our venue

What we are looking to provide is add on products for our loyal customers and people who are looking for convenience and service.

We believe that consumption of alcohol on the streets in the centre of Dunedin would NOT be exacerbated by Ampt Entertainment holding an off licence.

It is our view that this is committed by people who would be consuming the cheapest alcohol possible and as we have shown that is not us.

We are also aware of numerous BYO restaurants in the area that allow customers to leave with their partially consumed bottles of wine and believe that may be a high contributor to this as well.

Our staff are well trained in the service of alcohol. The irresponsible service of alcohol (elsewhere) only makes their jobs harder, and they are motivated to avoid it. They are confident in refusal of service if required AND a Duty Manager will be involved in every transaction for service of takeaway alcohol.

We are struggling due to covid lockdown levels and any potential income stream we can take advantage of would be supportive.

The sort of transactions we might be looking for are:

Takeaway:

An older couple visiting from Wellington are staying at a nearby hotel and have dined in at Biggies for dinner. They have really enjoyed a wine that they had with dinner and would love to take a bottle with them back to their room. We are able to offer this, and they enjoy a wonderful stay in Dunedin, telling all their friends!

Pick up:

An office worker on her way home walking to her car, cannot be bothered stopping anywhere on her way home due to traffic, but she knows we sell her favourite wine and have beer on tap, so she pops in on the walk to her car and grabs a bottle of wine for herself and a rigger of beer for her husband.

Risk Management Strategies

EVERY transaction for off-licence sales is closely managed by our Duty Manager.

During these transactions our experienced and intuitive manager will assess whether she considers there to be a risk of the alcohol being consumed in the centre city liquor ban area and has our full support to deny any transaction where this is the case.

Any customer found to be flouting ours OR the liquor ban regulations will have a lifetime ban from purchasing off-licence alcohol from our venue.

Our duty manager will have a conversation with every customer purchasing takeaway alcohol to remind them of the liquor ban regulations and how breaking this may affect our licence. She will ask the person where they intend to consume the purchased alcohol. She will also make them aware of our lifetime ban rule should they disregard the rules.

We are motivated to consider any other conditions or processes you might consider could reduce the risk. Please feel free to come back to us with any suggestions or ideas. We really want to make this work in the best way possible.

The Secretary
Dunedin District Licensing Committee
PO Box 5045
Moray Place
Dunedin 9058

Public Notice Declaration

Premises Name: Biggies Pizza & Suburbia
Premises Address: 153 Stuart Street Dunedin
Reference number: OFF-2-2020

The Public Notice of the above application was displayed on or adjacent to the site of the premises in accordance with the requirements of the Sale and Supply of Alcohol Act 2012

The notice was displayed (describe where):

Front Window

From Date: 31/8/21 To Date: 15/9/21

Name: Tacey Millard

Signature: 

- Within 10 working days after filing the application with the District Licensing Committee the applicant must ensure that notice of the application in accordance with form 1A is attached in a conspicuous place on or adjacent to the site to which the application relates.
- The notice shall be displayed until the close of the public objection period. (The public objection period is 15 working days from the first public notice being advertised in the newspaper).
- This declaration shall be forwarded to the Secretary of the District Licensing Committee via email dla@dcc.govt.nz, posted to the above address, or faxed to 474 3523

Proposal for Acceptable Conditions for an Off-licence for the
Sale of Alcohol by Ampt Entertainment
T/A Biggies Pizza, and other Online Kitchens
(incl. but not ltd. to All Gravy Baby, Nugg Life, and I'm Nacho Daddy)
153 Stuart Street, Dunedin

We at Ampt Entertainment have worked with the Agencies of Health, Police and Liquor Licensing in order to agree to acceptable conditions under which an off-licence for alcohol service could be unopposed by these agencies.

The DLA has asked for us to clarify and confirm the below points:

- **Agreed limits on the amount to be delivered per order**
Under discussion with Toni Patterson from Public Health South we have identified appropriate maximum levels of sales per order. The details of these are attached in our policy.
- **The latest orders would be taken, accepting that deliveries would occur after this time**
We agree that orders would not be taken after 10pm delivered by 11pm.
- **Discounting or offering special deals for alcohol**
We agree that there would be no discounts or specials on delivery alcohol. Our alcohol menu prices would not change. Please see our menu attached.
- **Types of alcohol to be sold off-licence**
We would sell beer, wine and RTDs (no stronger than 5%) only, no bottles of unmixed spirits.
- **The type/s of premises to which deliveries would be made**
We will only deliver to a physical address not a street corner or park bench or paddock.
- **Over the counter sales of alcohol**
We agree to only accept delivery sales of alcohol and no over the counter sales, however we would appreciate the opportunity to revisit this at our annual renewal date.
- **The Medical Officer of Health Delegate mentioned mental health assessments and you indicated you would be interested in staff training in this field.**
We are in the process of arranging staff training from a government funded company, Blueprint for Learning, who offer a course MH101.

Decision No: 2020/11/OFF

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Ampt
Entertainment Limited for an off-
licence pursuant to s.99 of the Act in
respect of premises situated at 153
Stuart Street, Dunedin, and known as
"Biggies Pizza and Suburbia"

BEFORE THE DUNEDIN DISTRICT LICENSING COMMITTEE

Chairperson: Mr C Weatherall
Members: Mr A Noone
Mr M Lord

HEARING at Dunedin on 10 July 2020

Appearances: Ms Tacey Millard – for the applicant
Mr Ian Lindsay – for the applicant

Mr T Mole – Licensing Inspector
Ms T Paterson – for Medical Officer of Health
Sgt I Paulin – Police Alcohol Harm Prevention Officer
Mr S Lanauze – Fire and Emergency New Zealand

Mr K Mechen – Secretary to DLC
Mrs L Adamson – Governance Support Officer

INTRODUCTION

- [1] This is an application by Ampt Entertainment Limited for an off-licence for their premises situated at 153 Stuart Street, Dunedin, and known as "Biggies Pizza and Suburbia". They propose to call themselves "Biggies Pizza, Suburbia, Nugg Life, I'm Nacho Daddy & All Gravy Baby".
- [2] Ms Millard and Mr Lindsay are the two directors of the applicant company.
- [3] The premises operates as a café and pizza restaurant through the day and in the evening the night-time activities take over with their downstairs nightclub area.
- [4] The applicant is seeking to trade with off-licence hours between 5pm and 10pm

Ms Millard

- [5] During the Covid-19 pandemic lockdown Ms Millard has estimated they have lost 70% of their income. Since they have been able to reopen, they are recovering but are looking at

improvements to their business model to generate additional income and to future-proof their business.

- [6] Ms Millard said the off-licences closest to them, “Countdown Central” and “Super Liquor Octagon”, offer alcohol for sale substantially cheaper than what they would if they get their off-licence. She said they do not approve of alcohol consumption in the street. Recently she noticed some ‘rip off top’ shot containers lying on the ground outside the Municipal Chambers.
- [7] They are not looking at providing bulk sales of alcohol. They would just like it as an add-on to their business.
- [8] When asked, Ms Millard told the Committee that the off-licence part of the business would only operate when “Biggies Pizza” was trading. Their usual customers in the pizza area include travellers to the city, families and they have a number of birthday parties. The area is set up for family dining, not the “Suburbia” nightlife seen later at night.
- [9] The Committee asked if they have considered the potential effects of an off-licence beyond the premises itself; if they have identified any ‘negatives’ to their proposal? Ms Millard explained that the duty manager will be actively involved with the supply of alcohol, be it on their webpage, over the telephone or over the bar. It is their responsibility to assess each sale, discuss the alcohol ban and to ask where they will be consuming the alcohol. They take the supply of alcohol seriously.
- [10] When asked if there were any limitations they would consider, they replied that, for the sake of good order in the inner city, they would consider no takeaways from the premises, only deliveries. They have the ability to block areas on their website so that orders will not be possible from selected areas, for example, North Dunedin. This would lower the risks by not making deliveries to high risk areas. They could also put a limit on the amount of alcohol per transaction. They would do what they can to limit harm but there is always a risk with alcohol.
- [11] The Committee asked if they would consider selling by ‘order’ only, rather than over the bar to anyone coming in to the premises? Ms Millard said they were aware that Countdown only did deliveries up to 8.00 pm but they would deliver everywhere. The applicant’s proposal is to consider levels of intoxication, the location of the delivery and the volume ordered. They would look at blocking out high risk areas like North Dunedin, including the Halls of Residence.
- [12] Ms Millard said that people in the North Dunedin area would still be able to order pizzas but not alcohol. When asked, she said that every sale is logged on the computer so it can be audited if required.
- [13] The Committee raised the point that there would be a lot of pressure on the duty manager at busy times. Ms Millard said that there were several duty managers working at any one time but only one has their name displayed. They all know the requirements of the Act. At 9.00 pm staff begin to pack up the tables in the “Biggies” restaurant and any diners still present are advised of the changes. If there are young children present, they are asked if they would like their meals in takeaway containers. Deliveries may also be stopped early if the premises is busy.
- [14] On busy nights, both in the premises and in town, security staff actively move through the crowds monitoring intoxication levels and behaviour. If there is a concern the person(s) are asked to leave.
- [15] In response to a question, they said the cheapest they would sell a bottle of wine is \$19 compared to the \$7 – 12 bottles from the supermarket. Deliveries in town are free for orders

over \$30 while it is \$45 minimum for areas such as Corstorphine. The minimum delivery value is on a sliding scale – the further away the greater the minimum order. Deliveries are made to Brighton, Mosgiel, East Taieri, Port Chalmers and delivery times vary from 20 minutes to 90 minutes, depending on the location.

- [16] The Police highlighted their concern at over-counter sales in the centre of town. Ms Millard said they were open to discussion on the finer detail of their application.
- [17] Sgt Paulin made the comment that the only sensitive location near the premises was recorded as the Regent Theatre. the applicant comment that Bath Street was a risk area with the consumption of alcohol and other substances in the area. However, most of the risky behaviours happen after their proposed closing time.
- [18] When asked, the applicant said there up to three duty managers working up until 10pm and then three from that time. Ms Millard said there would be no off-licence alcohol sales from the premises once the queues start to form. The premises becomes a higher risk once that number of people are present and staff have more to worry about than making off-licence sales.
- [19] Sgt Paulin asked about how much alcohol they would supply on order. Ms Millard said that detail needs to be discussed and was aware this would likely be raised so they would develop policies to cover all matters raised at this hearing. However, she assured the Committee they were not going to be supplying alcohol for parties.
- [20] Ms Paterson asked if they would be competing with the other off-licensed premises in town. Mr Lindsay replied that they would make a loss if they tried to compete on price. They do not and would not be offering any discounts or deals either off-licence or in their nightclub, even if their competitors do.
- [21] Ms Paterson also pointed out that if the delivery is done quickly it allows people to place orders before the effects of their consumption is noticeable. Ms Millard said that this was possible and if it does happen, they are willing to refund the alcohol portion of an order. Ms Paterson commented this could place the person making the delivery under a lot of stress and risk and asked if they have undertaken mental health and stress training. Ms Millard said the people making the deliveries have all received training but would be interested in any training recommended by the Medical Officer of Health.
- [22] Mr Mole asked what would stop the applicant from joining a large franchise. Ms Millard said they would not make such a move. They are owner-operators and not interested in sharing their business with others.
- [23] The Inspector commented that the granting of this licence would possibly go against the object of the Act. Ms Millard replied that they do supply alcohol, but it is not their intention to increase alcohol-related harm. Since the lockdown people are enjoying their time at home and they, the applicant, want to be in a position to help this by delivering food and drinks.
- [24] In response to a question the applicant said deliveries will be cashless, that is, payment would be made at the time the order is taken. Before an order is left at an address, the driver must sight official identification to verify the age of the person making and receiving the order. Ms Millard commented on an alcohol delivery to her private address where this was not done – the alcohol was left at the door.
- [25] During a brief adjournment the reporting agencies and applicant met to discuss more detail regarding what would be considered acceptable by the applicant. The 'concessions' are:

- a. Limit the amount of alcohol per order – this would be developed as a matrix with the assistance of Ms Paterson
- b. Last orders would be taken at 9pm but deliveries of those orders can be made
- c. No discounts or special deals would be offered
- d. Staff will receive 'mental health' training
- e. No spirits will be sold off-licence
- f. Alcohol will only be delivered with food to a residence
- g. There would be no over the counter off-licence sales but is considering alcohol pick-up with food if pre-ordered and prepaid.

[26] The Committee asked if there would be a location limit on the deliveries. Ms Millard said the consensus was that this would not be required if the alcohol is an accompaniment to food delivery.

Sgt Paulin

- [27] Sgt Paulin is the Alcohol Harm Prevention Officer for the Dunedin Police District. He asked if his evidence could be taken as read. However, he said if the over the counter sales is withdrawn then the Police does not have an issue. He commented that it was not practical to 'eliminate' areas but delivery with food makes it more acceptable.
- [28] When asked about a minimum distance for the delivery Sgt Paulin said so long as the delivery was to a residence there wasn't an issue.
- [29] The Committee asked Sgt Paulin about the suitability of the applicant. He replied that an off-licence would be a challenge for them, there are no suitability issues with them. If they say they will do something it would be done.

Ms Paterson

- [30] Ms Paterson has been delegated to take the role of the Medical Officer of Health with regards to alcohol licensing matters. She tabled her evidence.
- [31] After discussions with the applicant, Ms Paterson said she would not need to appeal any decision so long as there were limits on the amount of alcohol delivered and there was a limited range of alcohol available. While she does not like the idea of people being able to pick up alcohol, even with food, because it still would allow someone to consume the alcohol in the risky area in the centre of town.

Mr Mole

- [32] Mr Mole is a Licensing Inspector employed by the Dunedin City Council. He said he reiterates the views of the other agencies in this matter. He commented that the Health Promotion Agency (HPA) is concerned at alcohol deliveries and are drafting a document for the Ministry of Justice detailing their concerns. However, delivery of alcohol with food, goes some way to mitigate those concerns.
- [33] When asked by the Committee about the fear of a franchise picking up on this concept, Mr Mole said he would be surprised. There were other ways of being able to deliver alcohol with food, for example, "Hells Pizza" has an arrangement with "Big Barrel" so they can take alcohol with pizza deliveries.

- [34] Mr Mole said he would not consider an appeal, especially if a matrix is developed to determine maximum amounts of alcohol that can be ordered with the food.

Adjournment

- [35] The Committee adjourned the hearing to allow the applicant 10 working days to 'firm up' their application and to submit the documents for the Committee to consider.
- [36] The applicant submitted three documents during the adjournment: 'Biggies Delivery Drinks Menu', 'Biggies Policy for Alcohol Delivery' and 'Proposal for Acceptable Conditions for an Off-licence'. These documents were circulated to the agencies for comment and they have confirmed they are in accordance with the discussions held with the applicant.
- [37] The 'acceptable conditions', after discussion with the agencies are:
- a. Agreed limits on the amount of alcohol per order – one alcohol item per \$10 order
 - b. Last orders taken will be 10pm but acknowledging delivery will take place after this time
 - c. No discounts or specials
 - d. Beer, wine and RTDs (5% or less) only. There will be no unmixed spirits
 - e. Delivery will be to a physical address, not a street, park bench, paddock, etc
 - f. Only accept delivery sales of alcohol. No over the counter sales (but the applicant reserves the right to readdress this after 12 months)
 - g. Mental health training to be arranged on advice from the MOH.

DECISION

- [38] This application for an off-licence is from an established on-licensee in Dunedin. The agencies have agreed there are no suitability issues, but concern was expressed at the thought of another off-licence in the central city.
- [39] Midway through the hearing it became apparent that the applicant and agencies were willing to discuss the application and between them, and to agree on what would be acceptable to all parties. The list at [37] above has been accepted by the reporting agencies.
- [40] One of the documents circulated by the applicant, 'Biggies Policy for Alcohol Delivery', adds more details for the above-mentioned list. The main points in this document is that alcohol can only be ordered after an order for food has been placed and that the order must be paid online so the person making the purchase can be identified. The identity of the purchaser will be verified at the time of delivery.
- [41] In addition to the 'acceptable conditions' listed above, the Committee would also like to see a 'no delivery' zone that takes in the area bound by Moray Place. While there are few residences in this area, and we are mindful that there is one off-licence already in the area named, we believe it will help limit opportunities for people to access alcohol away from premises, and in particular the Bath Street area.
- [42] In deciding whether to issue this licence, the Committee must have regard to the matters listed in s.105(1) of the Act:
- a. The object of the Act – we believe this application, with the 'acceptable conditions', does treat the sale and supply of alcohol responsibly and any potential harm will be

minimised. Alcohol can only be purchased with food and it must be delivered to a physical address.

- b. The suitability of the applicant has not been raised.
- c. The Dunedin Local Alcohol Policy (LAP) is not an impediment to this application.
- d. The days and hours requested are within the hours set by the LAP.
- e. The design and layout of the premises is not an issue – alcohol will be delivered from the premises.
- f. The applicant will not be involved with the sale or supply of any other goods.
- g. The applicant will not be involved with the provision of any services other than those related to the sale of alcohol, etc.
- h. The Committee does not believe the amenity and good order of the area will be reduced by the effects of this licence. The food and alcohol will be delivered away from the area.
- i. The issue of this licence will not further reduce the amenity and good order of the area.
- j. The applicant does have appropriate systems, staff and training in place to comply with the law.
- k. Matters raised in the reports from the have been dealt with during the hearing.

[43] 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 off the premises.

[44] The style of operation for this licence will be more in keeping of a remote seller so there will be added requirements regarding the display of licence on the applicant's website. The first is in 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."*
- [45] 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 the licence holders name, licence number and when the licence expires and a legible copy of the licence or a link to the licence. Any catalogue produced and any receipt issued for alcohol sold must include the licence holders name, licence number and expiry date.
- [46] The licence is issued subject to the following undertakings:
- a. Alcohol can only be ordered alongside an order for food.
 - b. There will be agreed limits on the amount of alcohol sold depending on the size of the food order. A matrix detailing this will be developed in collaboration with the MOH Delegate.
 - c.No discounts or special alcohol deals will be used.
 - d. The only alcohol offered for sale will be beer, wine and RTDs of 5% alcohol or less.
 - e. Orders with alcohol will only be delivered to physical addresses outside the area bound by Moray Place.
 - f.No alcohol will be supplied over the counter, even as part of a pick-up order – this can be reviewed at the first renewal of the licence.
 - g. Mental health training will be undertaken as suggested by the MOH delegate.
- [47] The licence issued will be subject to the following conditions:
- (a) No alcohol shall be delivered on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day.

- (b) Alcohol may be sold from the premises at any time on any day, and delivered somewhere else for consumption off the premises, only on the following days and during the following hours:

Monday to Sunday 5.00 pm to 10.00 pm (deliveries can be made after this time)

- (c) The licensee shall ensure that the provisions of regulation 14 of the Sale and Supply of Alcohol Regulations 2013 relating to the sale and supply of liquor to prohibited persons are observed and shall display appropriate signs on the Internet web page detailing the statutory restriction on the supply of alcohol to minors.
- (d) The Licensee must display on its website and in its catalogue and on every receipt issued for alcohol sold remotely:
- i) The licence holder's name and licence number;
 - ii) The date on which the licence expires;
 - iii) A legible image of the licence, or a clearly identified link to such image, to be displayed in a prominent place on the website.

- [48] A copy of this licence must be displayed in a prominent position on the website or, as an alternative, a clearly identified link to such an image to be displayed.

DATED at Dunedin this 21st day of August 2020




Kevin Mechen
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE