

Notice of Meeting:

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

Date: Friday 21 October 2022
Time: 9.30 am
Venue: Plaza Conference Room, Civic Centre, The Octagon, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee
New On-Licence Application – Mornington Thai
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 On-licence, "Morningson Thai", 18 Mailer 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.

PART A REPORTS

REPORT FOR ON-LICENCE, "MORNINGTON THAI", 18 MAILER STREET, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

APPLICATION DESCRIPTION

Applicant's Name:	Pride Thai Limited
Site Address	18 Mailer Street, Dunedin
Trading Name:	Mornington Thai
Style of Licence	On-licence
Application Number	ON-8-2022
Date received by Council	30 May 2022

EXECUTIVE SUMMARY

- 1 This is a report for an application for a new on-licence for the premises situated at 18 mailer Street, Dunedin, and known as "Mornington Thai". The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- 2 The applicant bought the business from the former operators of an Indian Restaurant.
- 3 Public notice of the application did not attract any opposition and the reporting agencies have not submitted any adverse report.
- 4 However, after reading the application and documents requested by the agencies, the Committee has some concerns they would like addressed at a public hearing.

APPLICANT AND APPLICATION

- 5 The sole director and shareholder of the applicant company is Sonthaya Nongyang, a resident in Dunedin. They were a former director and shareholder of Savoury Japan 2015 Limited but ceased these roles in October 2021.
- 6 The applicant's current business was bought from Navnik Limited. One of the directors of Navnik Limited, Naveen Malhotra, is currently very involved with the day-to-day running of Mornington

Thai which is part of the purchase agreement signed by the parties. Mr Malhotra is also assisting the applicant with the licence application process.

- 7 The hours originally sought in the application were 10.00 am to 12.00 midnight each day of the week. However, the Planning Certificate limits trade on Sunday to Thursday to 11.00 pm. After discussion, the hours now sought are Sunday to Thursday 10.00 am to 10.00 pm, Friday and Saturday 10.00 am to 12.00 midnight.

PUBLIC NOTICE

- 8 Public Notice of the application did not attract any objections.
- 9 While the reporting agencies have not opposed the grant of the licence, the following comments were made by the Licensing Inspector:
 - a) Naveen Malhotra is one of three directors another company associated with an on-licence in Dunedin. The Police are seeking a cancellation of this licence.
 - b) Mr Malhotra is the sole director and majority shareholder of a company in liquidation.
 - c) The sale and purchase of the applicant’s business was done privately with no apparent legal overview. While not unlawful, it is uncommon, as are the terms of the agreement.
 - d) Ms Nongyang was a former employee of the vendor company, albeit for a short time.
- 10 The inspector stated that the applicant is very forthcoming with information as it has been requested. There is nothing to suggest the applicant is unsuitable therefore there is no opposition.

CONCLUSION

- 11 This application has not been opposed by the reporting agencies nor have there been any objections recorded.
- 12 However, the terms of the purchase agreement and the continued association with the previous licensee has raised some concern for the Committee so they have asked for the matter to be heard before a decision is made.

Signatories

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

Attachments

	Title	Page
↴A	On-licence application	8
↴B	Licensing Inspector's Report	27
↴C	Medical Officer of Health Report	33
↴D	Police Report	34
↴E	FENZ OK Email	35

↓F	Planning Certificate	37
↓G	Building Compliance Certificate	40
↓H	Email re Outdoor Tables/Chairs	41
↓I	Notice of Management Change	42
↓J	Proposed Roster	44
↓K	Email Response after Inspector Discussion	45
↓L	Email re Licence Hours	46
↓M	Email Query re Managers	47
↓N	First Public Notice ODT	49
↓O	Second Public Notice ODT	50



PUBLIC NOTICE

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

Pride Thai Limited has made application to the District Licensing Committee at Dunedin for the grant of an On Licence number ON-8-2022 in respect of the premises situated at 18 Mailer Street Dunedin and to be known as Mornington Thai.

The general nature of the business to be conducted under the licence is Restaurant.

The applicant seeks the licence on the following hours:

Sunday to Thursday 10.00 am to 11.00 pm
Friday and Saturday 10.00 am to 12.00 midnight

First publication date: Wednesday, 1 June 2022

Second publication date: Wednesday, 8 June 2022

Objections Close 5:00 pm Thursday, 23 June 2022

- 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 <https://www.dunedin.govt.nz/services/licensing/alcohol-licence-applications>
- No objection to the issue of a licence may be made in relation to a matter other than a matter specified in section 105(1) 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 application 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

ALCOHOL LICENCE APPLICATIONS

Off-1-2012 – General Distributors Limited,
Countdown Dunedin South, 323 Andersons Bay
Road Dunedin. Second notice. Closes Thursday, 16
June 2022.

Off-9-2011 – Alan Malcolm Donald Cameron,
Portobello Deli, 1 Harington Point Road, Portobello.
First notice. Closes Thursday, 23 June 2022.

On-8-2022 – Pride Thai Limited, Mornington Thai,
18 Mailer Street, Dunedin. First notice. Closes
Thursday, 23 June 2022.

On-6-2022 – Ryman Healthcare Limited, Yvette
Williams Retirement Village, 383 Highgate, Dunedin.
Second notice. Closes Thursday, 16 June 2022.

On-8-2012 – Portobello Hotel Limited, Portobello
Hotel and Bistro, 2 Harington Point Road, Portobello.
Second notice. Closes Thursday, 9 June 2022.

Visit www.dunedin.govt.nz/alcohol-applications for
full details of the applications.

ALCOHOL LICENCE APPLICATIONS

Clu-2723-2006 – Carisbrook Dunedin Cricket Club Incorporated, Carisbrook Dunedin Cricket Club, 173 Surrey Street, Dunedin. First notice. Closes Friday, 1 July 2022.

Off-9-2011 – Alan Malcolm Donald Cameron, Portobello Deli, 1 Harington Point Road, Portobello. Second notice. Closes Thursday, 23 June 2022.

On-8-2022 – Pride Thai Limited, Mornington Thai, 18 Mailer Street, Dunedin. Second notice. Closes Thursday, 23 June 2022.

Visit www.dunedin.govt.nz/alcohol-applications for full details of the applications.