

Notice of Meeting:

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

Date: Monday 12 December 2022
Time: 10:00am - On License Renewal Kensington Tavern
Venue: Conference Room 1, Dunedin Venues, Harrop Street, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Colin Weatherall
Members	Rakei Amohau Karen Elliot
Senior Officer	Kevin Mechen, Secretary, District Licensing Committee
Governance Support Officer	Lauren Riddle

Lauren Riddle
Governance Support Officer

Telephone: 03 477 4000
Lauren.Riddle@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.

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1 APOLOGIES

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

PART A REPORTS

REPORT FOR ON-LICENCE RENEWAL, KENSINGTON TAVERN, 4 KING EDWARD STREET, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

APPLICATION DESCRIPTION

Applicant's Name:	Akuhata Limited
Site Address	4 King Edward Street, Dunedin
Trading Name:	The Kensington
Style of Licence	Tavern
Application Number	ON-10-2021
Date received by Council	25 July 2022

EXECUTIVE SUMMARY

- 1 This is a report for an application by Akuhata Limited for the renewal of an on-licence for the premises situated at 4 King Edward Street, Dunedin, and known as "The Kensington". The criteria found at section 131 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- 2 The applicant did not seek any changes to the licence however, after discussion with the Licensing Inspector, they have agreed to change in the opening time from 8.00 am to 10.00 am. The closing time of 2.00 am will remain unchanged.
- 3 There were no public objections to the application however the Licensing Inspector has opposed this renewal. Neither the Police nor Medical Officer of Health Delegate have opposed the renewal, but they support the position of the Inspector.

APPLICANT AND APPLICATION

Applicant

- 4 The applicant company, when the licence was granted on 21 July 2021, had two directors/shareholders. They were Cameron Akuhata Dylan Salisbury and Conrad William Hunaara Salisbury. A check of the Companies Register shows the sole director and shareholder to be Emma Rookes who was appointed on 28 September 2022.

- 5 Cameron A D Salisbury ceased being a director on 6 August 2022. Errin Rongomaianiwaniwa Salisbury was appointed a director on 8 August 2022 in place of Conrad W H Salisbury who also ceased being a director on this date.
- 6 Errin R Salisbury ceased being a director on 5 October 2022.
- 7 Section 69(1) of the Sale and Supply of Alcohol Act 2012 requires the company to notify the Alcohol Regulatory and Licensing Authority of any change in shareholding or directors within 10 working days. The Authority will then notify the appropriate District Licensing Committee of the change and whether the company needs to apply for a new licence. The Committee has not been advised of the changes therefore can assume the Authority have not been advised of any of the changes.
- 8 The premises, one of the early hotels in Dunedin, is situated on the edge of a large sports reserve that is also used for entertainment purposes

PUBLIC NOTICE

- 9 The public notice of the renewal did not attract any opposition.
- 10 The Police and Medical Officer of Health Delegate have not opposed the renewal, but they are in support of the opposition on the Licensing Inspector.

Objections

- 11 *Licensing Inspector:* The Inspector has made several comments after the visit to the premises by the reporting agencies:
 - a) Questions relating to the suitability of the applicant: comments about being willing to open at 8.00 am for televised UFC fights and to serve alcohol at this time of morning and not notifying the Authority of the change in directors/shareholders.
 - b) A lack of signage in the premises. This was highlighted in the first visit was still absent when the Inspector visited the following week.
 - c) A serious assault and a fight took place at the premises between June and August 2022, and neither were reported to the Police. When asked why they were told, "We take care of matters here ourselves."
 - d) The applicant could not produce an incident log, managers logs or evidence of staff training.
 - e) Concern at some of the alcohol promotions and the use of a loyalty card.
- 12 The Inspector does not believe the applicant is aware of their obligations under the Act. The opposition of the Inspector related to the suitability of the applicant (s.105(b)) and whether the applicant has appropriate systems, staff and training to comply with the Act (s.105(j)).

CONCLUSION

- 13 The applicant has agreed to a reduction in trading hours by delaying the opening of the premises to 10.00 am.

- 14 The Inspector has raised concerns so the hearing will allow the parties to put their points of view to the Committee for consideration.

Signatories

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

Attachments

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DN DLC LICENCE DECISION CHECKLIST



Application: New ☐ ON ☒ Pathway reference: ON-10-2021
Renewal ☒ OFF ☐ Date received: 25/07/2022
Variation ☒ CLUB ☐

Approved: _____ Granted: Yes ☐ No ☐

District Licensing Committee

Date considered: _____

Date: _____ Date determined: _____

DLC Registration Number: 069/ON/35/2022 2022/68/ON

Applicant: Akuhata Limited

Premises: The Kensington, 4 King Edward Street, Dunedin

Days and hours: Monday to Sunday 10.00 am to 2.00 am the following day

Are there any objections? Yes ☐ No ☒

Comments: _____

To hearing
3/10/22

Reports:	Received	Recommend Issue	Matters in Opposition
Licensing Inspector	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Supports Inspector
MOH	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	With comment
Fire	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Licensing Inspector opposes application – suitability and systems and staff to comply with legislation			

Is the location of the premises suitable? Yes ☒ No ☐

Is the applicant suitable? Yes ☐ No ☒

Is the design and layout of the premises suitable? Yes ☒ No ☐

Will the amenity and good order be affected? Yes ☐ No ☒

Is the staff training and numbers adequate? Yes ☐ No ☒

Is any proposed entertainment appropriate? Yes ☒ No ☐ N/A ☐

Renewal: Has the premises been operated properly? Yes ☐ No ☒ N/A ☐

Renewal: Change in conditions sought? Yes ☒ No ☐ N/A ☐

Is a DLC hearing required? Yes ☒ No ☐

LICENCE CONDITIONS	
Trading hours: <i>(incl sacrosanct days)</i>	Current Hours: Monday to Sunday 8.00 am to 2.00 am next day Seeking: Monday to Sunday 10.00 am to 2.00 am next day
Designation:	Restricted: Gambling room Supervised: Every bar Undesignated: Restaurant
Water: <i>(required for On & Club licences)</i>	
Low alcohol drinks: <i>(range, signage)</i>	
Non-alcoholic drinks: <i>(signage, type)</i>	
Food: <i>(menus, signage etc)</i>	
Door Security: <i>(required? time? Lighting, queue management)</i>	
Prohibited people: <i>(intoxicated, minors)</i>	
Comments:	Maximum Occupancy: 370 people Opposition: The Licensing Inspector has concerns about the suitability of the applicant. They do not appear to be aware of their obligations under the Act: they have changed directors/shareholders without notification, two serious assaults have occurred at the premises which have not been brought to the attention of the Police and no on-site records were able to be produced, and there is confusion about alcohol promotions which include a loyalty card. Other matters included accessible water in the premises.



PUBLIC NOTICE

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

Akuhata Limited has made application to the District Licensing Committee at Dunedin for the renewal of a on licence number ON-10-2021 in respect of the premises situated at 4 King Edward Street Dunedin and known as The Kensington

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

The applicant seeks the licence on the following hours:

Monday to Sunday 8.00 am to 2.00 am the following day.

First publication date: Wednesday, 27 July 2022

Second publication date: Wednesday, 3 August 2022

Objections Close 5:00 pm Wednesday, 17 August 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

APPLICATION FOR ON-LICENCE RENEWAL



Incomplete applications will not be processed

The application must be accompanied by the correct fee (see page 2).

The District Licensing Committee (DLC) will notify the public of this application via the Dunedin City Council website and the Otago Daily Times (the advertising cost is included in the application fee).

The contact person will be emailed a copy of the public notice to be displayed on the premises.

Please use separate pages to provide extra information where necessary.

If you have any questions while completing this form, please contact Dunedin DLC staff on 03 474 3481 or email dla@dcc.govt.nz.

Please read and complete the following checklist before submitting the application

A copy of both the food and drinks menus

Map showing location of 'sensitive' locations, e.g. schools, early childhood facilities, hospitals and churches

Copy of host responsibility policy – for high risk premises please also include an alcohol management plan explaining how you will implement the points of the policy

Letter of authorisation if a consultant is completing this form on your behalf

Office use only

Date received:

Calculate your application fee

- **Class 1 restaurants** – restaurants with a significant separate bar area which, in the opinion of the DLC, operate that bar at least one night a week in the nature of a tavern (such as serving alcohol without meals to tables situated in the bar area)
- **Class 2 restaurants** – restaurants that have a separate bar (including small bar areas) but which, in the opinion of the DLC, do not operate that area in the nature of a tavern at any time
- **Class 3 restaurants** – restaurants that only serve alcohol to tables and do not have a separate bar area

Select your premises type:

Type of premises	Points
Class 1 restaurant, nightclubs, taverns, adult premises	15
Class 2 restaurant, hotels, function centres, universities, polytechnics	10
Class 3 restaurant, other premises not specified	5
Theatres, cinemas, BYO restaurants, cellar doors	2

Premises points:

Select the latest time you intend to sell alcohol:

Latest alcohol sales time	Points
2am or earlier	0
Between 2.01am and 3am	3
3am onwards	5

Trading hours points:

Select the number of enforcement findings:

Number of enforcement findings in the last 18 months	Points
None	0
One	10
Two or more	20

Enforcement points:

Add the premises points, trading hours points and the enforcement points together to get the total:

Premises points: 15 Trading hours points: 0 Enforcement points: 0 Total points: 15

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	<u>\$1449.00</u>
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 ON-LICENCE RENEWAL

Section 127 (2), Sale and Supply of Alcohol Act 2012

TO the Secretary, Dunedin District Licensing Committee

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

Contact person

Name: **HARRY SALISBURY**
Phone: **0220 433 487**
Email: **HARRY @ KAI'DA.CO.NZ**
Postal address for service: **PO BOX 9035, ST CLAIR**
Postcode: **9047**

Applicant details

Applicant status (please select from the below options)

Individual Partnership Body corporate Public company ☒ Private company
Club Trustee Local authority Licensing trust
Government department or other instrument of the Crown
Manager under the Protection of Personal Property Rights Act 1988
Board, organisation or other body

Full legal name or names to be on the licence: **AKUHATA KO TA THE KENSINGTON**
Legal name(s) of the person(s) or organisation that will receive any proceeds from alcohol sales. Include any other names you may be known by.

Address: **4 KING EDWARD ST. KENSINGTON**

Occupation:

Phone: **0220 433 487**
Email: **INFO @ THE KENSINGTON.CO.NZ**

Applicant's place and date of birth (if an individual):

Gender (if an individual):

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, please outline the changes:

Is this your principal business? ☒ Yes No

Please state any other businesses:

Criminal convictions

Has the applicant or any director or shareholder been convicted of an offence? Yes ☒ No

Please state all criminal convictions other than convictions for offences against provisions of the Land Transport Act 1998 not contained in part 6, and convictions for offences to which the Criminal Records (Clean Slate) Act 2004 applies.

Full Name	Conviction	Date of Conviction

Details of premises

Trading name: **THE KENSINGTON**

Name of the building (if applicable):

Address of the premises: **4 KING EDWARD STREET,
KENSINGTON**

Postcode: **90121**

Does the building have a current building warrant of fitness (BWOF)? ☒ Yes ☐ No

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

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

SEE ATTACHED PLAN

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 scheme

Signed:

Date:

15/7/22

Details of conveyance

Type of conveyance (e.g. ship, bus or train):

Trading name of conveyance:

Registration number:

Address where based:

Postcode:

Business details

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

☒ Tavern/bar ☐ Café/restaurant ☐ Hotel ☐ Nightclub ☐ Entertainment ☐ Other (specify)

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

Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start time	8 AM	8 AM	8 AM	8 AM	8 AM	8 AM	8 AM
End time	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

Are there any changes to the current licensed hours? Yes ☒ No

An extension to the existing hours may require resource consent, check with City Planning staff.

If yes, describe changes:

What designations apply to the premises?

☒ Undesignated (people of any age are permitted)
☒ Supervised (people under 18 years must be accompanied by a parent or legal guardian)
☒ Restricted (people under 18 years not permitted)

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

Yes ☒ No If yes, provide details:

Is accommodation provided? Yes ☒ No

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

If no, provide details:

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	Manager's certificate number	Expiry date
HAROLD WILLIAM SALISBURY	13/9/51	21665/20469/2018	12/3/24
CAROL WILLIAM HINDS SALISBURY	09/06/1929	✓ 20492/2018	20/3/24
CONNOR AKUTAHAKA SALISBURY	05/08/1979	✓ 26031/2021	21/11/23
EMMA RILES	29/02/92	✓ 26012/2021	21/11/23. ?
CLAIRE RACKLEY	30/07/92	069/0607-2044/2021	10/02/23. ?

Conditions

1) What provision does the applicant make for the sale and/or supply of:

i. food (describe type and range and when it will be served, attach menu)

MEALS ATTACHED.

ii. non-alcoholic drinks (describe type and range)

TEA, COFFEE, JUICES, SOFT DRINKS, ALCOHOL FREE BEER

iii. low-alcohol drinks (2.5% alcohol by volume or less, describe type and range)

BEER, WINE,
HEINEKEN, VILLA MARIA
PINOTEL

2) To what extent, and where, will drinking water be freely available to patrons?

QUANTITY AT ALL TIMES

3) If no access to mains water supply is available, how will clean drinking water be made available?

N/A.

4) What steps are taken to provide help with, and information about, transport options from the premises?

BUSINESS CARDS FOR TAXIS + ALSO FREE ACCESS TO
HOTEL PREMIERE

- 5) What steps are taken to prevent the sale and supply of alcohol to prohibited people? (minors and intoxicated people)
OUR POLICY IS "NO PHOTO I.D. FOR ALL PERSONS WHO LOOK UNDER 25, NO SERVICE, PASSPORT, DRIVERS LICENCE, HANZ CARD ACCEPTED. NO OTHER FORMS ACCEPTED.
- 6) What other steps does the applicant take to promote the responsible consumption of alcohol?
ALL STAFF ARE TRAINED USING THE TRAFFIC LIGHT SYSTEM OF PATRON MANAGEMENT. WE OFFER WATER, TEA, COFFEE. BAR SNACKS ARE AVAILABLE AT ALL TIMES & MAIN MENU FROM 11AM - 9PM.
- 7) How does the applicant staff the premises to ensure compliance with the Act? Please provide the number of staff and their experience.
DUTY MANAGER & GENERAL MANAGER ARE PRESENT AT ALL TIMES. THEY ARE ASSISTED BY 2-6 REGISTERED STAFF AT ANY ONE TIME. SECURITY STAFF BOOKED FOR ALL FUNCTIONS.
- 8) For high risk premises, what arrangements will be made for security staff?
SECURITY STAFF EMPLOYED FOR ALL FUNCTIONS WHEN THE PREMISES IS BUSY. SEVERAL OF OUR DM's ARE TRAINED IN MARTIAL ARTS.
- 9) How does the applicant train staff to ensure compliance with the Act?
ALL STAFF ARE INDUCTED BY THE MANAGER & TRAINED ON THE JOB. STAFF ARE TRAINED UNDER THE TRAFFIC LIGHT SYSTEM TO ENSURE PATRONS INTOXICATION IS MONITORED AT ALL TIMES.

Signed:



Date:

14/07/2022

Place:

DUNEDIN.

Privacy statement

The information you provide in this application, and any supporting documents, will be used by the Dunedin City Council to process your application under the Sale and Supply of Alcohol Act 2012. The information will be shared with the Dunedin District Licensing Committee (DLC), Dunedin District Licensing Inspectors, Police and the Medical Officer of Health as part of the approval process. If required, the information may form part of a public hearing before the DLC and may be used in any subsequent decision relating to your application. The decision will be publicly available.

If your application is publicly advertised, the associated information will be publicly available.

The DCC is required to keep a statutory register of all alcohol licence applications and anyone can request a copy of that information under the Local Government Official Information and Meetings Act 1987. This information may also be used or shared for other purposes in line with the Privacy Act 2020. If you would like a copy of the personal information we hold about you, or to have the information corrected, please contact us at privacy@dcc.govt.nz or 03 477 4000.

Kevin Mechen

From: The Kensington <info@thekensington.co.nz>
Sent: Tuesday, 6 September 2022 02:48 p.m.
To: Tanya Morrison
Subject: Re: Alcohol Licence Application - licensing hours to confirm please

Importance: High

On 06.09.2022 12:28, Tanya Morrison wrote:

Hi team,

I am still awaiting confirmation of the licensing hours you are seeking as part of your current On-Licence renewal.

Please let me know if you intend to stick with 8am – 2am (7 days a week) as per your application, or if you are seeking an amendment to these hours.

Thanks,

Tanya

Tanya Morrison

Environmental Health Officer

Alcohol Licensing Inspector

CUSTOMER & REGULATORY SERVICES

P 03 477 4000 | E tanya.morrison@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz



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..

Hi Tanya

I would like to amend that please. 7 days a week (10am to 2am). If we want to do events for earlier times we will apply for a special license

Regards

Conrad

--

In food and Beer we Proudly Serve
Ph. 03 455 8001
Fax. 03 455 8009

INSPECTOR'S REPORT ON-LICENCE APPLICATION

Applicant	Akuhata Limited
Trading Name	The Kensington
Address of premises	4 King Edward Street, Dunedin
Type of licence	ON-Licence
Application type	Renewal
Pathway number	ON-10-2021
Date of application	20 July 2022
Interviewee	Harold (Harry) Salisbury on 17 August 2022, then subsequently Conrad and Cameron Salisbury on 24 August 2022

Applicant details

AKUHATA LIMITED
Company number: 8140359
NZBN: 9429048792899
Incorporation Date: 13 November 2020
Company Status: Registered
Entity type: NZ Limited Company

The current sole director and 100% shareholder is Errin Rongomaianiwiwa SALISBURY. Ms Salisbury was appointed sole director and sole shareholder on 6 and 8 August 2022 (as per company register records). Previously, Ms Salisbury was an original director of this company (since its incorporation date), however ceased being a director on 22 November 2020.

Cameron Akuhata Dylan SALISBURY ceased being a director of Akuhata Limited on 6 August 2022 and ceased being a shareholder on 8 August 2022.

Conrad William Hunaara SALISBURY ceased being a director and shareholder of Akuhata Limited on 8 August 2022.

It is my understanding that the applicant failed to notify the secretary of the licensing authority of any change in company shareholders/directors within the required 10 working days after the change occurred as per section 69 (1) (a) and (b) of The Act. This calls into question the suitability of the applicant and their awareness of company changes which may affect their alcohol licence.

Harold Salisbury is sole shareholder and director of KAIDA HOSPITALITY LIMITED. This company held the licence for Bamboo Restaurant and Saltwater Café, Tauranga, that was placed into liquidation following a petition from IRD in October 2020. Errin Rongomaianiwiwa Salisbury was removed as a director of this company on 14 July 2019 and removed as a shareholder of this company on 30 July 2020.

General nature of the business (description/background/previously licensed)

The Kensington tavern is located by The Oval (sports/recreation ground) and is a long-established tavern with a function room, garden bar and restaurant.

Site Location (zoning/surrounding uses or activities)

Industrial. Resource consent (2005-350389) allows the activity.

Manager details

Current Manager's Certificate holders are

Harold Salisbury – Expires 12/03/24
Conrad Salisbury – Expires 20/03/24
Cameron Salisbury – Expires 21/11/23
Emma Rookes – Expires 21/11/23
Clare Rackley – Expires 10/02/23

Licensing hours sought

Monday to Sunday 10am – 2am. See email from applicant confirming these hours, which differ from those originally indicated within the application.

Licensing hours were discussed with Harold Salisbury (17th August) then later Conrad and Cameron Salisbury (24th August). Cameron and Conrad explained occasionally the premises may open early morning E.g. 8am if a UFC fight (pay per view event) was being televised on the big screen.

In this instance, the current licensing hours (8am – 2am, seven days a week) would allow alcohol sales from 8am, which Cameron and Conrad indicated could happen and they would allow to happen, stating “that’s how we make money”. This statement raised suitability concerns for the agencies present, in terms of possible harm and who would be purchasing alcohol early in the morning during such events. When questioned as to who would be purchasing alcohol at this hour, the reply was “you’d be surprised”.

During the onsite interview, a quick review of the premises social media (for 2022) indicated approximately 1 UFC fight (televised/advertised) advertised on social media per month, with only two such adverts having nominated event (screening) times, both of which were in the afternoon.

The applicant was subsequently asked to reconsider what licensing hours they would seek, considering when the premises trades/opens. Current trading hours are approximately 11am – late, seven days a week.

The applicant has now nominated 10am – 2am over seven days for their requested licensing hours, confirmed via email.

Are there any changes from the existing licence or Temporary Authority?

Yes, a reduction of licensing hours from 8am – 2am daily to 10am – 2am daily – refer to above.

Designation sought

Restaurant area undesignated, Bar area supervised, Gaming room restricted.

Correct signage on display?

The licensee displays the following in the correct manner

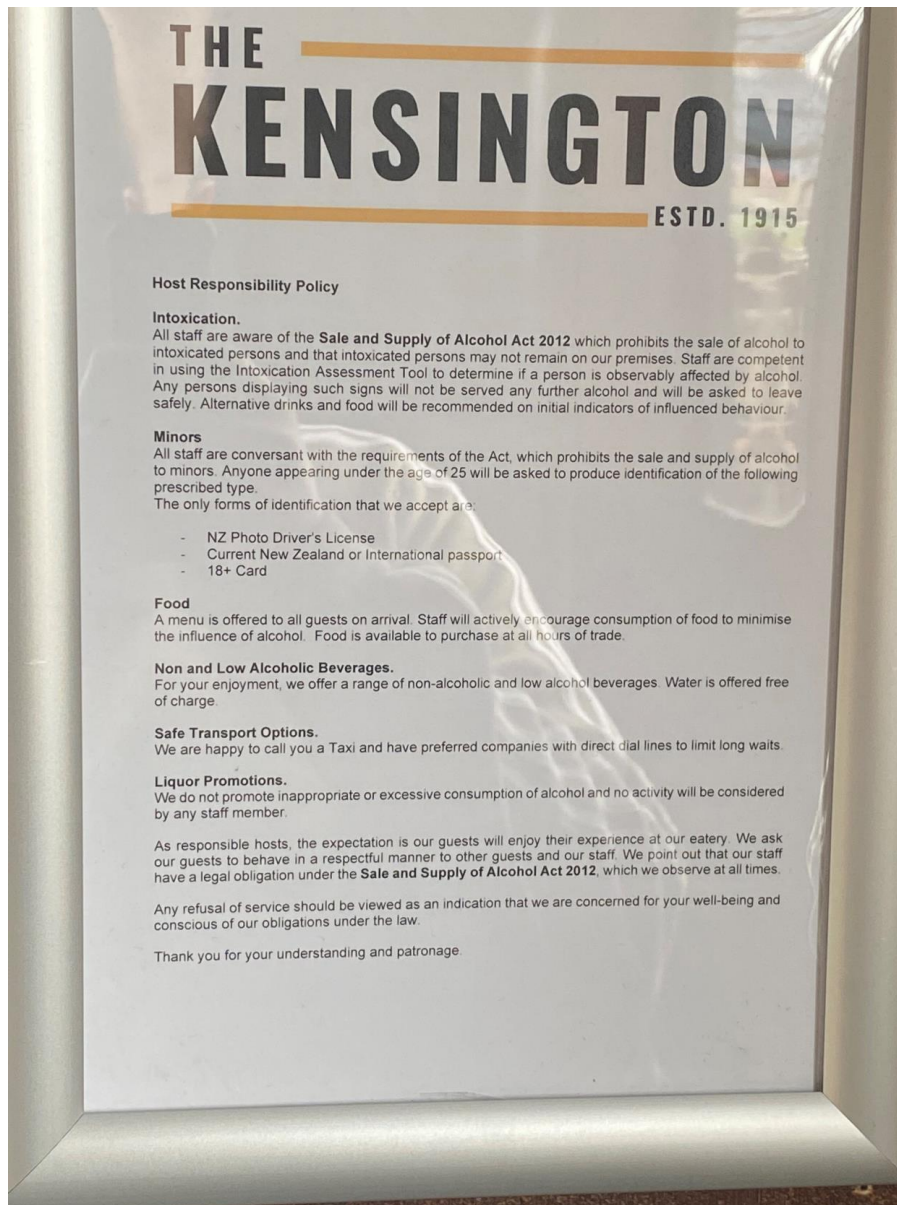
- | | |
|--------------------------------------------------|---------------------|
| 1. Copy of licence at principal entrance? | Yes |
| 2. Duty Manager? | Partial – see below |
| 3. Prohibited persons? | Yes |
| 4. Availability of food? | Yes |
| 5. Transport options? | Partial - see below |

Water signage was absent in the downstairs bar, and readily accessible free drinking water was difficult to determine in terms of availability. The applicant informed us during the onsite interviews that patrons could always ask for water at the bar (water bottles were in the fridge behind the bar), and that there was a water tap at one end of the bar. The water tap was on the bar side of the counter (as opposed to customer side) and no obvious stack of glasses/vessels were available by this tap to indicate customers could help themselves to water. Whilst free water was arguably available, it wasn’t necessarily obvious how in my opinion.

The upstairs bar had no signage in relation to taxi’s and no duty manager’s name displayed. Whilst ‘one venue’ it is recommended that at every point of sale (ie: upstairs bar as well as in the main bar downstairs) the manager’s name and appropriate signage is displayed in both locations. This was discussed with Harold during the initial visit on 17 August and had not been remedied by the follow-up visit with Conrad and Cameron on 24 August.

Host Responsibility

The host responsibility policy was not included with the original application but was provided upon request over email – see below:



Does the premises utilise DCC owned footpath?

No.

What is the maximum occupancy number for the premises?

370

Public Notification process

ODT 27th July and 3rd August 2022

Public Objections (interest in the application/reasons for)

None

In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

The object of this Act:

No issues.

The suitability of the applicant:

The changes in company director/shareholders for Akuhata Limited that occurred 6-8 August 2022, were not notified to the secretary of the licensing committee which indicates a lack of suitability and awareness by the applicant to inform the secretary of the licensing committee of such changes under section 69 of The Act.

Two serious assaults (an assault and a fight) occurred at this premises between June and August 2022, one of which incident's resulted in a staff member being 'bottled' in the head. The Police Alcohol Harm Prevention Officer was not made aware of either assault within the premises and only learned about these incidents during the initial onsite interview on 17 August 2022. Upon questioning the applicant about these assaults, the reply from Harold Salisbury as to why Police weren't informed was 'We take care of matters here ourselves'.

At both interviews on the 17th and 24th August, records were requested by the agencies to be viewed of any incidents, managers logs, staff training etc. No records were able to be produced at either interview. Cameron and Conrad indicated some incidents were recorded, but evidence of this was unable to be sighted by the agencies.

Serve wise was discussed with Harold on 17 August and recommended for all staff to undertake (and keep records on file once this training had been completed).

Any relevant local alcohol policy:

No issues.

The days on which and the hours during which the applicant proposes to sell alcohol:

Refer to earlier comments in relation to hours of trade/licensing hours sought. No issues with newly proposed licensing hours of 10am – 2am daily.

The design and layout of any proposed premises:

No issues.

Whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:

None

Whether the applicant has appropriate systems, staff, and training to comply with the law:

- (a) Building.** This premises has a current BWOFF, expires 01/09/23
- (b) Sale of food.** The premises is registered as a Template Food Control Plan under the Food Act 2014. The registration expires 31/03/23. Currently the premises holds an 'A' grade.
- (c) Fire.** No issues as of 23/08/22
- (d) Security.** Used for functions, usually SPS security company used.

Any matters dealt with in any report from the Police or a Medical Officer of Health
Police have opposed due to suitability.
Medical officer of Health has no opposition.

Whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:

No issues.

The amenity and good order of the locality

- (a) Noise.** No issues
- (b) Nuisance and vandalism.** Nothing that can be directly attributed to the premises.
- (c) Licensed premises in the vicinity.** New New New is approximately 800 metres (though soon to be closed as of October 2022) and Heff's is 700 metres away.

The manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

Promotion of alcohol was discussed during both onsite interviews. A happy hour is run daily between 4-6pm, which offers 20% off all drinks.

The menu promotes a '\$10 mystery shot' being available. The mystery shot is evidently an alcoholic shot of staffs' choosing (in terms of variety), usually a slower selling product line.

Copy of drinks menu displayed on The Kensington's Facebook page (accessed 16/09/22):

THE KENSINGTON
ESTD. 1915

I FEEL A COCKTAIL COMING ON

I FROSE WHEN I SAW HIM
frappe rosé & watermelon syrup

IT'S TRUE, I'M NOT A VIRGIN COLADA
choice of pineapple or mango, silver rum, malibu, pineapple juice & coconut cream

IS MY TAI ON STRAIGHT
silver rum, amber rum, mango liqueur, pineapple & lemon juice

SNOW MONKEY BUSINESS
absolut vodka, mango liqueur, mango fruit purée, pineapple & lemon juice

ME LOVE YOU LONG TIME
tanqueray gin, lychee liqueur, strawberry purée, imperial yuzu lemonade, pineapple & lemon juice

GINGER NINJA
absolut vodka, lychee liqueur, lychee purée, fever tree ginger beer & lime juice

CHILL BILL VOL 3
alize gold passion, silver rum, passionfruit purée, pineapple juice & lemon juice

PANDA IN LOTUS POSITION
absolut vodka, alize rose, strawberry purée, pineapple juice & lemon juice

TWO IN ONE SEUL
absolut peach vodka, peach liqueur, aromatic bitters, fever tree ginger beer, lime & mint

THE SILK ROAD
toffee vodka, frangelico, chocolate & cream

KISS KISS BANG BANG
absolut vodka, watermelon liqueur, fever tree ginger beer & lime juice

THE LAST SAMURAI
choice of raspberry, peach, watermelon, green apple, rhubarb or strawberry, absolut vodka, whiskey, fruit liqueur, fruit syrup & lemon juice

MEMOIRS OF A KIMONO
blush rhubarb pink gin, house made rhubarb syrup, strawberry purée, imperial burma tonic & lemon juice

LYCHEE FOR MYSELF
lychee syrup, sparkling prosecco & lychee fruit

MONKEY KING STOLE MY MOJITO
choice of watermelon, passionfruit or original silver rum, lime, mint & soda

MEET ME AT ST CLAIR MARGARITA
choice of chili passion or original, patron tequila, fruit purée or agave & lemon juice

CHAIRMAN TAO TONIC
tanqueray gin, apple liqueur, green apple purée, imperial burma tonic, apple & lemon juice

THE ORIENT ESPRESSO
choice of original or toffee, absolut vodka liqueur, kahula & cold brewed espresso

HOW TO TRAIN YOUR DRAGONFRUIT
absolut vanilla vodka, alize gold passion, passionfruit purée, pineapple, lemon & cranberry juice

BE MY GIN GIN BB TONIGHT
pink gin, cherry brandy, strawberry purée, lemon juice & imperial yuzu lemonade

MASTER SHIFU
Absolut vodka, rhubarb liqueur, house made rhubarb syrup, apple & lemon juice

SHOGUN
grey goose vodka, house made rhubarb syrup, lime juice & fever tree ginger beer

CARAMEL ME TO THE MOON
Grey goose vodka, monin caramel, cream & rock salt

CHAMPAGNE, SPARKLING & WINE

DE BORTOLI PROSECCO
australian sparkling, fruit driven with hints of green apple & wisteria

VILLA MARIA DULCET
a blend of gisborne chardonnay & pinot noir, this sparkling is fresh, crisp, peachy & citrusy with a touch of complexity.

MOET & CHANDON IMPERIAL BRUT
a complete, generous & dynamic french champagne, distinguished by exotic fruitiness

VERVE CLIQUOT ROSÉ
french champagne full bodied & deliciously fruity, with intense flavours of strawberries & cherries

THE PEOPLES ROSÉ
fresh & crisp with lip smacking berries & citrus flavours

RUA ROSÉ
central otago rosé, Wildly exotic fruit salad, floral character & a bright, crisp finish

VILLA MARIA EARTH GARDEN ORGANIC ROSÉ
delicate & refreshingly dry with flavours of blood orange, rosehip & watermelon

WILD GRACE PINOT NOIR ROSÉ
delicate aromas of watermelon & strawberries with a crisp, dry finish

THE PEOPLES SAUVIGNON BLANC
elegantly floral with herbaceous tropical & citrus notes

VILLA MARIA GARDEN ORGANIC SAUVIGNON BLANC
vibrant & zesty with an abundance of citrus

LEFTFIELD SAUVIGNON BLANC
a perfect blend of passionfruit, nectarines & lemongrass

MT DIFFICULTY ROARING MEG SAUVIGNON BLANC
citrus & pomegranate flavours intermingled with notes of dried hay

THE PEOPLES PINOT GRIS
crisp & fruity with granny smith & citrus characters

VILLA MARIA CELLAR SELECTION PINOT GRIS
perfumed aromas of fresh ripe pear with hints of gentle spice

THE PEOPLES CHARDONNAY
fresh & crisp with grapefruit-like flavours, a hint of oak with good balance & depth

VIDAL RESERVE HB CHARDONNAY
beautifully fragrant citrus, floral & complex notes combine on a finely balanced palate

THE PEOPLES PINOT NOIR
central otago pinot with aromatics of ripe cherries, raspberries & wild thyme

THORNBURY PINOT NOIR
central otago pinot beautifully perfumed, rich & full bodied.

ROCKBURN PINOT NOIR
central otago pinot with flavours of blackcurrants, black cherries, mocha & herbs

VILLA MARIA HB CELLAR SELECTION SYRAH
deeply coloured crimson hues layered with sweet blueberry, red plum & peppery spice aromas

THE GROUP THE MURDERER MCLARENVALE SHIRAZ
bold, smooth & wonderfully balanced, this south Australia shiraz has silky dark fruits & excellent length

HAPPY HOUR
4.00pm – 6.00pm
Daily....
No Exceptions!!

MYSTERY SHOTS
\$10
all day, everyday

A 'K Card' loyalty card is available. There was some confusion over what the card holders receive with this card. Conrad and Cameron explained the card gives the holder 6% discount on everything (drinks and food); however how this card is advertised on social media suggests 6 cents is earned on every dollar spent which can then either be spent or saved. I asked Conrad and Cameron that based on how this card was advertised on Facebook, one could reasonably presume that over time with credit building up, in theory alcohol could be acquired for 'free' by way of credit. Both Conrad and Cameron stated this was not how the card worked, however this advertising (online) is misleading in my opinion.

Screenshot of 'K Card' promotion on the Kensington's Facebook page (accessed 24/08/22):



Inspector's comment

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

In my opinion, the applicant is not fully aware of their obligations under the Act in relation to reporting changes within their company structure, demonstrating an awareness of signage and accessibility of free water, and confusion over alcohol promotions such as the 'K card' loyalty scheme and \$10 mystery shot, both of which could be seen to contribute towards and encourage consumption of alcohol in an irresponsible manner, which may potentially cause harm.

In addition, through discussions with the applicant around licensing hours sought, comments made in relation to being willing to sell alcohol to any person from 8am as this is 'how we make money' whilst not illegal, raises concerns about responsible alcohol sales.

The lack of record keeping, especially in relation to assaults/fight's that occurred in and around the premises are cause for concern and raise questions around staff training and systems in place to reduce alcohol related harm and the responsible sale of alcohol as well.

For the above reasons, I oppose this application based under section 105 (b) (Suitability of the applicant) and (j) (Whether the applicant has appropriate systems, staff, and training to comply with the law) of the Act.



Tanya Morrison
Licensing Inspector
19/09/22

From: [Dunedin AHPU](#)
To: [Dunedin Licensing Agency](#)
Cc: [Tanya Morrison](#); [Aaron Whipp](#)
Subject: FW: [EXTERNAL] ON-10-2021, Akuhata Limited, The Kensington, 4 King Edward Street Dunedin
Date: Thursday, 18 August 2022 10:14:10 p.m.
Attachments: [0.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[ON-10-2021, Akuhata Limited, The Kensington, 4 King Edward Street Dunedin.pdf](#)
[Cover Sheet.doc](#)

Kia ora,

The agencies met with the applicant yesterday and were not satisfied the interview and knowledge he conveyed.

The decision has been made to further interview the other Duty Managers to ensure they are compliant, particularly considering the Southern Sounds event taking place nearby this premises in early September and the risk it poses.

Please take this email as interim opposition until the agencies have an opportunity to interview the other Duty Managers on 24/09/22.

Nga mihi,

Steve Jones

Sergeant SJCT35

Alcohol Harm Prevention

Dunedin Central

P +64 3 471 4800 M +64 21 191 2755 E sjct35@police.govt.nz



*Kaua e rangiruatia te hā o te hoe;
e kore tō tātou waka e ū ki uta*

From: Holly Maxwell <Holly.Maxwell@dcc.govt.nz>
Sent: Monday, 25 July 2022 9:57 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>; Dunedin AHPU <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>
Subject: [EXTERNAL] ON-10-2021, Akuhata Limited, The Kensington, 4 King Edward 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.

Hi All,

Please find attached renewal of the above mentioned premises.

Many thanks,

Holly Maxwell

Alcohol Licensing Administrator
Dunedin District Licensing Committee

P 03 4774000 E holly.maxwell@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz



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From: [Dunedin AHPU](#)
To: [Dunedin Licensing Agency](#)
Cc: [FMC TWP](#)
Subject: FW: [EXTERNAL] ON-10-2021, Akuhata Limited, The Kensington, 4 King Edward Street Dunedin
Date: Thursday, 29 September 2022 11:22:58 a.m.
Attachments: [0.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[ON-10-2021, Akuhata Limited, The Kensington, 4 King Edward Street Dunedin.pdf](#)
[Cover Sheet.doc](#)

Morena,

While Police do not formally oppose this application. I do support the position of the Licensing Inspector and Medical Officer of Health delegate in their concerns around the management and operation of this particular premises.

FMC for entry and filing please.

Nga mihi,

Steve Jones

Sergeant SJCT35

Alcohol Harm Prevention

Dunedin Central

P +64 3 471 4800 M +64 21 191 2755 E sjct35@police.govt.nz



*Kaua e rangiruatia te hā o te hoe;
e kore tō tātou waka e ū ki uta*

From: Holly Maxwell <Holly.Maxwell@dcc.govt.nz>

Sent: Monday, 25 July 2022 9:57 AM

To: Aaron Whipp <aaron.whipp@southernhb.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>; Dunedin AHPU <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>

Subject: [EXTERNAL] ON-10-2021, Akuhata Limited, The Kensington, 4 King Edward 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.

Hi All,

Please find attached renewal of the above mentioned premises.

Many thanks,

Holly Maxwell

Alcohol Licensing Administrator
Dunedin District Licensing Committee

P 03 477 4000 **E** holly.maxwell@dcc.govt.nz
Dunedin City Council, 50 The Octagon, Dunedin
PO Box 5045, Dunedin 9054
New Zealand
www.dunedin.govt.nz



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From: [Melissa Joyce](#)
To: [Dunedin Licensing Agency](#)
Subject: Amended No Opposition WITH COMMENTS ON-10-2022 The Kensington
Date: Thursday, 6 October 2022 11:48:48 AM
Attachments: [image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.emz](#)
[image013.png](#)

06 October 2022

The Secretary
District Licensing Committee
Dunedin City Council
DUNEDIN

Attention: Kevin Mechen

Dear Sir / Madam

RE: SALE AND SUPPLY OF ALCOHOL ACT 2012 – APPLICATION FOR RENEWAL OF ON LICENCE – The Kensington

I refer to the application received by our office on 25th July 2022 from Ahukata Limited for the renewal of the ON licence (ON-10-2021) regarding the premises situated at 4 King Edward Street, Dunedin.

I have considered this application with respect to the public health issues involved. This report advises NO OPPOSITION, however I wish to make comment.

On Wednesday 24th August 2022, Joanne Lee a health promotion advisor from the National Public Health Service – Te Waipounamu, visited the above premises on behalf of the Medical Officer of Health and met with Conrad and Cameron Salisbury. All agencies were present during this meeting. During the visit the premises was assessed for compliance with the Sale and Supply of Alcohol Act 2012.

Although the report from Ms Lee was not unfavourable, it did raise some concerns that I would like to bring to the attention of the DLC.

Cameron and Conrad Salisbury stated their staff training consisted of on the job training, mentoring/buddy system and induction process. No records have been kept to support this. Five certified managers are employed, however nothing has been recorded in the managers register. National Public Health service staff will be continue to monitor these premises along with our partner agencies.

Ngā mihi



Stephanie Bekhuis-Pay

Delegated by the Medical Officer of Health, undersection 151 of the Sale and Supply of Alcohol Act 2012.

Delegated Functions of Medical Officer SASAA 2012

Liquor Licensing, Health Promotion

Smoke Free Enforcement Officer

Te Whatu Ora

Southern

QUEENSTOWN

waea pūkoro: 0274363735

īmēra: Stephanie.Bekhuis-Pay@southerndhb.govt.nz

Lorelei Morrison (she/her)

Administration Officer Kaiwhakahaere Tari

Southern

waea pūkoro: 03 450 9154 īmēra: lorelei.morrison@southerndhb.govt.nz

Rees House, Remarkables Park Town Centre, 12 Hawthorne Drive, Frankton, Queenstown | PO Box 2180, Frankton, Queenstown

Work hours: Monday, Tuesday, Wednesday Thursday and Fridays 9.00am-1.00pm

Te Whatu Ora
Health New Zealand

Te Whatu Ora – Health New Zealand
TeWhatuOra.govt.nz



Kind – Manaakitanga | Open – Pono | Positive – Whaiwhakaaro | Community – Whanaungatanga

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From: [White, Nikki](#)
To: [Dunedin Licensing Agency](#)
Subject: FW: ON-10-2021, Akuhata Limited, The Kensington, 4 King Edward Street Dunedin
Date: Tuesday, 23 August 2022 03:24:44 p.m.
Attachments: [0.png](#)
[image001.png](#)
[ON-10-2021, Akuhata Limited, The Kensington, 4 King Edward Street Dunedin.pdf](#)
[Cover Sheet.doc](#)

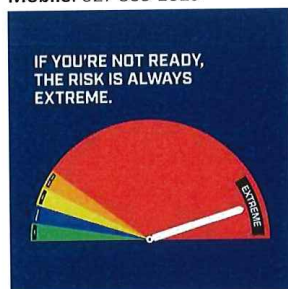
Hi team

No issues with this one.

Ngā mihi / Many thanks

Nikki White
Business Services Coordinator

Otago District – Dunedin
Te Kei Region
Dunedin Central Fire Station
85 Castle Street, Dunedin 9016
PO Box 341, Dunedin 9054
Phone: 03 367 9599
Mobile: 027 559 1825



nikki.white@fireandemergency.nz
www.fireandemergency.nz



From: Holly Maxwell <Holly.Maxwell@dcc.govt.nz>
Sent: Monday, 25 July 2022 9:57 am
To: Aaron Whipp <aaron.whipp@southernhdb.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>;
Police <dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>
Subject: ON-10-2021, Akuhata Limited, The Kensington, 4 King Edward Street Dunedin

Hi All,

Please find attached renewal of the above mentioned premises.

Many thanks,

Holly Maxwell

Alcohol Licensing Administrator
Dunedin District Licensing Committee

P 03 4774000 E holly.maxwell@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz



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PUBLIC NOTICE

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

Akuhata Limited has made application to the District Licensing Committee at Dunedin for the renewal of a on licence number ON-10-2021 in respect of the premises situated at 4 King Edward Street Dunedin and known as The Kensington

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

The applicant seeks the licence on the following hours:
Monday to Sunday 8.00 am to 2.00 am the following day.

First publication date: Wednesday, 27 July 2022

Second publication date: Wednesday, 3 August 2022

Objections Close 5:00 pm Wednesday, 17 August 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



PUBLIC NOTICE DECLARATION

To the Secretary, Dunedin District Licensing Committee

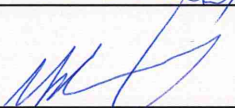
Premises Name: The Kensington
Premises Address: 4 King Edward Street Dunedin
Reference number: ON-10-2021

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):

On the Front Door (Clearly Visible)

From Date: Wednesday, 27 July 2022
To Date: Wednesday, 17 August 2022

Name: Conrad Salisbury
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: Alcohol Licensing, Dunedin City Council, P.O Box 5045, Dunedin

ALCOHOL LICENCE APPLICATION

On-10-2021, Akuhata Limited, The Kensington,
4 King Edward Street, Dunedin. First notice.
Closes Wednesday, 17 August 2022

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

ALCOHOL LICENCE APPLICATIONS

On-11-2015, Bihari Lal Chandel, Krishna Indian Restaurant & Takeaways, 168A Gordon Road, Mosgiel. First notice. Closes Wednesday, 24 August 2022.

On-14-2021, Good Good (2021) Limited, Good Good, 22 Vogel Street, Dunedin. First notice. Closes Wednesday, 24 August 2022.

On-10-2021, Akuhata Limited, The Kensington, 4 King Edward Street, Dunedin. Second notice. Closes Wednesday, 17 August 2022.

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