

**Notice of Meeting:**

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

**Date:** Friday 27 January 2023  
**Time:** 10.00 am  
**Venue:** Plaza Conference Room, Civic Centre, the Octagon, Dunedin

Sandy Graham  
Chief Executive Officer

---

**District Licensing Committee**  
**Extension of Temporary Authority – Tokyo Garden**  
**PUBLIC AGENDA**

---

**MEMBERSHIP**

<b>Chairperson</b>	Colin Weatherall
<b>Deputy Chairperson</b>	
<b>Members</b>	Rakei Amohau Katie Lane
<b>Senior Officer</b>	Kevin Mechen, Secretary, District Licensing Committee
<b>Governance Support Officer</b>	Lauren Riddle

---

Lauren Riddle  
Governance Support Officer

Telephone: 03 477 4000  
Lauren.Riddle@dcc.govt.nz  
[www.dunedin.govt.nz](http://www.dunedin.govt.nz)

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



<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
1	Apologies	4
<b>PART A REPORTS (Committee has power to decide these matters)</b>		
2	Report for Continuation of Temporary Authority, 343 George Street, Dunedin – From Secretary, District Licensing Committee	5

**1 APOLOGIES**

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

## PART A REPORTS

### REPORT FOR CONTINUATION OF TEMPORARY AUTHORITY, 343 GEORGE STREET, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

#### APPLICATION DESCRIPTION

Applicant's Name:	Tokyo Garden Food Limited
Site Address	343 George Street, Dunedin
Trading Name:	Tokyo Garden
Style of Licence	Restaurant
Application Number	TA-01-2023
Date received by Council	05/12/2022

#### EXECUTIVE SUMMARY

- 1 This is a report for the extension of a Temporary Authority of the premises situated at 343 George Street, Dunedin, and known as "Tokyo Garden".
- 2 The original application was opposed by the Licensing Inspector and Police but, because of the time of year, the Committee decided to issue the temporary authority until 27 January 2023 at which time a hearing for the substantive licence application would be heard, assuming the applicant had submitted it on time.
- 3 An application was received but, due to a technical issue only resolved on 18 January, the detail in the main application was unreadable and supporting documents were not attached.
- 4 This hearing is to rehear the original temporary authority application and to consider the information in the reports of the Police and Licensing Inspector.

#### APPLICANT AND APPLICATION

##### *Applicant*

- 5 The applicant company has two directors, Leonard CHENG and Chengyu ZHANG (also known as Chris ZHANG) with the latter being the sole shareholder. There was a change in the company structure with a former director and sole shareholder, Ms Yingjie GAO, was replaced by Mr

ZHANG. The change in company structure was not notified to the Alcohol Regulatory and Licensing Authority as required by section 69 of the Sale and Supply of Alcohol Act 2012.

- 6 The Committee asked for a temporary authority application to be submitted as soon as possible after the breach was identified in November 2022. This was subsequently received, and both the Police and Licensing Inspector opposed the grant of the authority. It was decided to issue the authority with the applicant being advised to apply for the substantive licence as soon as possible so a hearing could be convened on 27 January 2023.
- 7 An application was received by Council prior to the Christmas/New Year closure period however, it was not 'readable' by the computer system being used, despite the form being used was editable .pdf documented accessed on the Council website. The application was returned advising it was incomplete and that supporting documentation was required.
- 8 A 'work-around' has now enabled the missing form data to be read but the supporting data has still not been received.
- 9 The hearing for the full licence cannot be convened however, because the temporary authority will need to be extended, a short-notice hearing to rehear the original application has been called for the same date, 27 January 2023, so the original opposition by the Police and Licensing Inspector can be considered before an extension of the temporary authority is determined. The ability for the Committee to rehear this matter, at short notice, is found at sections 136(3) and 201(4) of the Act.

## **OBJECTIONS**

- 10 Temporary authority applications are not required to be publicly advertised but they are circulated to the Police and Licensing Inspector.

### ***Objections***

- 11 Police: The Police opposition relates the suitability of Mr ZHANG. On 29 July 2022 Mr ZHANG, 26 years of age, was convicted for unlawfully carrying an imitation firearm during an incident in a licensed premises in Dunedin's George Street in the early hours of 4 June 2022. He was intoxicated at the time of the incident. Another charge of presenting that imitation firearm was withdrawn by Police.
- 12 Mr ZHANG is essentially the operator of Tokyo Garden, but this incident raises questions as to his suitability to be operating a licensed premises.
- 13 Licensing Inspector: The Licensing Inspector identified the change in company structure while at the premises for a Food Licence check. The second director, Mr CHENG, has been involved with licensed restaurants for a number of years but in this instance, did not notify the Authority of the change in directorship and shareholding.
- 14 Tokyo Garden has continued to sell alcohol since the change in February 2022 when they should have notified the Authority and, because of the shareholding change, should have applied for a new licence.
- 15 The Licensing Inspector raises questions as to the suitability of the applicant company to have an alcohol licence.

## CONCLUSION

- 16 This original hearing for the substantive on-licence application is not able to take place. The application was not able to be read at the time it was received and was not accompanied by the required supporting documents. While the application can now be ‘read’, the other documents are not available so public notification cannot take place nor the application circulated to the reporting agencies.
- 17 The temporary authority was issued for a very short period to allow the substantive application to be received, circulated and reported on so it could be determined at this hearing.
- 18 To continue with the current temporary authority the Committee has decided to rehear the matter to hear the positions of the Police and Licensing Inspector and then decide whether to extend it’s expiry date.

## Signatories

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

## Attachments

	<b>Title</b>	<b>Page</b>
<a href="#">↴A</a>	Temporary Authority Application	8
<a href="#">↴B</a>	Licensing Inspector evidence	15
<a href="#">↴C</a>	Licensing Inspector TA Report	17
<a href="#">↴D</a>	Police TA Report	19
<a href="#">↴E</a>	Cover Pages	22
<a href="#">↴F</a>	Temp Authority and Decision	25
<a href="#">↴G</a>	Miscellaneous documents	27
<a href="#">↴H</a>	On-licence application - incomplete	32

## Application for Temporary Authority

**Incomplete applications will not be processed**

- The application must be considered by the District Licensing Committee therefore **10 working days' notice is required to process the application**
- This application must be accompanied by the prescribed fee (*note fees are non-refundable*)
- There must be a current licence for the premises before a Temporary Authority can be granted. To be considered 'current' the annual fee must be paid
- If you have any queries while completing this form please contact Administration on 03 474 3481 or email [dla@dcc.govt.nz](mailto:dla@dcc.govt.nz)

**Please read and complete the following checklist before submitting the application** ✓

- The prescribed fee of \$296.70
- Written statement from the owner of the building or property giving you approval to sell and supply alcohol on/from the premises   
*An email is acceptable, this can be sent to [dla@dcc.govt.nz](mailto:dla@dcc.govt.nz) with the name of the premises and applicant included as a reference*
- Certificate of Incorporation (*or equivalent document*)
- Application & fee for Planning Certificate
- Application & fee for Building Compliance Certificate
- A letter of authorisation for consultant if they are completing the form



**Application for Temporary Authority**

Section 136, Sale and Supply of Alcohol Act 2012

**TO** the Secretary

Dunedin District Licensing Committee

Application for a Temporary Authority to carry on the sale and supply (or delivery) of alcohol is made in accordance with the particulars set out below:

**Type of Licence**

On-licence  Off-licence

Current licence number: 069/ON/13/2017 Expiry Date: 13th April 2024

**Reason for Application:**

Owner changed, but didn't give notice, gonna need to apply for a new one, so will need a temporary license during Christmas and new year.

What date do you intend to commence trading?

(Please allow at least 10 working days to process your application)

ASAP please

**Details of the Contact Person**

Full Name: Chengyu Zhang (Chris)

Phone No.:

Mobile No.: 027 342 9405

Email address: tokyogarden11@gmail.com

**Details of the Applicant**

Full legal name or names to be on licence:

(Full legal name or the exact company name as shown on the certificate of incorporation)

Tokyo Garden Food LTD



Any alias/maiden name/other name: .....

Usual residential address: ..... 345 George Street .....

..... Post Code: ..... 9016 .....

Postal address for service of documents: ..... 345 George Street .....

..... Post Code: ..... 9016 .....

Occupation: .....

Phone No: ..... 034745993 ..... Mobile No: .....

Email address: ..... tokyogarden11@gmail.com .....

Does the applicant intend to carry on the sale and supply (or delivery) of alcohol personally?

Yes  No

If no, what is the full legal name, residential address and occupation of the person through whom the applicant intends to carry on the sale and supply (or delivery) of alcohol?

Full legal name: .....

Usual address: .....

..... Post Code: .....

Occupation: .....

Manager Details			
Provide the below details for each manager or proposed manager			
Full Name	Date of Birth	Managers Certificate Number	Expiry Date
Yingjie Gao	22/02/1978	069/CERT/105/2017	17/05/2024
(Use a separate sheet if necessary)			



**Details of Premises or Conveyance**

**For a Premise:**

Current trading name: ..... Tokyo Garden Food LTD .....

Proposed trading name: ..... Tokyo Garden Food LTD .....

Address of premises: ..... 345 George Street .....

**For a Conveyance:**

Type of conveyance (e.g.: ship, bus, carriage etc.): .....

Trading name of conveyance: .....

Address of home base: .....

Does the applicant own the premises/conveyance?  Yes  No

If "no", full legal name and address of the owner:

..... Hugh Chin .....

..... 200 King Edward Street .....

*A written statement is required from the owner of the building or property giving you approval to sell and supply alcohol on/from the premises. This can be sent to [dla@dcc.govt.nz](mailto:dla@dcc.govt.nz) with the name of the premises and applicant included as a reference*

What right, title, estate or interest does the applicant have in relation to:

The premises or conveyance? ..... No .....

In any business conducted in the premises or conveyance to which the application relates?

..... No .....

Signed ..... *Chengyu Zhang* ..... Date ..... 2/12/2022 ..... Place .....































































