DUNEDIN CITY COUNCIL | kaunihera a-rohe o Ōtepoti

Notice of Meeting:

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

Date:	**Friday 17 February 2023**
Time:	**10.30 am**
Venue:	**Council Chamber, top floor, Dunedin Public Art Gallery, the Octagon, Dunedin**

Sandy Graham
Chief Executive Officer

District Licensing Committee

On-Licence Renewal – Eleven Bar

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.*

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PART A REPORTS (Committee has power to decide these matters)

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1 APOLOGIES

There are no apologies.

PART A REPORTS

REPORT FOR ON-LICENCE RENEWAL, "ELEVEN BAR AND CLUB", 11 THE OCTAGON, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

APPLICATION DESCRIPTION

Applicant's Name:	Eleven 2021 Limited
Site Address	11 The Octagon, Dunedin
Trading Name:	Eleven Bar & Club
Style of Licence	Tavern
Application Number	ON-20-2021
Date received by Council	14 November 2022

EXECUTIVE SUMMARY

1 This is a report for an application for a renewal of an on-licence for the premises situated at 11 The Octagon, Dunedin, and known as "Eleven Bar & Club". The criteria found at section 131 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.

2 The application seeks to change the licensed times for Wednesday to Sunday to 9.00 am to 4.00 am the following day and 9.00 am to 12.00 midnight on Mondays and Tuesdays. However, once it was pointed out that the Local Alcohol Policy (LAP) has a maximum closing time of 3.00 am they decided to stay with the current 8.00 am to 3.00 am the following day on each day.

3 One public objection has been received and both reporting agencies (Police and Medical Officer of Health) have opposed this application. The Licensing Inspector has also opposed the application.

4 The Licensing Inspector would also like to see condition added to the licence relating to the management of the two levels of the premises. Currently there is only a requirement to have a duty manager present on the premises however, they operate on both the ground floor and first floor of the premises. The Inspector would like a condition requiring a duty manager to be present for each of the two areas.

APPLICANT AND APPLICATION

Applicant

5 The applicant company, Eleven 2021 Limited, initially had two directors and equal shareholders, Ravinder MOHAN and Prakash KHATTRI. On 1 August 2021 Mr KHATTRI was removed leaving Mr MOHAN the sole director/shareholder for the company, the same as when the company was first registered. When the original on-licence application was made on 3 August 2021, both Mr MOHAN and Mr KHATTRI were recorded as directors/shareholder.

6 Mr KHATTRI was reinstated as director/shareholder on 1 December 2021, two days before the on-licence was issued.

7 On 2 May 2022 Mr MOHAN was removed as director/shareholder and Mr Naveen MALHOTRA and Mr Nikesh SINGH were appointed as directors and 25% shareholders each. The Alcohol Regulatory and Licensing Authority (ARLA) was not advised of this change in company structure as required by section 69 of the Act.

8 At the meeting regarding the renewal of the licence on 5 December 2022, My KHATTRI advised that from 20 December 2022 he would be the sole director and shareholder with the removal of Mr SINGH and Mr MALHOTRA.

9 Mr KHATTRI listed himself as a duty manager for the premises however he allowed his manager's certificate to expire. An application for a new certificate is with the Committee.

PUBLIC NOTICE

10 Public Notice of the renewal application attracted one public objection and the three reporting agencies have opposed the renewal.

Objections/Opposition

11 ***Objection***: The objection was submitted by the Students for Sensible Drug Policy Dunedin. this group is affiliated with the Otago University Students' Association (OUSA) and has the goal of reducing drug related harm, and advocate for drug policy change, in Dunedin and Aotearoa. Alcohol is considered the most commonly used drug in New Zealand. This premises is a venue patronised by Dunedin's student population therefore they believe they do have an interest greater than the public generally.

12 The grounds of the objection include:

- Object of the Act – s.105(1)(a): the application is incomplete and does not include some of the prescribed attachments. The objector believes this makes it difficult to assess whether the object of the act is being met.

- Suitability – s.105(1)(b): the applicant has not completed the form accurately and have failed to include some relevant information, for example, the change in company structure. They believe this indicates the applicant is not aware of their obligations under the Act and is therefore unsuitable.

- Design and layout – s.105(1)(d): the application indicates the entire premises is a supervised area. at night part of the premises operates as a nightclub and should have a 'restricted' designation.

- Systems, staff and training – s.105(1)(j): the incomplete application and missing supporting documentation in relation to a high-risk premises indicates the likelihood of insufficient systems and training within the business to comply with the legislation.

13 ***Police opposition***: The Police opposition is based on the object of the Act, the suitability of the applicant, the systems, staff and training at the premises and the amenity and good order of the location. The reasons include:

- Police currently have five applications before the Authority seeking the cancellation of this licence. They relate to breaching the conditions on the licence, intoxicated patrons at the premises, disregarding Covid regulations regarding gatherings of people and a disregard to Food Safety regulations.

- Three of the premises duty managers are subject to matters before the Authority therefore questions the systems and training that takes place within the premises.

- The amenity and good order is affected in the this area and the Police believe this premises is responsible for a lot of the noise, litter and disorder reported to Police.

14 ***Medical Officer of Health***: The Medical Officer of Health has similar grounds to the Police:

- Object of the Act: the premises is not being operated in a manner that upholds the object of the Act. Their business operation does not constitute safe and responsible supply of Alcohol.

- Suitability of the applicant: despite being subject of the graduated response interventions by the Police, there are ongoing issues with a lack of active management, intoxication on the premises and a general lack of knowledge of the alcohol legislation.

- Systems, staff and training: there have been incidents where Police have had to eject intoxicated people from the premises. This raises questions as to the training of staff, compliance with their policies and daily management of the premises.

15 ***Licensing Inspector***: The Licensing Inspector has raised several matters similar to the other agencies:

- Object of the Act: the premises is not selling/supplying alcohol in a responsible manner. People are becoming intoxicated and allowed to remain on the premises.

- Suitability: the applicant has not completed the application form correctly. They have indicated there have been no changes to the licensee status when the company structure has changed, and this has not been advised to the Authority. The licensing hours sought are beyond the provisions of the LAP. One of the managers listed has an expired manager's certificate. The supporting documents did not match those in the premises.

- Relevant local alcohol policy: the hours sought were outside the maximum stated in the LAP.

- Systems, staff and training: there is no documented training system in place at the premises nor is there a register of duty managers. An on-licence toolkit was supplied when the agencies visited for the initial licensing visit however, this has not been completed or utilised in any way. The applicant has only recently been made aware of the free, online ServeWise training.

CONCLUSION

16 This is the first renewal of the licence. It has attracted a public objection and the three reporting agencies have opposed the renewal of the licence.

17 There are several areas of concern identified, some of which are the subject of applications to ARLA for the cancellation of the licence. Three of the duty managers also have applications before the Authority. The ARLA hearings are to take place on 9 March 2023.

18 The matters for the Committee to consider will relate to the object of the Act, the applicant's suitability to hold a licence, the systems, staff and training utilised by the applicant, and the impact of this premises on the amenity and good order of the central city.

Signatories

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

Attachments

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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

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16 NOV 2022

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: Trading hours points: Enforcement points: **Total points:**

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 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: PRAKASH KHATTRI

Phone: 0212035944

Email: prakashkhattri@hotmail.com

Postal address for service: 11 Octagen Dunedin

Postcode:

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: ELEVEN 2021 LTD

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: 11 The octagen

Occupation: Chef

Phone: 0212035944

Email: prakashkhattri@hotmail.com

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

Gender (if an individual): male

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:

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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: 11 Bar and Club

Name of the building (if applicable): 11 octagon

Address of the premises:

Dunedin

Postcode: 9016

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

What is the maximum occupancy of your premises including outside areas? 220

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:

3 male 3 female upstairs
1 unisex and 1 accessible on ground floor
1 staff Basement

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: 14/11/22

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Details of conveyance

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

Trading name of conveyance:

Registration number: NA

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	9am	9am	9am	9am	9am	9am	9am
End time	12pm	12pm	4pm	4pm	4pm	4pm	4pm

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
PRAKASH Khatri	1/1/1978	069/CERT/294/2016	17/July/2022
NIKESH SINGH		069/CERT/145/2020	
ISOBELLE-ROSE CECELIA	18/08/1999	069/CERT/086/2021	
STEVEN LESLIE		069/CERT/051/2022	

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)

ATTACHED

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

ATTACHED
Soft Drink, coffee, juice Heineken zero

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

Heineken Light 2.5%

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

All the time

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

Bottled water from the supermarket

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

Notice information near front desk
Through front staff

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

Training the front staffs using intoxication Assesment Tool (SCAB), checking ID's

6) What other steps does the applicant take to promote the responsible consumption of alcohol?

Promoting moderate drinking or no drinking at all if possible Try to sell foods more than alchol. offering non or low alchohol beverage. Staff training plan, following those host Responsible

7) How does the applicant staff the premises to ensure compliance with the Act? Please provide the number of staff and their experience.

Teach them about host responsibility policy, tell them to ask duty managers if any issue arise. provide training during quite time, tell them about intoxication, minors, designation of the restaurant and food availability

8) For high risk premises, what arrangements will be made for security staff?

manager on Duty on floor keeping eyes on customers, ID check by door security staff, making sure that customers are not intoxicated, Violence, security agency provide security.

9) How does the applicant train staff to ensure compliance with the Act?

provide training to front staff about host responsibility policy Duty managers monitring the staff all the time

Signed: Date: 14/11/2022 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.

HOST RESPONSIBILITY POLICY

Eleven Bar & Club

Our aim at Eleven Bar & Club is to provide a safe and inclusive venue for all our patrons and guests.

We expect our guests to behave and treat our venue, other guests, and staff with respect always. Unruly or inappropriate behaviour, sexual inappropriateness and intoxication will not be tolerated under any circumstances.

If you, or a member of your party is feeling unsafe or uncomfortable, please do not hesitate to speak to a member of our staff and we will get you to a safe place, assess the situation and take the appropriate action.

This is a supervised venue and as such no minor is to be present on site without, a legal parent or guardian present with them, at all times. Please be aware you may be asked for appropriate identification to confirm this.

Current appropriate identification must be carried and will be checked. Acceptable identification includes; current New Zealand Driver's License, current valid Passport, current Hospitality NZ 18+ Card or a Kiwi Access card.

No other forms are acceptable.

We always have a full and extensive menu available.

Free tap water is always available.
We have a full and extensive soft drink and coffee menu. We also have a large range of low and non-alcoholic beverages available at all times.

Intoxication will not be tolerated; intoxicated patrons will be asked to leave the premises. We operate a safe space and safe transport option to ensure our guests always have a safe way to get home. If you need any assistance, please speak to our staff.

Welcome to Eleven Bar & Club, please enjoy our venue and facilities.
Remember to always be respectful.

BEER

TAP	Glass	Pint
• Export	$8	$9
• Heiniken	$9	$12
• Tiger	$9	$12
• Montieth's Pilsner	$9	$12
• Montieth's IPA	$9	$12
• Montieth's Cider	$9	$12
• Tuatara Hazy	$9	$12

BOTTLE	
• Heineken Zero	$~~8~~ 7
• Heineken light	$~~8~~ 8
• Heineken	$9
• Tuatara IPA	$9
• Sol	$9
• Montieth's Black	$9
• Montieth's Radler	$9

RTDS & CIDERS

ODD COMPANY VODKA.....$9

- Raspberry & Pomegranate
- Peach & Passionfruit
- Pear & Apple
- Lemon, Lime & Yuzu
- Tropical

JIM BEAM.....$9

- Bourbon & Cola

TUI.....$9

- Vodka, Lime, Soda
- Bourbon & Coke

ORCHARD THIEVES.....$9

- Apple Low Sugar
- Rosé

REKORDERLING.....$9

- Strawberry & Lime

NON-ALCOHOLICS

MIX	
• Soft Drink	$4
• Orange Juice	$5
• Apple Juice	$5
• Pineapple Juice	$5
• Cranberry Juice	$5
• Tomato Juice	$5
• Ginger Beer	$5
• V (Green, Blue, Sugar Free)	$6

COFFEE	
• Latte	$5
• Flat White	$5
• Mocha	$5
• Cappuccino	$5
• Long Black	$5
• Hot/Iced Chocolate	$5
• Ice Coffee	$5
• Tea	$5

WHITE WINE

SAUVIGNON BLANC		Glass	Bottle
• Stoneleigh	Marlborough	$9	$42
• Church Road	Hawks Bay	$10	$45
CHARDONNAY			
• Alan Scott	Hawks Bay	$9	$42
• Jules Taylor	Malborough	$10	$45
PINOT GRIS			
• Church Road	Hawks Bay	$11	$49
• Stoneleigh	Hawks Bay	$14	$52
RIESLING			
• Camshorn	Waipara	$11	$49
ROSÉ			
• Mud House	Marlborough	$9	$42
• Alan Scott	Marlborough	$13	$47
PROSECCO			
• Brown Brothers Prosecco	Australia	$9	$40
• Brown Brothers Prosecco Rosé	Australia	$9	$40
SPARKLING			
• Deutz Methode	Marlborough		$55
• Mum Marlborough Rose	Marlborough		$70
CHAMPAGNE			
• Mumm Grand Cordon 375ml	France		$70

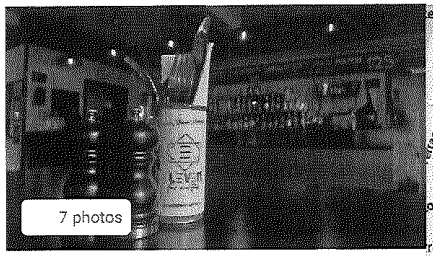
RED WINE

PINOT NOIR			
• Camsorn	Waipara	$11	$52
• Chard Farm	Central Otago	$12	$55
SHIRAZ			
• Last Shepard	Hawks Bay	$9	$40
• George Wyndham Bin 555	Australia	$12	$55
MERLOT			
• Allan Scott	Hawks Bay	$11	$49
BLENDS			
• George Wyndham Bin 88 Cab	Australia	$11	$49

16/11/2022, 09:56 Eleven Bar & Club - Google Maps

Eleven Bar & Club

Explore
Trips
Saved
Contribute
More



Eleven Bar & Club

4.7 ★★★★ 18 reviews
Restaurant

Directions | Save | Nearby | Send to phone | Share

✓ Dine-in · ✓ Takeaway · ✓ No-contact delivery

11 The Octagon, Central Dunedin, Dunedin 9016

Closed · Opens 3PM

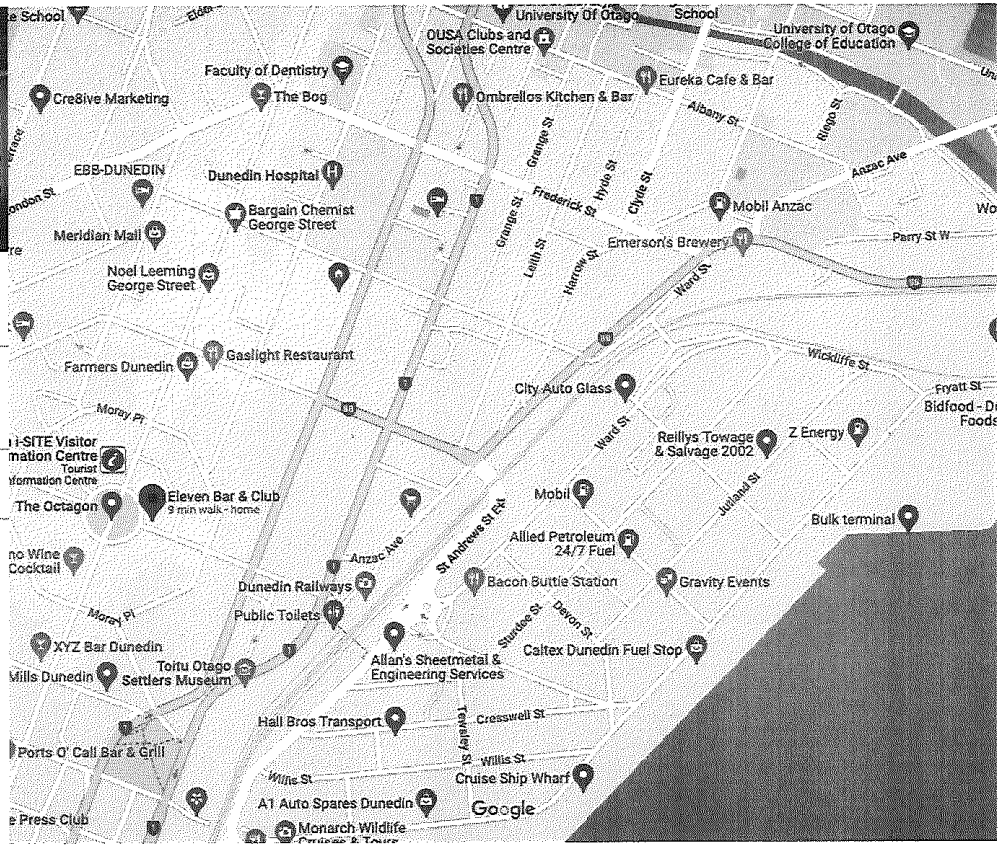
Menu
elevenbarandclub.co.nz

elevenbarandclub.co.nz

03 470 1603

4GG3+8Q Dunedin

Send to your phone



https://www.google.com/maps/place/Eleven+Bar+%26+Club/@-45.8728021,170.5065843,16z/data=!4m5!3m4!1s0x0:0xf616e012f328e036!8m2!3d-45.8741943!4d170.5044163 1/1

BRUNCH

10am – 2pm

Eggs on Toast

cooked to your choice

$9.50

Eggs Benedict

on grilled ciabatta with hollandaise and spinach

with your choice of grilled bacon, or mushrooms

$17.50

w/ salmon $19.50

Fluffy Pancakes

with banana, blueberry compote, whipped cream and maple syrup

$15.50

Eleven's Real Breakfast

grilled bacon, chorizo sausage, mushrooms, hash browns, tomato, grilled ciabatta

eggs cooked to your choice

$24.50

NZ Prime Rump Steak 200g

with fresh garden salad, gourmet potatoes or steamed seasonal vegetables

garlic butter, mushroom or peppercorn sauce

$17.50

Eleven's B.L.T

thick cut ciabatta, smoked bacon, tomato, lettuce

with fries and aioli

$15.50

SMALL PLATES / ENTREES

Always Available

Pork Spare Ribs

oven roasted in orange, ginger & hoisin with Eleven's housemade bbq sauce

1/2 size $17.50 or full size $25.50

Crispy Fried Squid

coated in lemon pepper seasoning with wasabi mayonnaise

$17.50

Popcorn Cauliflower

crumbed & fried in smoked paprika panko crumb with ranch mayonnaise

$12.50

Spicy Buffalo Wings

oven-roasted whole wings with Eleven's housemade hot sauce & blue cheese dip

$12

Seafood Chowder

calamari, prawns, mussels, clams, white fish with grilled ciabatta

$17.50

Fries

dusted with Eleven's house seasoning with aioli or tomato sauce

$8.50

Crusty Garlic Baguette

grilled with fresh herb garlic butter

$7.50

Bread Selection

selection of toasted breads, pesto, hummus, balsamic oil, olives

$9.50

SALADS

Always Available

Caeser

cos lettuce, garlic herb croutons, poached egg, grilled bacon, anchovies,

shaved parmesan, creamy caeser dressing

$15.50

add grilled chicken or smoked salmon

$17.50

Tuna Nicoise

grilled yellow fin tuna, cos lettuce, gourmet potatoes, vine tomato, green beans,

kalamata olives, soft boiled egg with wasabi mayo

$17.50

Mediterranean salad

roasted capsicum, chickpeas, cucumber, vine tomato, red onion, corn, kalamata olives,

grilled vegan mozarella with lemon herb dressing

$21.50

Garden Side Salad

$5.50

BURGERS

Chicken Burger

chargrilled chicken, grilled streaky bacon, brie, iceberg lettuce, red onion, tomato, aioli, tomato relish in a garlic butter sourdough bun

$19.50

Beef Burger

chargrilled beef pattie, grilled streaky bacon, iceberg lettuce, beetroot, gerkins, tomato, chedder, aioli & tomato relish in a garlic butter sourdough bun

$19.50

Plant Beef Burger

chargrilled vegan beef pattie, vegan mozzarella, iceberg lettuce, beetroot, tomato, red onion jam, gerkins & smokey chipotle sauce

$21.50

PASTA

5pm – Late

Carbonara

bacon, mushroom, onion, garlic, parmesan, creamy white wine sauce

add grilled chicken

$21.50

Prawn Napolitana

prawns, onion, garlic, basil, tomato, parmesan, tomato sauce

$22.50

Grilled Vegetable

seasonal grilled vegetables, napoli sauce, parmesan

$20.50

MAIN EVENT

5pm – Late

All Mains Served With Buttered Gourmet Potatoes or Steamed Seasonal Vegetable Selection

NZ Green Lipped Mussels

steamed in garlic white wine, tomato basil sauce with grilled ciabatta

$25.50

Market Fish

crumbed in Japanese panko crumb with Eleven's house made tartare sauce

pan fried avaliable

$27.50

Ora Salmon Fillet

pan seared oven roasted salmon filet with salsa verde

$32.50

Prime NZ Rump Steak (300g)

with garlic butter, mushroom or peppercorn sauce

$34.50

Prime NZ Ribeye Steak (300g)

with garlic butter, mushroom or peppercorn sauce

$36.50

Pork Loin (250g)

pan seared, oven roasted pork loin, with caramelised red onion jam, grilled apple & mustard jus

$35.50

Overnight Shared Lamb Shoulder

slow roasted merion lamb shoulder, roasted in garlic and rosemary

with flatbread, salsa verde, tzatziki, hummus & a red wine jus

for 2 people $72.50

for 3 people $85.50

CHILDREN'S MENU

Under 12 y/o

Chicken Burger

grilled chicken breast, cheddar cheese, tomato, lettuce, aioli, tomato relish

with fries and tomato sauce

$11.50

Beef Burger

grilled beef pattie, cheddar cheese, tomato, lettuce, aioli, tomato relish

with fries and tomato sauce

$11.50

Fish & Chips

crumbed market fish, tartare sauce, garden salad

with fries and tomato sauce

$14.50

Rump Steak (200g)

with garden salad, fries and tomato sauce

$17.50

Chicken Salad

grilled chicken breast, lettuce, tomato, cucumber, aioli dressing

$14.50

DESSERT

Always Available

Citrus Panna Cotta

with mango coulis

$14.50

Double Chocolate Brownie

with vanilla icecream

$17.50

Baked White Chocolate Cheesecake

with berry coulis and vanilla icecream

$17.50

Antipasto Platter

hot smoked southern salmon wings, chorizo sauage, chilli paprika smoked mussels,
champagne ham, mediterranean grilled vegetables, pickles, olives, seasonal fruit
basil pesto, hummus, garlic crostini

platter for 2 $45.50

platter for 4 $60.50

Cheese Board

selection of local and regional cheeses, crackers, crostini, relish,
pickles, onions, seasonal fruit

platter for 2 $39.50

platter for 4 $54.50

Affogato

vanilla ice cream, cointreau, espresso

$14.50

INSPECTOR'S REPORT ON-LICENCE APPLICATION

Applicant	Eleven 2021 Limited
Trading Name	Eleven Bar
Address of premises	11 The Octagon, Dunedin
Type of licence	ON-Licence
Application type	Renewal
Pathway number	ON-20-2021
Date of application	14/11/22
Interviewee	Prakash Khattri (Director), Steven Dewe (Duty Manager)
Date of interview	5 December 2022

Applicant details
ELEVEN 2021 LIMITED
Company number: 8197964
NZBN: 9429049426564
Incorporation Date: 24 June 2021
Company Status: Registered
Entity type: NZ Limited Company

The current Directors are Prakash Khattri, Nikesh Singh and Naveen Malhotra all of Dunedin. Current shareholders are Prakash Khattri (50%), Nikesh Singh (25%) and Naveen Malhotra (25%) all of Dunedin.

Company history:

- When this company was first incorporated on 24 June 2021, the then Directors and equal shareholders were Ravinder Mohan and Prakash Khattri.
- On 1 August 2021, Prakash Khattri was removed as a director/shareholder of this company, with Ravinder Mohan becoming the 100% director/shareholder of the company.
- Mr Mohan was the sole director/shareholder when this company first applied for an ON-licence for the premises known as Eleven Bar, 11 The Octagon, despite the application form (dated 3 August 2021) stating that Mr Mohan and Mr Khattri were 50% director/shareholders.
- This company failed to notify ARLA of director/shareholder changes that occurred on 1 December 2021 (2 days before this premises ON licence was issued on 3 December 2021) when Ravinder Mohan (then 100% shareholder), became a 50% shareholder with Mr Prakash Khattri being added again as a company director and 50% shareholder to the company.
- On 2 May 2022 Ravinder Mohan was removed as a director and 50% shareholder of this company.
- Naveen Malhotra and Nikesh Singh both became shareholders (25% each) and company directors on 2 May 2022. ARLA was not notified of this director/shareholder change as should have occurred under section 69 of The Act.
- During the onsite meeting with Prakash Khattri on 5 December 2022, he informed the agencies that as of 20 December 2022 he would become the 100% Director and shareholder of Eleven 2021 Limited, with both Nikesh Singh and Naveen Malhotra to be removed as Director/Shareholders of the company.

Mr Khattri was reminded by the agencies during the onsite meeting on 5 December 2022 of the need to inform ARLA of any director/shareholder changes within 10 working days under section 69 of The Act.

Mr Khattri is also a Director/Shareholder of Everest Food New Zealand Limited, which owns and operates a licensed restaurant in Cromwell, India Garden. Previously this company also owned/operated India Garden Dunedin, however this premises closed late 2021.

Nikesh Singh and Naveen Malhotra are equal (50%) shareholders Navnik Limited which previously operated Indian Twist a licensed restaurant in Mornington up until April 2022. Nikesh Singh is the sole director of this company.

Naveen Malhotra is also the sole director and 51% shareholder of Anirav Limited which is currently in Liquidation.

General nature of the business (description/background/previously licensed)
Eleven bar is a restaurant/bar/nightclub located within central Dunedin. Daytime trading focuses more on restaurant trade, with the upstairs area of the premises becoming more of a night-club venue later in the evening.

Site Location (zoning/surrounding uses or activities)
2GP Central Business District

Manager details
Current Manager's Certificate holders are
Nikesh Singh – Expires 11/11/24
Isobelle-Rose Cecelia Williams – Expires 05/05/25
Steven Leslie Dewe – Expires 29/04/23

Note: Prakash Khattri, listed as a Duty manager on the application quoted an expired Manager's certificate. Mr Khattri currently (as of the date of this report) has an application in for a new manager's certificate, which The Police have opposed.

Licensing hours sought
Hours were discussed with Mr Khattri during the onsite meeting with questions raised (for clarification) around the hours listed on the renewal application. Mr Khattri confirmed no changes from the current licensing hours (which are 8am until 3am the following day, seven days a week) were being sought.

Are there any changes from the existing licence or Temporary Authority?
No changes sought to conditions once licensing hours being applied for were clarified with Mr Khattri. Changes within the company structure have occurred since the last application.

Designation sought
Supervised (for entire venue).

Correct signage on display?
The licensee displays the following in the correct manner

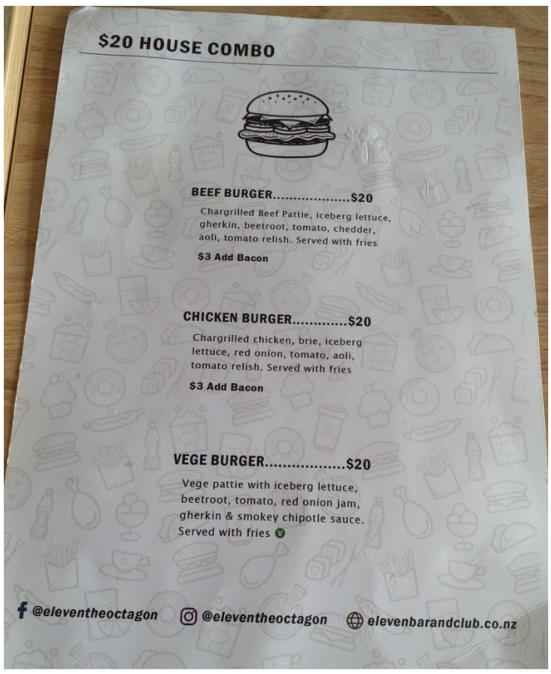
1. **Copy of licence at principal entrance?** Yes
2. **Duty Manager?** Yes
3. **Prohibited persons?** Yes
4. **Availability of food?** Partial – see below
5. **Transport options?** Yes

A full food menu was on display on the downstairs bar at the time of the agencies visit. Through questioning with Mr Khattri and Mr Dewe it was established that this menu was only available until approximately 10pm, at which time kitchen staff left for the evening. This menu differs to the extensive menu included in the renewal application, which was the original menu from when the premises opened approximately 12 months ago as confirmed by Mr Khattri.

A snack menu is used from approximately 10pm onwards (when the kitchen closes/full menu goes off); however, this menu was only on display at the upstairs bar. Mr Dewe went upstairs and brought down a copy of this menu for the agencies to review upon request. The Applicant didn't give any reason as to why this menu wasn't displayed at all points of sale.

No signage in relation to free water availability was displayed at the upstairs bar.

Photos of Snack menu available after 10pm/when the kitchen closes (with $20 House combo menu on the alternative side of menu) – photos taken 05/12/22 - TM



"Snacks" menu (available while kitchen is open) – Photo taken 05/12/22 - TM

Host Responsibility

HOST RESPONSIBILITY POLICY

Eleven Bar & Club

Our aim at Eleven Bar & Club is to provide a safe and inclusive venue for all our patrons and guests.

We expect our guests to behave and treat our venue, other guests, and staff with respect always. Unruly or inappropriate behaviour, sexual inappropriateness and intoxication will not be tolerated under any circumstances.

If you, or a member of your party is feeling unsafe or uncomfortable, please do not hesitate to speak to a member of our staff and we will get you to a safe place, assess the situation and take the appropriate action.

This is a supervised venue and as such no minor is to be present on site without, a legal parent or guardian present with them, at all times. Please be aware you may be asked for appropriate identification to confirm this.

Current appropriate identification must be carried and will be checked. Acceptable identification includes; current New Zealand Driver's License, current valid Passport, current Hospitality NZ 18+ Card or a Kiwi Access card.

No other forms are acceptable.

We always have a full and extensive menu available.

Free tap water is always available.
We have a full and extensive soft drink and coffee menu. We also have a large range of low and non-alcoholic beverages available at all times.

Intoxication will not be tolerated; intoxicated patrons will be asked to leave the premises. We operate a safe space and safe transport option to ensure our guests always have a safe way to get home. If you need any assistance, please speak to our staff.

Welcome to Eleven Bar & Club, please enjoy our venue and facilities.
Remember to always be respectful.

Does the premises utilise DCC owned footpath?
Yes, a permit is in place for: 8 x Tables (26 Chairs); 2 x Bar Leaners (8 Stools); 3 x Screens; 2 x Planter Boxes; 1 x Menu Stand NIGHT PLAN: 5 x Tables (14 Chairs); 2 x Bar Leaners (8 Stools); 5 x Screens; 2 x Planter Boxes; 1 x Menu Stand.

A renewal for this permit is currently in progress as of the date of this report.

What is the maximum occupancy number for the premises?
221

Public Notification process
ODT 23 and 30 November 2022.

Public Objections (interest in the application/reasons for)
Yes. An objection was received on 14 December 2022 from Students for Sensible Drug Policy (SSDP) Dunedin. The objection primarily relates to suitability of the applicant.

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:
I conducted a monitoring visit to Eleven Bar on 9 July 2022 as part of wider monitoring occurring at numerous licensed premises in the central city on the night of the All Blacks rugby game. I visited Eleven Bar at approximately 5.35pm with Carlo Bell, Chief Licensing Inspector, and spoke to Tony Morris (SPS Security guard situated at the front entrance), and duty managers Steven Dewe and Nikesh Singh.

Several issues were identified during this monitoring visit, including observing an intoxicated person being onsite within the premises, a lack of active management of the premises by staff and insufficient security presence.

See full monitoring report (Attachment A to this report) for full details.

As a result of my observations, I believe section 4 (1) (a) of the Act was being breached in that alcohol was not being sold, supplied or consumed safely and responsibility. The evidence of an intoxicated person onsite within the premises on 9 July 2022 would suggest alcohol was not being sold, served or consumed in a responsible or safe manner.

The suitability of the applicant:

Police currently have 3 applications lodged with ARLA for the suspension/cancellation of the applicant's licence. The reasons for these applications relate to the presence of intoxicated persons onsite and general suitability concerns raised by the Police. ARLA is scheduled to hear these applications 7-9 March 2023 in Dunedin, alongside applications for the suspension/cancellation of duty managers certificates for Steven Dewe, Naveen Malhotra and Nikesh Singh.

The quality of the renewal application lodged identified several deficiencies, including:

- The applicant answered 'No' to any changes having occurred to the licensee status since the last renewal. The Company director/shareholders have changed since the last licence application, with these changes not being reported/notified to the proper authorities.
- Licensing hours sought were not in keeping with the Local Alcohol Policy (LAP) or their own current licensing hours. This demonstrates a lack of awareness around the provisions of the LAP.
- Mr Khattri was listed as a manager but he has an expired certificate (ie: he is not a current Manager's Certificate holder).
- The menu included with the renewal application was not a current menu for the premises.
- The pricing on the drink's menu included in the renewal application showed handwritten amended prices that were not the prices advertised or charged for within the premises day to day. I queried why the drinks menu included with the renewal application referred to both products at different, lower prices and yet drinks menus within the bar still advertised these products at $9 each and the till had not been changed to reflect the suggested lower prices on the application. No explanation was offered by the applicant for the discrepancy.

I asked Mr Dewe if he had access/authority to change prices within the till system and Mr Dewe acknowledged he did have the access/ability to change the prices of menu items (drinks items included) on the till, yet simply had not changed the prices for the products in question.

Photo of drinks menu advertised at the downstairs bar on 5 December 2022. Photo taken 05/12/22 - TM

BEER

TAP	Glass	Pint
• Export	$8	$9
• Heiniken	$9	$12
• Tiger	$9	$12
• Montieth's Pilsner	$9	$12
• Montieth's IPA	$9	$12
• Montieth's Cider	$9	$12
• Tuatara Hazy	$9	$12

BOTTLE	
• Heineken Zero	$9
• Heineken light	$9
• Heineken	$9
• Tuatara IPA	$9
• Sol	$9
• Montieth's Black	$9
• Montieth's Radler	$9

RTDS & CIDERS

ODD COMPANY VODKA.....$9
- Raspberry & Pomegranate
- Peach & Passionfruit
- Pear & Apple
- Lemon, Lime & Yuzu
- Tropical

JIM BEAM.....$9
- Bourbon & Cola

TUI.....$9
- Vodka, Lime, Soda
- Bourbon & Coke

ORCHARD THIEVES.....$9
- Apple Low Sugar
- Rosé

REKORDERLING.....$9
- Strawberry & Lime

NON-ALCOHOLICS

MIX	
• Soft Drink	$4
• Orange Juice	$5
• Apple Juice	$5
• Pineapple Juice	$5
• Cranberry Juice	$5
• Tomato Juice	$5
• Ginger Beer	$5
• V (Green, Blue, Sugar Free)	$6

COFFEE	
• Latte	$5
• Flat White	$5
• Mocha	$5
• Cappuccino	$5
• Long Black	$5
• Hot/Iced Chocolate	$5
• Ice Coffee	$5
• Tea	$5

The monitoring visit discussed above revealed several issues including an intoxicated patron being onsite. These issues raise questions about the suitability of the Applicant.

Any relevant local alcohol policy:
The licensing hours sought, as written in the renewal application requested a 4pm (intended as 4am) closing time. The current licenced hours are until 3am. Dunedin's Local Alcohol Policy (LAP) only permits a 3am closing time

The days on which and the hours during which the applicant proposes to sell alcohol:
Currently the premises is trading the following hours:

Monday & Tuesday: 5pm – 9pm
Wednesday & Thursday: 3pm – 10pm
Friday & Saturday: 12pm – 3am
Sunday: Closed

These trading hours are not consistent with the licensing hours that currently apply to this premises.

Upon questioning about licensing hours sought compared to current trading hours, Mr Khattri explained it was his intention to focus more on food moving forward, which (staff availability depending) would see the premises opening different hours and offering more of an all-day menu, including breakfasts/brunch.

As discussed, the applicant applied to sell alcohol until 4am. Once it was explained that this is not permissible under the LAP, Mr Khattri confirmed they are seeking to continue with existing licencing hours of 8am – 3am daily.

The design and layout of any proposed premises:
The management of the premises can be challenging due to its layout being spread over two floors. This is arguably problematic and not practicable for a sole duty manager to actively manage.

An example of this was evidenced during my monitoring visit on 9 July 2022 (All Blacks game night) when the listed duty manager (Nikesh Singh) was on the Stuart Street door acting in a security/doorman manner and not actively managing the downstairs area effectively as from the door location, there is no direct line of sight to the downstairs area.

Should upstairs and downstairs be operating at the same time, especially on busy nights such as when large sporting events are being held within the city, two duty managers (one working each floor) would be recommended/advantageous.

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. Current BWOF expires 05/07/23.
(b) Sale of food. Current Registration under The Food Act 2014 – Expires 30/11/23, currently graded 'A' 'Excellent'.
(c) Fire. No issues as of 23/11/22.
(d) Security. SPS Security company used.

During the onsite interview staff training and systems were discussed. No documented training system was in place. A current register of duty managers had not been kept, though several manager certificates (including from ex-staff) were in a folder. No standalone list of current managers was available.

The On-licence toolkit, given to the applicant at their last licensing visit (approximately one year ago) had not been completed/utilised in any way. An incident logbook was available and had entries completed by staff.

Serve wise was discussed by the agencies. Mr Khattri and Mr Dewe indicated they had only recently become aware of this free online tool by way of a recent discussion with Mr Nikesh Singh. Mr Khattri requested training for his staff to be conducted by tri-agency staff. Whilst the Agencies are keen to assist with staff training, the availability of Agency staff means that this is unlikely to be possible before March 2023. This was explained to Mr Khattri during the onsite interview.

Any matters dealt with in any report from the Police or a Medical Officer of Health
Opposition from both Police and the Delegated Medical Officer of Health.

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:

The location of the premises within the entertainment hub (The Octagon, Dunedin) indicates that the refusal to renew this licence would have little impact on the amenity and good order of the area.

The vicinity of this premises is subject to high levels of entertainment and people noise, though no specific noise complaints have been received against this premises under Eleven 2021 Limited's ownership. There are multiple licensed premises in The Octagon area.

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

No issues.

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

I believe section 4 (1) (a) of The Act (The Object of the Act) has been breached in that alcohol has not been sold, supplied, or consumed in a responsible manner.

I raise several concerns about the applicant's suitability as per section 105 (a), (b), (c), (j) and (k) of The Act.

During routine monitoring on 9 July 2022 (All Blacks game) I observed an intoxicated person onsite within the premises, which is an offence under section 252 of the Act.

I oppose the renewal of this application overall.

Tanya Morrison
Licensing Inspector
16 December 2022

ATTACHMENT A: LICENSING MONITORING REPORT

DUNEDIN CITY COUNCIL | kaunihera a-rohe o Ōtepoti

www.dunedin.govt.nz
PO Box 5045, Moray Place, Dunedin
Customer Service: 03 477 4000

Licensed Premises Inspection

Sale and Supply of Alcohol Act 2012

Reference: MAE438657506176

Date of Inspection: 09/07/2022

Start Time: 17:35 p.m.

Premises Name: Eleven bar

Person Seen: Steve Dewe - DM & Nikesh Singh - Part Owner/DM

Address: The Octagon

Door Staff

Door Staff: Yes

Number of Door Staff: 1

Door Staff Company: SPS security- see general comments.

Door Staff Displaying COA: Not Inspected

Licence Displayed

Licence Displayed: Yes

Duty Manager

Duty Manager Name: Steve Dewe

Duty Manager Present onsite: Yes

Food, Water and Signage

Food Available and Promoted: Yes **Notes:**

Low Alcoholic Beer Available: Yes **Notes:**

Freely Available Water: Yes **Notes:**

Minors Signage: Yes **Notes:**

Intoxication Signage: Yes **Notes:**

Occupancy Sign: Yes **Notes:**

1

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Customer Service: 03 477 4000

Summary

Any Issues Identified/ General Notes: Arrived at premises and went to upstairs bar first. Asked to speak to DM, Steve Dewe. Upstairs very dark - stairs and seating area throughout very hard to see - unsure how seated patrons could be assessed/ monitored due to poor lighting.

Upstairs bar compliant in terms of water, low alcohol options, menu displayed at end of bar, signage etc.
I asked Steve if he was covering just upstairs to which he replied Nikesh was covering downstairs but was currently manning the Stuart Street entrance.

I went downstairs and I introduced myself to Nikesh. Steve Dewe followed and told Nikesh that Bella (other DM) had just left so he was putting Nikesh's name up as manager.

I asked Nikesh why he was on the door and how he could actively manage from this position. Nikesh replied he was covering the door as he waited for security to arrive and relieve him, which he claimed were due 5 minutes previously but hadn't arrived yet.

I mentioned to Nikesh to watch his outdoor area around the tables. No special licence was in play, but as people congregated outside, the group size could increase which would pushout patrons beyond footprint – told Nikesh to keep an eye on this.

We entered the downstairs bar. Upon entering a heavily influenced/borderline intoxicated patron approached me and began talking to me. His eyes were dazed and unfocused and his coordination was altered to a minor degree – in my opinion, this patron should not be served anymore. He was standing talking to another gentlemen with a glass of beer approximately still 2/3 full in his hand.

Nikesh had entered the downstairs bar by this stage and was busy clearing glasses away behind the bar. I finally caught his attention and told him about the tall gentleman in black behind me who I believed was heavily influenced/borderline intoxicated and told him he needed to address this.

I then left through the front door and spoke to security officer Tony Morris of SPS security on the front door. Tony advised me security was not meant to be working at the premises until 8pm that night. I queried how come he was there, and he replied he had tried to tell the owners that for an All Blacks game, security needed to be on earlier, so he said he turned up at 3.30pm to work. I clarified with him his rostered start time, which he said was 8pm – he was not meant to be there until 8pm. I asked if other security staff were coming as Nikesh had just told me (at the other door) he was waiting on security to come and relieve him.

Tony said he had 'called for backup'. As we were talking an intoxicated patron stumbled past us and attempted to enter the premises. Tony stopped him and the patron said he was going to the toilet. Tony replied, that's fine I just don't want you anywhere near the bar. The patron reappeared within about a minute, claiming the wait was too long for the toilet. The patron was stumbling, his speech was slurred and his eyes were unfocused. The language he used when speaking to Tony was light-hearted, but full of expletives and he put his arm around Tony as he tried to speak to him. I looked at my watch, 5.44pm. I left Tony to deal with the patron as we left – Tony knew the group he was with so would ensure he was looked after.

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Follow up Required: Yes

Follow up Required Notes: Discuss with tri-agencies intoxicated patrons, lack of security, lack of active monitoring from Duty Managers and confidence in operator overall.

Inspector's Signature:

Inspected By: Tanya Morrison

Signed Date and Time: 11/07/2022 02:37 p.m.

Photos

---------- **End of Report** ----------

New Zealand POLICE
Nga Pirihimana O Aotearoa

Central Police Station
25 Great King street
Private Bag 1924
DUNEDIN
Telephone (03) 4714800
Fax (03) 479 9363

8th December 2022

Re: ON-20-2021 - Eleven Bar and Club

Dear Sir/Madam

On 21/11/2022 Police received an application from Eleven 2021 Limited for the renewal of the Off-Licence for the premises known as Eleven Bar and Club.

This is a very busy late-night premises situated at 11 The Octagon, Dunedin City. Being a large and popular bar and club in the centre of Dunedin, the target market for this premises is any member of the public in the centre city late at night, but particularly focused on the Dunedin student population, aged 18-25 years.

Anecdotal and factual evidence regards this locality as a high risk, vulnerable community in regard to Alcohol Harm.

As such Police oppose the renewal of this licence under Section 105:
(a) Object of the Act
(b) Suitability of the applicant
(h) amenity and good order
(i) amenity and good order already badly effected
(j) whether the applicant has the appropriate systems, staff and training to comply with the law

It also falls short of section 106(1)(a)(ii) and (iii), in regard to current, and possible future, levels of nuisance and vandalism, and the number of current premises of the same kind in the area.

Furthermore, Police oppose on the basis that application falls short of s.108 in that is contrary to the Local Alcohol Policy.

Object of the Act
(1) The object of this Act is that-
(a) The sale, supply and consumption of alcohol should be undertaken safely and responsibly; and

Sgt Steve Jones - Dunedin Police – Alcohol Harm Prevention Officer

sjct35@police.govt.nz DDI- 4714945 Cell 021 1912755

(b) The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
(2) for the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes-
(a) any crime, damage, death, disease, disorderly behavior, illness or injury, directly or indirectly caused or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
(b) any harm to society generally or the community, directly or indirectly caused or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behavior, illness or injury of a kind described in paragraph (a)

The licensee and three of the premises Duty Managers are currently subject to ARLA proceedings. The hearing for these matters is set down over three days from 7th – 9th March 2023.

Police submissions in relation to these matters gives evidence of the licensee breaching a variety of legislation on multiple occasions, not proactively taking steps to minimise harm caused by excessive and inappropriate consumption, and not undertaking the sale, supply and consumption of alcohol, in a responsible manner.

Suitability of the Applicant
The suitability of the applicant is called into question throughout Police submissions to ARLA. Issues arise in relation to breaching licence conditions, disregard for Covid regulations, and disregard for Food Safety regulations.

The applicant has been subject to a formal warning under the Police Graduated Response Model since the 6th April 2022, and completed a Risk Mitigation Action Plan shortly thereafter. The applicant failed to abide by this plan on several occasions, which subsequently prompted Police to submit applications to ARLA under s280 and s285 Sale and Supply of Alcohol Act 2012.

Furthermore, in a recent interview with the applicant, it was discovered he provided false information on the application, indicating to the agencies to a lack of candor from the applicant.

Amenity and good order
Police records of alcohol related incidents in the area indicate that the 500m radius surrounding the premises is one of the worst areas for calls for Police service in Dunedin City. Frequent incidents of violence and disorder, where alcohol is recorded as a contributing factor, are attended by Police within this area. Alcohol consumed at these incidents are all purchased at nearby on licence premises, of which Eleven Bar and Club is the most prevalent and commonly frequented by the surrounding vulnerable community.

Police data and the submissions show a direct correlation between alcohol harm and this premises. The NZ Police Geospatial mapping application has provided the map below showing the location of the premises well within an area of medium to high deprivation (orange) and incidents where alcohol is a contributing factor.

Appropriate Systems, Staff, and Training to Comply with the Law

The applicant as the licensee is responsible for ensuring the systems, staff, and training associated with the premises are at an appropriate level that complies with the law.

Failures in staff training around Covid regulations has led to a number of breaches of the legislation, as well as appropriate recording standards under the Food Safety Act. Staff have shown a lack of knowledge on more than one occasion around their host responsibility and obligations under the Sale and Supply of Alcohol Act 2012.

It is clear that the systems within this premises are continuously failing, thus would support the renewal being declined. A complete lack of communication between managers, incidents of assault and disorder not being reported to Police, no records of training, and no reporting of changes to duty managers or company directors/shareholders are but a few examples of this.

The aforementioned interview with the applicant has shown inadequacies across the entire operation of the premises and the suitability of the applicant.

In relation to falling short of s108, the applicant has applied for hours that fall outside of the general nature designation of restaurant/nightclub for this premises. This is contrary to conditions stipulated in the Local Alcohol Policy.

For your consideration,

Steve Jones
Sgt SJCT35
Dunedin Police

Te Whatu Ora
Health New Zealand

14 December 2022

REF: ON-20-2021
Application Received: 21 November 2022
Applicant: Eleven 2021 Limited
Application type: Renewal
Premises: 11 Bar and Club
Premises Address: 11 Octagon Dunedin

Kia ora / Dear District Licensing Committee

RE: SALE AND SUPPLY OF ALCOHOL ACT 2012 – APPLICATION FOR RENEWAL OF ON LICENCE – Eleven Bar & Club

I refer to the request for renewal of the On Licence for the above applicant, received by our office on ***21 November 2022*** for the premises situated at **11 The Octagon, Dunedin.**

On **06 December 2022** Aaron WHIPP visited the above premises on behalf of the Medical Officer of Health and in the company of Sergeant Steve JONES, NZ Police and Ms Tanya MORRISON Licensing Inspector, and met with **Prakash KHATTRI and Steven DEWE.** During the visit the premises was assessed for compliance with its licence conditions and strategies used to ensure a safe environment for drinking. During the visit several issues came to light that gave concern.

This letter advises that the application is opposed and the grounds for my opposition.

Section 105 (a) – the Object of the Act
Having enquired into the applicant and viewing information provided by NZ Police, The Medical Officer Of Health is of the opinion that the premises are not being operated in such a way that upholds the Object of the Act and that taken together the current mode of operation does not constitute the safe and responsible supply of alcohol as required by Section 4.

Section 105 (b) – the suitability of the applicant

In relation to the operation of these premises there are instances of the applicant failing to respond to graduated response interventions by the NZ Police. Specific examples of this

Te Whatu Ora
Health New Zealand

would be the ongoing issues around lack of active management, level of intoxication permitted on premises and the lack of knowledge around the act.

Section 105 (j) – whether the applicant has appropriate systems, staff, and training to comply with the law
There are reports that the Police have dealt with intoxication on premises that has led to being ejected from the premises – this calls into question the application of the premises' policies by management this raises the question as to whether the premises are being managed in such a way to prevent incidents occurring in the first place

I oppose the renewal of an On Licence for these premises.

Ngā mihi

Aaron WHIPP
Delegated Functions of Medical Officer SASAA 2012
Liquor Licensing, Smoke Free Enforcement Officer

Te Whatu Ora
Southern
DUNEDIN
waea pūkoro: *0272147195*
īmēra: *aaron.whipp@southerndhb.govt.nz*

Students for Sensible Drug Policy Dunedin

Objection to the Renewal of license number **ON-20-2021**,
By **Eleven 2021 Limited** (Applicant),
in respect to the premises situated at **11 The Octagon, Dunedin 9016**,
known as **Eleven Bar and Club**.

To: The Secretary
Dunedin District Licensing Committee
50 the Octagon, Dunedin 9016

Dated **Wednesday 14th Day of September 2022**

Dear Sir/Madam,

Please find our attached objection to the renewal of license number **ON-20-2021** below.

It is our intention to appear and speak on behalf of this objection at any hearing regarding this matter.

Please notify us regarding the time and date of any hearing via email at ssdpotepotinz@gmail.com

Submitted on behalf of Students for Sensible Drug Policy Dunedin by:

Jai Whelan
President

Scott Dunning
Technical Lead: Alcohol
Research and Policy Coordinator

Objection by Students for Sensible Drug Policy Dunedin

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1. **Legal basis of Objection**

    1. This Objection to renewal is made under S.128 of the Sale and Supply of Alcohol Act 2012.

    2. S.128(1) states that 'a person may object to a renewal of a licence if he or she has a greater interest in the application than the public generally.' On that basis:

        i. Students for Sensible Drug Policy Dunedin (SSDP Dunedin) is affiliated with the Otago University Student Association (OUSA).

        ii. The objective of SSDP Dunedin is 'to reduce drug related harm and advocate for drug policy change in Dunedin and Aotearoa.'

        iii. In accordance with the Ministry of Health and the New Zealand Drug Foundation, SSDP Dunedin holds that Alcohol is the most commonly used drug in New Zealand.[1]

        iv. The core membership and primary focus of SSDP Dunedin's work is the University of Otago and Otago Polytechnic student population.

        v. SSDP Dunedin is an organisation that facilitates representation of Dunedin's student population, and greater participation in the democratic processes involved with the regulation and licensing under the Sale and Supply of Alcohol Act 2012.

        vi. The section 1.3 of the Dunedin Local Alcohol Policy (LAP) specifically identifies and acknowledges that the student population is 'particularly vulnerable to hazardous drinking and alcohol-related harm.'[2]

        vii. The applicant is a venue significantly patronised by Dunedin's student population.

        viii. We thereby hold that objections made by SSDP Dunedin are valid under S.128(1) of the Sale and Supply of Alcohol Act 2012.

        ix. A comparable precedent for SSDP Dunedin's validity to object is set regarding the status of Waitemata Local Board in sections 76 to 81 of *Wilson v Durga Sai Holdings Limited* [2017] NZARLA 42 (9 February 2017).

[1] https://www.health.govt.nz/system/files/documents/publications/alcohol-factsheets.pdf
[2] https://www.dunedin.govt.nz/council/policies,-plans-and-strategies/policies/local-alcohol-policy

3. S.128(3) states that no objection may be made except matters stated in S.131.

4. S.131(1)(a) defines the permitted matters of objection as those of paragraphs (a) to (g), (j) and (k) of S.105(1), with these matters being:

    (a) the object of this Act:

    (b) the suitability of the applicant:

    (c) any relevant local alcohol policy:

    (d) the days on which and the hours during which the applicant proposes to sell alcohol:

    (e) the design and layout of any proposed premises:

    (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:

    (g) 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:

    …

    (j) whether the applicant has appropriate systems, staff, and training to comply with the law:

    (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under S.103.

5. There are no matters arising from S.105(2) given that Students for Sensible Drug Policy Dunedin are not a holder of any other license.

2. **SSDP Dunedin's general position on licensed premises in Dunedin**

Regarding alcohol generally

1. SSDP Dunedin supports the Dunedin Local Alcohol Policy (LAP)

2. We would bring attention to three critical points in the LAP:

   i. *'Student accommodation is clustered in the North Dunedin area which immediately surrounds the tertiary institutions, with student parties in the area acting as a magnet for non-students. This combination makes the city's young people particularly vulnerable to hazardous drinking and alcohol-related harm.'*
   Section 1.3, fourth paragraph.

   ii. *'Analysis of police data indicates that: … about 76% of alcohol purchased is consumed in off-licence settings for drinking in situations where there is little or no control.'*
   Section 1.3, last paragraph.

   iii. *'While it is a characteristic of on-licensed premises that they provide a controlled environment in which people drink alcohol, some premises have more potential to cause harm than others.'*
   Section 5.1, third paragraph.

3. SSDP Dunedin fully agrees that responsible and well-managed on-licensed premises provide a controlled environment for the consumption of alcohol, and that these premises are essential to the safe and responsible consumption of alcohol, and the minimisation of alcohol related harm in Dunedin.

4. We further maintain that uncontrolled drinking situations primarily located in the student accommodation areas of North and Central Dunedin fundamentally increases the risk to, and vulnerability of, the student population to hazardous drinking and alcohol-related harm.

5. SSDP Dunedin holds that the recent closing of most on-licensed premises which primarily catered to the student population has caused an increase in uncontrolled drinking situations located in North and Central Dunedin, exacerbating and increasing instances of hazardous drinking and alcohol-related harm.

6. Hence, SSDP Dunedin believes that effective management of alcohol in Dunedin requires a consistent balance of the following factors:

    i. That licensing decisions and regulatory interventions are firm and thorough enough to achieve the object of the Sale and Supply of Alcohol Act 2012, with a focus on applicant suitability, best business practices, and proven-effective harm reduction approaches; and

    ii. That applicants with venues that are proven to be responsible and well-managed are valued and supported to ensure their businesses are sustainable, resilient, and profitable. This is to ensure the ongoing operation of on-licensed premises that provide a supervised and controlled environment for the consumption of alcohol as an alternative to higher risk situations of drinking in North and Central Dunedin where there is little or no control; and

    iii. That investment in proven and cost-effective interventions focused harm-reduction and grass-roots change in Dunedin's student/youth drinking culture are continued and expanded to ensure a steady progression to a more sociable and harm-aware student culture and environment.

Regarding alcohol and other substances

7. SSDP Dunedin believes that licensees of on-licensed premises have traditionally sought to side-step issues of substance use and intoxication on their premises.

8. S.12.(1) of the Misuse of Drugs Act 1975 makes it illegal to knowingly permit your premises to be used to supply, consume, procure or administer a 'controlled drug'.

9. Anecdotal arguments common within the Hospitality industry tend to make claims that an on-licensed premise which engaged with or promoted materials including posters related to 'controlled drug' harm-reduction was 'knowingly' acknowledging their premises was being used for the consumption of 'controlled drugs,' and thereby was in breach of the Misuse of Drugs Act 1975.

10. This is despite all on-licensed premises have an explicit responsibility to manage intoxication caused by 'other drugs,' derived from S.5.(1) of the Sale and Supply of Alcohol Act 2012 which defines 'intoxicated' as:

    *'intoxicated means observably affected by alcohol, **other drugs**, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:*

    (a) appearance is affected:
    (b) behaviour is impaired:
    (c) co-ordination is impaired:
    (d) *speech is impaired*

11. SSDP Dunedin agrees with the New Zealand Drug Foundation that the best way for on-licensed premises to manage intoxication as defined by, and to meet the object of, the Sale and Supply of Alcohol Act 2012, is for the management of on-licensed premises to engage with these matters in a direct and thorough manner alongside key relationships and networks.[3]

12. Furthermore, we believe that the following factors make it critical that licensing, regulatory and enforcement agencies actively promote, and even require, local on-licensed premises to develop and implement business practices and managerial processes, and correspondingly actively train staff in effective drug/ polysubstance/ mixed substance intoxication recognition, and overdose recognition and response training:

    i. The unique characteristics and demographics of the Dunedin population, including the student population; and

    ii. The increasing risk of the international opioid epidemic reaching New Zealand, upon which the Dunedin population would be at critical risk of opioid overdose due to exacerbating factors in both alcohol and substance consumption behaviours present in the vulnerable Dunedin student/youth populations. Opioid overdose, particularly when combined with high alcohol consumption, leads to respiratory depression, and the lack of oxygen can cause brain damage within 5 minutes, followed shortly after by death.

[3] https://www.drugfoundation.org.nz/assets/uploads/201901-Drugs-in-bars-Guide.pdf

3. **Objection Framework**

    1. S.128 gives no other directions as to prescribed form or manner beyond that objections must be in writing.

    2. For the ease of the District Licensing Committee in filing this objection, SSDP Dunedin has categorised the matter and grounds of objection into three categories:

        i. *Outright Objection* – for matters based on appropriate grounds where SSDP Dunedin objects to a license being issued or renewed outright; or

        ii. *Partial Objection* – for matters based on appropriate grounds where SSDP Dunedin objects to a license being issued or renewed without the District Licensing Committee undertaking further scrutiny of specified matters, which may require the applicant submitting further documentation for the District Licensing Committee's assessment or review; or

        iii. *Objection dependent on further or discretionary conditions* – for matters where SSDP Dunedin objects to the license being issued or renewed without the following conditions being imposed on said license by the District Licensing Committee.

Regarding Objection dependent on further or discretionary conditions

3. 'S.132 of the Sale and Supply of Alcohol Act 2012 states:

    132 Imposition of conditions on renewal
    (1) When renewing a licence of any kind, the licensing authority or the licensing committee concerned—
    (a) may impose any conditions subject to which it may issue a licence of that kind;'

4. S.117 of the Sale and Supply of Alcohol Act 2012 states:

    '117 Other discretionary conditions

    (1) The licensing authority or licensing committee concerned may issue any licence subject to any reasonable conditions not inconsistent with this Act.

    (2) The generality of subsection (1) is not limited or affected by any other provision of this Act.'

5. From these sections, a licensing authority or licensing committee has a wider power to *'issue any licence subject to any reasonable conditions not inconsistent with this Act,'* and may do so upon the renewal of a license.

6. Furthermore, the precedent set by *My Noodle Ltd v Queenstown Lakes District Council* [2008] NZAR 481 (HC)[4] holds that:

   'no licence holder has a legitimate expectation that a licence will automatically be renewed on identical terms, and the fact that the licensee has managed the premises properly or that there were no specific problems relating to the licensee's particular operation is not decisive.'

7. Thereby, in SSDP Dunedin making an objection dependent on further or discretionary conditions being imposed on the license, we would argue that the District Licensing Committee should assess such an objection based on whether:

   i. the matter of objection is permitted under S.131(1)(a) of the Sale and Supply of Alcohol Act 2012; and if so,

   ii. are the condition(s) to be imposed on the license as remedy to the matter of objection connected and relevant to said matter of objection; and if so,

   iii. are the conditions requested 'reasonable conditions not inconsistent with the Sale and Supply of Alcohol Act 2012.

[4] (decided under the equivalent provisions, s 22 and of the former Sale of Liquor Act 1989).

4. **Outright Objection**

SSDP Dunedin objects to this license being issued or renewed by the District Licensing Committee at Dunedin on the following matters and grounds:

Incomplete high-risk application submitted with insufficient information

1. This objection is made under S.131(1)(a) which permits the following sections of S.105.(1) of the Sale and Supply of Alcohol Act 2012 as matters of objection:

   (a) the object of this Act:

   (b) the suitability of the applicant:

   (c) whether the applicant has appropriate systems, staff, and training to comply with the law

2. SSDP Dunedin notes that although the Applicant did not complete the risk rating calculation on the prescribed form, it is at minimum high risk based on Class 1 Premise and Last Alcohol Sale Time (18 points).

3. Given this high-risk rating, SSDP Dunedin believes that the Applicant's incomplete application form, submitted with missing, incorrect and insufficient information is non-compliant inability with S.100(b) requiring applications '*must be made in the prescribed form and manner*', and S.100(c) requiring applications *must contain the prescribed particulars*. Of particular concern is that:

   i. The Applicant did not complete the risk calculator, including the enforcement findings section.

   ii. The Applicant did not submit the prescribed map showing location of 'sensitive' locations.

   iii. The Applicant only submitted a photograph of their Host Responsibility policy, which may indicate they do not have effective documentation as part of appropriate systems, staff and training to comply with the law.

   iv. The application is high-risk and does not include the prescribed written and detailed alcohol management plan explaining how the Applicant will implement the points of their policy.

   v. The application is a split-level premise including a first floor which states a maximum occupancy of 220 people but does not provide a breakdown of capacity for each area/level, and provides no information, policy or processes of how they intent to safely manage capacity for each level of the premises.

vi. The Applicant submitted incorrect information regarding changes to licensee status.

vii. The application shows inconsistent information regarding license hours between the cover sheet and the written application.

Further to issues related to the completeness of the prescribed form and particulars:

viii. The application is high-risk and does not include any policy, process or training documentation to support the insufficiently detailed written answers in the Conditions Section on pages 6 and 7 of the application form.

ix. The application is high-risk and provides no documentation including staff training manuals and records, as proof of effective training to comply with the law.

x. The application designates the entire premises Supervised at all times, despite at certain times the premises primarily operate as a Nightclub. For best business practice the premises should be designated Restricted at the times it is primarily operating as a Nightclub. It is likely the Applicant has not taken S.118 of the Act into account, which allows license conditions to (a) apply differently to different parts of the premises, and (b) apply differently to the same part of the premises at different times, on different days, or both.

4. Given these factors, SSDP holds that:

i. The application in its current form is contradictory to the object as per S.4 of the Sale and Supply of Alcohol Act 2012, and thereby that issuing or renewing a license based on the filed incomplete application submitted with insufficient information by a high-risk Applicant will fail to ensure safe and responsible sale, supply and consumption of alcohol, and furthermore will fail to ensure that the harm from excessive or inappropriate alcohol consumption will be minimised.

ii. The incomplete application filed with insufficient information illustrates a lack of meaningful understanding and engagement with the Act, and correspondingly, a failure to consider and apply the relevant provisions of the Act relevant to their own business operations and premises. This indicates that the Applicant does not have the expertise, experience and/or education required to operate a high-risk on-licensed premises. We would argue that without the Applicant providing substantiated proof of expertise, experience and/or education, or otherwise engaging a consultant to ensure the good operation of their premises, it is unlikely that the Applicant should be considered suitable to hold a License under the Act.

iii. The incomplete application filed with insufficient information indicates that it is highly unlikely the Applicant has appropriate systems, staff, and training to comply with the law.

iv. The incomplete application filed with insufficient information presents an issue of natural justice to any person who would file an objection, as it does not include all of the information required for a person to engage with the objection process in a fair and informed manner.

5. SSDP Dunedin objects outright to this license being issued or renewed, until such a time that the Applicant reapplies for the license with a fully completed application, including all of the information prescribed by the Sale and Supply of Alcohol Act 2012, and further includes sufficient information and documentation to a standard suitable of a high-risk premise as evidence of appropriate systems, staff, and training to comply with the law

5. **Partial Objection**

SSDP Dunedin objects to this license being issued or renewed without the District Licensing Committee undertaking further scrutiny of the matters specified below, with the applicant submitting further documentation for assessment or review, should the District Licensing Committee so request it:

1. That the Applicant as a high-risk premise provide the prescribed Host Responsibility Policy and Alcohol Management Policy documents, and that these documents are held to a to a standard suitable of a high-risk premise.

   (on the grounds of S.131(1)(a) permitting S.105.(1)(j) as a matter of objection.)

2. That the Applicant provides an explanation as to why the Application for Renewal indicated that there had been no change to licensee status when:
   i. Ravinder MOHAN ceased being a director on the 2nd of May 2022
   ii. Naveen MALHOTRA was appointed as a director on the 2nd of May 2022
   iii. Nikesh SINGH was appointed as a director on the 2nd of May 2022
   iv. There were changes to shareholders on the 6th of May 2022

   (on the grounds of S.131(1)(a) permitting S.105.(1)(a) and (b) as a matter of objection.)

3. That the Applicant as a high-risk premise provides a written breakdown of capacity for each sub-area/level, and further provides written policies containing management and training processes detailing how they intend to safely manage capacity for each sub-area/level of the premises, while enforcing the effective maximum capacity for each sub-area/level as well as the overall claimed capacity of 220 people.

   (on the grounds of S.131(1)(a) permitting S.105.(1)(a), (c – LAP, Maximum Occupancy), (e – design and layout of the premises) and (j) as a matter of objection.)

4. That the Applicant as a high-risk premise reviews their application that designates the entire premises Supervised at all times in consideration of S.118 of the Act, and provides appropriate written plans and documentation for the premises to operate as a Nightclub under a restricted designation.

   (on the grounds of S.131(1)(a) permitting S.105.(1)(a), (e – design and layout of the premises) and (j) as a matter of objection.)

5. That the Applicant as a high-risk premise provides written policies containing management and training processes detailing how they intend to ensure that all matters of security are compliant with the Private Security Personnel and Private Investigators Act 2010. This includes how the applicant intends to ensure that all security staff, whether contracted directly or through another business, are suitably qualified and possess current certificates of approval (COA) issued by the Private Security Personnel Licensing Authority, and furthermore, how the Applicant intends to ensure that all security staff are trained and remain up-to-date on all matters and training specific to the conditions of their on-license premise.

   (on the grounds of S.131(1)(a) permitting S.105.(1)(a) and (j) as a matter of objection.)

6. That the Applicant provides documentation including staff training manuals and records, including those for security staff, as proof of effective training to comply with the law.

   (on the grounds of S.131(1)(a) permitting S.105.(1) (j) as a matter of objection.)

6. **Objection dependent on further or discretionary conditions**

On the basis of S.132 and S.117 of the Sale and Supply of Alcohol Act 2012, SSDP Dunedin objects to the license being issued or renewed without the following conditions being imposed on said license by the District Licensing Committee:

1. The Licensee undertakes appropriate drug overdose and polysubstance/mixed substances overdose recognition and response training with all staff, including security staff.

(on the grounds of S.131(1)(a) permitting S.105.(1) (a) and (j) as a matter of objection.)

SSDP Dunedin is able to recommend local training providers to the Applicant in order to assist them meet this condition.

2. The Licensee creates, holds and maintains up-to-date and thorough alcohol and substance harm reduction training procedures and manuals for the purpose of training.

(on the grounds of S.131(1)(a) permitting S.105.(1) (a) and (j) as a matter of objection.)

3. The Licensee keeps detailed training records for all staff, including security staff, that records the date of training, the details of that training, the resources used in that training, and the details of who provided that training.

(on the grounds of S.131(1)(a) permitting S.105.(1) (a) and (j) as a matter of objection.)

4. The Licensee develops and maintains a thorough policy detailing a specified 'place of safety' on the licensed premise, and a corresponding procedure including conditions for handover to emergency services, for how staff, including security staff, should engage with any person who is intoxicated and at likely risk of overdose, where there is a reasonable risk of harm should that removed from the license premise.

(on the grounds of S.131(1)(a) permitting S.105.(1) (a) and (j) as a matter of objection.)

This condition is permissible under S. 252(3) of the Sale and Supply of Alcohol Act 2012 which states:
'It is a defence to a charge under subsection (1) if the defendant satisfies the court that, as soon as the defendant or any employee of the licensee became aware of the situation, reasonable steps were taken in respect of the intoxicated person concerned, either—

(a) to take the person to a place of safety on the licensed premises; or

(b) to remove the person from the licensed premises.'

5. That the Licensee holds for distribution and displays substance, polysubstance and mixed substance harm reduction posters and materials.

(on the grounds of S.131(1)(a) permitting S.105.(1) (j) as a matter of objection.)

SSDP Dunedin is able to provide brochures and posters, or can recommend other Harm Reduction Services who can provide these materials, to the Applicant in order to assist them meet this condition.

6. The Licensee holds Naloxone in the form of Nyxoid® as part of its first aid supplies, and ensures that all staff, including security, are trained in its use.

(on the grounds of S.131(1)(a) permitting S.105.(1) (a) and (j) as a matter of objection, and furthermore, on the basis of S.2.12.ii of this letter of objection.)

Naloxone is an opioid antagonist that is used to counter opioid overdose that comes in multiple forms. Nyxoid® is an easy to administer nasal spray form of naloxone that is a general sale medicine in Aotearoa. The effects of Opioid overdose are exacerbated by alcohol, increasing the risk of respiratory depression – the lack of oxygen can cause brain damage within 5 minutes, followed shortly after by death.

In an emergency where opioid overdose is suspected, Nyxoid® can be used (in conjunction with CPR) while waiting for professional medical support. Nyxoid® can be safely administered to anyone, whether they have ingested an opioid or not. If naloxone is on site when an overdose occurs, it could mean the difference between life and death.

When considering:

i. **The recent opioid drug overdose events in the Wairarapa during 2022;**
ii. **The 333 deaths in New Zealand from opioid overdose over the last 5 years, at a rate that is increasing year-on-year;**[5]
iii. **The factors unique to Dunedin that increase the potential vulnerability and harm for its youth/student population;**
iv. **The high demand and limited emergency resources available in Dunedin, particularly during the weekends, that can result in delayed response time by first responders;**

SSDP Dunedin firmly believes that immediate access to Nyxoid® will save lives, and is an essential inclusion to any on-licensed premises first aid supplies.

A two pack of Nyxoid® costs $92, and is available from pharmacies without a prescription. For the Medsafe data sheet, see the link below (https://www.medsafe.govt.nz/consumers/CMI/n/nyxoid.pdf

[5] https://www.drugfoundation.org.nz/news-media-and-events/overdose-report-2017-2022/

From:	White, Nikki
To:	Dunedin Licensing Agency
Subject:	FW: ON-20-2021 - Eleven 2021 Limited, Eleven Bar & Club, 11 The Octagon Dunedin
Date:	Tuesday, 22 November 2022 03:46:34 p.m.
Attachments:	0.png image001.png ON-20-2021 Eleven Bar and Club application.pdf ON-20-2021 Eleven Bar and Club cover sheet.doc Email confirming mailing address for On Licence renewal application Eleven Bar & Club - ON-20-2021.pdf

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: Karen Tytsma <Karen.Tytsma@dcc.govt.nz>
Sent: Monday, 21 November 2022 11:34 am
To: Aaron Whipp <Aaron.Whipp@southerndhb.govt.nz>; Admin DHB <admin@phsouth.co.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Otago Risk Reduction <OtagoRiskReduction@fireandemergency.nz>; Melissa Joyce <Melissa.Joyce@southerndhb.govt.nz>; Steve Jones Police <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>
Subject: ON-20-2021 - Eleven 2021 Limited, Eleven Bar & Club, 11 The Octagon Dunedin

Karen Tytsma
Alcohol Licensing Administrator
Dunedin District Licensing Committee

P 03 477 4000 E Karen.Tytsma@dcc.govt.nz
Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045 Dunedin 9054
New Zealand
www.dunedin.govt.nz

Your message is ready to be sent with the following file or link attachments:

ON-20-2021 Eleven Bar and Club application.pdf
ON-20-2021 Eleven Bar and Club cover sheet.doc
Email confirming mailing address for On Licence renewal application Eleven Bar & Club - ON-20-2021.pdf

Note: To protect against computer viruses, email programs may prevent you from sending or receiving certain types of file attachments. Check your email security settings to determine how attachments are handled.

DUNEDIN CITY COUNCIL | kaunihera a-rohe o Ōtepoti

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ALCOHOL LICENCE APPLICATIONS

Off-8-2022 – Julie Marie Adams, The Hamper Room NZ, 2 Gannet Lane, St Leonards. Second notice. Closes Wednesday, 7 December.

Off-9-2015 – Moyles Supermarket Limited, FreshChoice Green Island, 230 Main South Road, Green Island. Second notice. Closes Wednesday, 7 December.

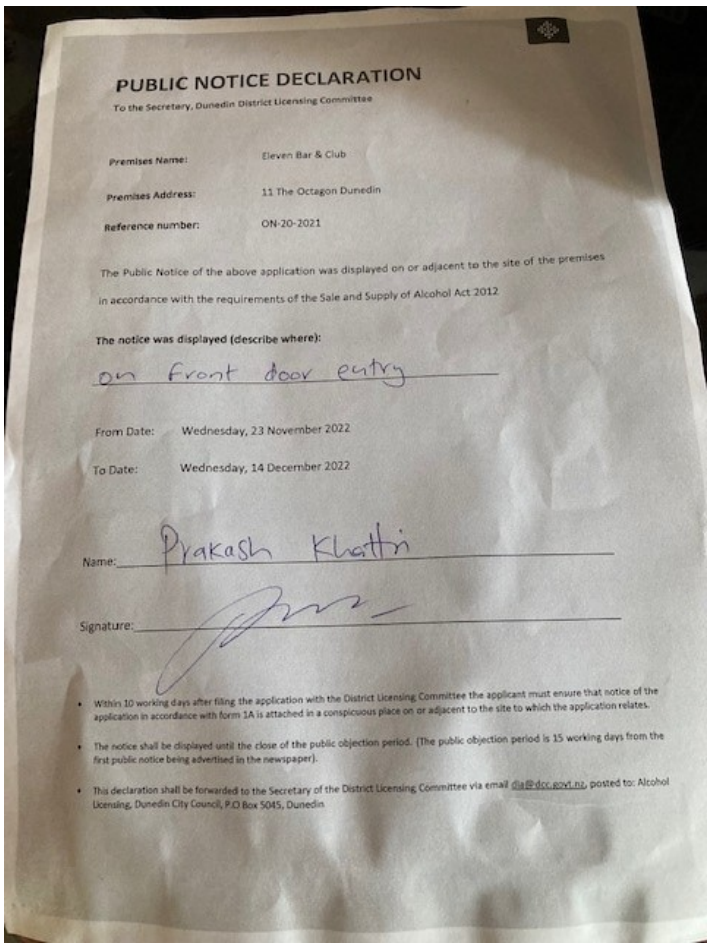
On-20-2021 – Eleven 2021 Limited, Eleven Bar & Club, 11 The Octagon, Dunedin. First notice. Closes Wednesday, 14 December.

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

ALCOHOL LICENCE APPLICATIONS

On-20-2021 – Eleven 2021 Limited, Eleven Bar & Club, 11 The Octagon, Dunedin. Second notice. Closes Wednesday, 14 December.

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



PUBLIC NOTICE DECLARATION

To the Secretary, Dunedin District Licensing Committee

Premises Name: Eleven Bar & Club

Premises Address: 11 The Octagon Dunedin

Reference number: ON-20-2021

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 front door entry

From Date: Wednesday, 23 November 2022

To Date: Wednesday, 14 December 2022

Name: Prakash Khatri

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

From:	Prakash Khattri
To:	Karen Tytsma
Subject:	Re: mailing address for On Licence renewal application Eleven Bar & Club - ON-20-2021
Date:	Monday, 21 November 2022 10:11:33 a.m.
Attachments:	0.png

Please send to 5 Raoulia Close
Halfway bush dunedin

Get Outlook for iOS

From: Karen Tytsma <Karen.Tytsma@dcc.govt.nz>
Sent: Monday, November 21, 2022 9:39:43 AM
To: prakashkhattri@hotmail.com <prakashkhattri@hotmail.com>
Subject: mailing address for On Licence renewal application Eleven Bar & Club - ON-20-2021

Hello Prakash

The address of 11 The Octagon is not an approved NZ standard delivery address to use for the company as a mailing address
The On Licence when issued in 2021 had a mailing address for the company was
36 Mulford Street
Concord
Dunedin 9018

Please confirm if we can still use the above address or can you supply a valid NZ Post standard address for mailing address?

Please advise me as soon as possible so I can start the renewal application today otherwise the application will be on Hold until I get this information

Kind Regards Karen

Karen Tytsma
Alcohol Licensing Administrator
Dunedin District Licensing Committee

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

From:	Lorelei Morrison
To:	Dunedin Licensing Agency
Cc:	Aaron Whipp
Subject:	OPPOSITION Eleven Bar and Club
Date:	Wednesday, 14 December 2022 10:31:21 a.m.
Attachments:	image001.png image002.png image003.png image004.png image005.png OPPOSITION Letter Eleven Bar and Club (002).pdf

Please find attached our letter for this application. Please note our opposition to this application.

Lorelei Morrison **(she/her)**
Administration Officer Kaiwhakahaere Tari
National Public Health Service | Te Waipounamu | Southern
A division of Te Whatu Ora | Health New Zealand
(formerly Public Health South, SDHB)

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:	Dunedin AHPU
To:	Dunedin Licensing Agency
Cc:	Kevin Mechen; Tanya Morrison; Alison Blair; Aaron Whipp (Aaron.Whipp@southerndhb.govt.nz)
Subject:	FW: [EXTERNAL] ON-20-2021 - Eleven 2021 Limited, Eleven Bar & Club, 11 The Octagon Dunedin
Date:	Friday, 2 December 2022 04:26:54 p.m.
Attachments:	0.png image001.png image002.png image003.png image004.png image005.png ON-20-2021 Eleven Bar and Club application.pdf ON-20-2021 Eleven Bar and Club cover sheet.doc Email confirming mailing address for On Licence renewal application Eleven Bar & Club - ON-20-2021.pdf

Kia ora,

Police enter interim opposition for this On Licence application.

A formal report will be sent through on Monday 5th December 2022.

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

NEW ZEALAND POLICE
Ngā Pirihimana o Aotearoa

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

From: Karen Tytsma <Karen.Tytsma@dcc.govt.nz>
Sent: Monday, 21 November 2022 11:34 AM
To: Aaron Whipp <Aaron.Whipp@southerndhb.govt.nz>; Admin DHB <admin@phsouth.co.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Mark Bredenbeck <OtagoRiskReduction@fireandemergency.nz>; Melissa Joyce <Melissa.Joyce@southerndhb.govt.nz>; Dunedin AHPU <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>
Subject: [EXTERNAL] ON-20-2021 - Eleven 2021 Limited, Eleven Bar & Club, 11 The Octagon 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.

Karen Tytsma

From:	Dunedin AHPU
To:	Dunedin Licensing Agency
Cc:	Kevin Mechen; Tanya Morrison; Aaron Whipp
Subject:	FW: [EXTERNAL] ON-20-2021 - Eleven 2021 Limited, Eleven Bar & Club, 11 The Octagon Dunedin
Date:	Thursday, 8 December 2022 03:01:10 p.m.
Attachments:	0.png image001.png image002.png image003.png image004.png image005.png ON-20-2021 Eleven Bar and Club application.pdf ON-20-2021 Eleven Bar and Club cover sheet.doc Email confirming mailing address for On Licence renewal application Eleven Bar & Club - ON-20-2021.pdf Eleven Opposition Report.pdf

Kia ora,

Please find attached Police report of opposition.

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

NEW ZEALAND POLICE
Ngā Pirihimana o Aotearoa

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

From: Karen Tytsma <Karen.Tytsma@dcc.govt.nz>
Sent: Monday, 21 November 2022 11:34 AM
To: Aaron Whipp <Aaron.Whipp@southerndhb.govt.nz>; Admin DHB <admin@phsouth.co.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Mark Bredenbeck <OtagoRiskReduction@fireandemergency.nz>; Melissa Joyce <Melissa.Joyce@southerndhb.govt.nz>; Dunedin AHPU <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>
Subject: [EXTERNAL] ON-20-2021 - Eleven 2021 Limited, Eleven Bar & Club, 11 The Octagon Dunedin

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Karen Tytsma
Alcohol Licensing Administrator
Dunedin District Licensing Committee

From: Rakei Amohau
To: Karen Tytsma
Cc: Kevin Mechen; Colin Weatherall
Subject: Re: Objection to ON-20-2021/Eleven 2021 Limited - Students for Sensible Drug Policy (SSDP) Dunedin
Date: Wednesday, 14 December 2022 02:12:03 p.m.

Thanks Karen.

Very much appreciated.

Colin, Kev - there's an interim objection from police and now a public objection. I think it would be good to get on the front foot and start considering who will be on the panel and timelining (pencilling) when the hearing will be. We can respond and confirm receipt and that the objection will be put to the committee in due course for consideration about standing. I'm happy to have a chat on Friday about whether the public objector has standing or not.

Nga mihi,
Rj

Sent from my iPhone

> On 14/12/2022, at 1:33 PM, Karen Tytsma <Karen.Tytsma@dcc.govt.nz> wrote:
>
> Received by email to dla inbox and hard copy dropped off at CSA front counter today 14/12/2022
> Pathway has been updated to show public objection has been received
>
> FYI
>
> Karen Tytsma
> Alcohol Licensing Administrator
> Dunedin District Licensing Committee
>
> **P** 03 477 4000 **E** Karen.Tytsma@dcc.govt.nz
> Dunedin City Council, 50 The Octagon, Dunedin
> PO Box 5045 Dunedin 9054
> New Zealand
> www.dunedin.govt.nz
>
> FYI
>
> Karen

<0.png>

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From: sdphdnz@gmail.com <sdphdnz@gmail.com> **On Behalf Of** SSDP Otepoti
Sent: Wednesday, 14 December 2022 1:12 p.m.
To: Dunedin Licensing Agency <dla@dcc.govt.nz>
Subject: Objection to ON-20-2021/Eleven 2021 Limited - Students for Sensible Drug Policy (SSDP) Dunedin

Good afternoon DCC Liquor Licensing team,

For your convenience attached is a digital copy of the Objection to ON-20-2021/ Eleven 2021 Limited.

A signed physical copy was submitted to the DCC Customer Service desk at approximately 1.00 PM today.

The Objection period closes at 5:00 PM Wednesday 14th day of December, 2022.

Please contact us on this email address with any correspondence regarding this matter.

Kind regards

Scott Dunning
Technical Lead: Alcohol
Research and Policy Coordinator
<SSDP image.jpeg>

Students For Sensible Drug Policy | Aotearoa New Zealand
ssdpotepotinz@gmail.com
newzealand@chapters.ssdp.org

<2022_12_14 Objection ON_20_2021 SSDP Dunedin.pdf>