

Notice of Meeting:

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

Date: Wednesday 10 April 2024
Time: 10:00 am
Venue: Dunningham Suite, top floor, Dunedin Public Library, Moray Place, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee

On-Licence Renewal – Pride Thai Ltd t/a Mornington Thai

PUBLIC AGENDA

MEMBERSHIP

Chairperson	Colin Weatherall
Members	Karen Elliot Cr Lee Vandervis
Senior Officer	Kevin Mechen, Secretary, District Licensing Committee
Governance Support Officer	Lynne Adamson

Lynne Adamson
Governance Support Officer

Telephone: 03 477 4000
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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**REPORT FOR ON-LICENCE RENEWAL, "MORNINGTON THAI, 18 MAILER STREET, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE**

Department: Civic

APPLICATION DESCRIPTION

Applicant’s Name:	Pride Thai Limited
Site Address	18 Mailer Street, Dunedin
Trading Name:	Mornington Thai
Style of Licence	On-licence
Application Number	ON-8-2022
Date received by Council	07 December 2023

EXECUTIVE SUMMARY

- 1 This is a report for an application for the renewal of an on-licence for the premises situated at 18 Mailer Street, Dunedin, and known as “Mornington Thai”. The criteria found at section 131 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- 2 The applicant does not seek any changes to the licence.
- 3 Public notice of the application did not attract any public objections.
- 4 However, all three reporting agencies have submitted adverse reports and have opposed the renewal of this licence.

APPLICANT AND APPLICATION

- 5 The applicant, Pride Thai Limited, has a single director and shareholder, Ms Sonthaya Nongyang. This is the first renewal of the licence which was issued in January 2023 after a hearing. The company also owns “Andersons Bay Thai” and “Pride Tyres”, an automotive tyre business in Princes Street, Dunedin.
- 6 The current licence hours are Sunday to Thursday 10.00 am to 11.00 pm, and Friday and Saturday 10.00 am to 12.00 midnight. The applicant is not seeking any change to the licence conditions.

PUBLIC NOTICE

- 7 Public notice of the application did not attract and public objection.
- 8 However, all three reporting agencies, the Police, Medical Officer of Health and the Licensing Inspector have opposed the licence renewal.

Licensing Inspector

- 9 The Licensing Inspector stated that there was no evidence of alcohol being sold or supplied in an unsafe or irresponsible manner. However, they have concerns about the ownership of the business and the relationship between the various people involved with each of the businesses owned by the applicant.
- 10 The applicant bought the business from Navnik Limited who operated "Indian Twist" at the premises. The sale was by private agreement. Mr Naveen Malhotra was one of the directors of Navnik Limited who purchased "Shree Restaurant and Takeaways" from Data Enterprises 2018 Limited of which Mr Kirit Gandhi was one of the directors. Mr Gandhi worked at "Indian Twist".
- 11 Both Mr Malhotra and Mr Gandhi appear to be involved with the day to day running of "Morningson Thai". Mr Malhotra regularly worked 3-4 nights per week but is not on the payroll. Mr Gandhi still has a current manager's certificate and helps at "Morningson Thai" and occasionally "Andersons Bay Thai".
- 12 The Inspector is concerned at the poor knowledge of their responsibilities as a licensee and the contents of their own host responsibility policy. Ms Nongyang said she had been assisted in completing the renewal application by Mr Gandhi. Neither could explain the signs of intoxication nor the accepted forms of identification. The Inspector said it was difficult to assess suitability when other people present were answering questions on her behalf.
- 13 When asked by the Inspector, training records could not be produced by the applicant. The Inspector questions whether the applicant has appropriate systems, staff and training at the premises.

Medical Officer of Health

- 14 The Medical Officer of Health (MoH) met Ms Nongyang and Mr Malhotra. At the end of that meeting, they were not satisfied with the systems, staff or training at the premises and therefore oppose the renewal of the licence.
- 15 The MoH learned that the applicant spends the majority of her time in the kitchen and relies on others to look after the alcohol service which was not acceptable.

Police

- 16 The Police expressed similar concerns as the other two agencies. One concern is the ownership of the business and the involvement of the previous two owners. The manner in which this and other businesses have been brought also raises questions about who does own the business and who is managing them.
- 17 The Police found the applicant, Mr Malhotra and Mr Gandhi, all lacked appropriate knowledge to be considered suitable to manage a licensed premises. During the interview, Mr Gandhi led the conversation most of the time which indicated had had some control over the business.

- 18 Documentation of training was not kept nor had the staff completed ServeWise training. The applicant claimed to have completed the training, but the certificate was 'at home'.
- 19 When questioned about the systems, staff and training generally, the applicant deferred to Mr Gandhi despite his assertion he had no financial interest in the business. The applicant could not answer the questions therefore the Police do not believe the premises has the appropriate systems, staff or training to meet the object of the Act.

CONCLUSION

- 20 The licence for this premises was granted after a hearing at which the applicant's suitability was challenged because of poor knowledge and the involvement of Mr Malhotra in the business. It now appears Mr Gandhi also has some form of control over the operation of the business.
- 21 On this occasion, the applicant's suitability is again challenged because of poor knowledge of her responsibilities as well as the 'basic' indicators of intoxication and forms of acceptable identification.
- 22 The agencies also believe the applicant does not have appropriate systems, staff or training to comply with their responsibilities as set out in the legislation.
- 23 This hearing will be an opportunity for the applicant to demonstrate that she is suitable and that she is the responsible for her business.

Signatories

Author:	Kevin Mechen - Alcohol, Psychoactive Substances and Gambling Advisor
Authoriser:	

Attachments

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PUBLIC NOTICE

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

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

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

The applicant seeks the licence on the following hours:

Sunday to Thursday 10.00 am to 11.00 pm

Friday and Saturday 10.00 am to 12.00 midnight.

First publication date: Wednesday, 13 December 2023

Second publication date: Wednesday, 20 December 2023

Objections Close 5:00 pm Wednesday, 14 February 2024

- The application may be inspected during ordinary office hours at the office of the Dunedin District Licensing Committee at 50 The Octagon, Dunedin, or on-line at <https://www.dunedin.govt.nz/services/licensing/alcohol-licence-applications>
- No objection to the issue of a licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012
- Any person who is entitled to object and who wishes to object to the issue of the application may, not later than 25 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the Dunedin District Licensing Committee at 50 The Octagon, PO Box 5045, Dunedin 9058

APPLICATION FOR ON-LICENCE RENEWAL

Incomplete applications will not be processed

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

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

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

Please use separate pages to provide extra information where necessary.

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

Please read and complete the following checklist before submitting the application

- A copy of both the food and drinks menus
- Map showing location of 'sensitive' locations, e.g. schools, early childhood facilities, hospitals and churches
- Copy of host responsibility policy – for high risk premises please also include an alcohol management plan explaining how you will implement the points of the policy
- Letter of authorisation if a consultant is completing this form on your behalf

Office use only

Date received:

