

Notice of Meeting:

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

Date: Monday 9 December 2024
Time: 10:00 am
Venue: Council Chamber, top floor, Dunedin Public Art Gallery, the Octagon, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee

Opposed On-Licence Application – Loboski Venues Limited t/a Dropkicks

PUBLIC AGENDA

MEMBERSHIP

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

Lauren Riddle
Governance Support Officer

Telephone: 03 477 4000
Lauren.Riddle@dcc.govt.nz
www.dunedin.govt.nz

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

ITEM TABLE OF CONTENTS

PAGE

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

- | | | |
|---|---|---|
| 1 | Report for New On-licence, "DropKicks", 354 Great King Street, Dunedin – From Secretary, District Licensing Committee | 4 |
|---|---|---|

PART A REPORTS

REPORT FOR NEW ON-LICENCE, "DROPKICKS", 354 GREAT KING STREET, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

APPLICATION DESCRIPTION

Applicant's Name:	Loboski Venues Limited
Site Address	354 Great King Street, Dunedin
Trading Name:	DropKicks
Style of Licence	On-licence
Application Number	ON-10-2024
Date received by Council	4 July 2024

EXECUTIVE SUMMARY

- 1 This is a report for an application for a new on-licence for the premises situated at 354 Great King Street, Dunedin, and to be known as "DropKicks". The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- 2 This is a new licence for the upstairs area of the former Captain Cook Hotel. The focus for the new premises will be as a live entertainment venue. The inspector considers that the sale and supply of alcohol under these conditions are consistent with the purpose of the Act and meets the criteria at section 105.
- 3 Public notice of the application attracted two objections. The first is from the Students for Sensible Drug Policy Ōtepoti Dunedin, and the other from Mr B Crestani and Ms E Ibs.
- 4 The reporting agencies have not opposed the application.

APPLICANT AND APPLICATION

- 5 The Applicant in this matter has a sole director, Ms Miliana Lobo Linwood, and shared shareholding between Ms Linwood and Mr Baden Oxley.

- 6 The purpose of this venue is to provide a safe space for all to enjoy great, quality entertainment. The Applicant's website states that they are "*founded in response to the overwhelming need for an affordable bar and accessible live music & entertainment venue in North Dunedin.*"
- 7 The Applicant is seeking licence hours of Monday to Sunday, 11.00 am to 3.00 am the following day. They have asked for the premises to be designated a 'restricted' area.

AGENCY COMMENT

- 8 Neither the Medical Officer of Health nor the Licensing Inspector have opposed the application. The Police did not report.
- 9 The Licensing Inspector has commented on a promotion at another venue operated by the Applicant. This was dealt with after a meeting with the three agencies.
- 10 During the meeting regarding the abovementioned matter, the Applicant was asked about the social media advertising a gig at the venue for the end of August. The Applicant was adamant they did not know about this gig until they read about it on the social media themselves.
- 11 The Inspector stated that the concept of a student bar is well supported so long as it is run in a manner that ensures the safe and responsible sale and supply of alcohol.

PUBLIC NOTICE

- 12 Public notice of the application attracted two objections: the Students for Sensible Drug Policy Ōtepoti Dunedin (SSDP) and Mr B Crestani and Ms E Ibs via Dr L Gordon.

Mr Crestani and Ms McMillan

- 13 The objection relates to:
 - a) Sections 3 and 4 – the purpose and object of the Act
 - b) Section 105(1)(b) – suitability of the Applicant
 - c) Section 105(1)(h) – amenity and good order of the locality
 - d) Section 105(1)(j) – whether the Applicant has appropriate systems, staff and training to comply with the law.
- 14 The concerns stated is that the location of the premises, media coverage of the proposed venue before the expiry of the objection period and purpose of the venue to provide a safe place for low-cost entertainment indicates it will be a student bar. No other detail relating to the grounds for objection is provided.

Students for Sensible Drug Policy Ōtepoti Dunedin

- 15 SSDP state they became aware of extensive social media campaigns by the Applicant announcing the date of the opening of the venue which was well before the close of the public objection period. They believe the actions of the Applicant were a 'complete disregard to the fair and due process required' in the Act.

- 16 SSDP said they are committed to bringing back safer and well-managed student bars but cannot support and potential student bar when there is a clear identifiable risk that the prospective licensee will make things worse for students.
- 17 The grounds for objection stated by SSDP are:
- a) Section 105(1)(a) – object of the Act
 - b) Section 105(1)(b) – suitability of the Applicant
 - c) Section 105(1)(h) – amenity and good order of the locality
 - d) Section 105(1)(j) – whether the Applicant has appropriate systems, staff and processes to comply with the law.
- 18 No other detail regarding the grounds for objection is provided.

CONCLUSION AND CONDITIONS

- 19 The Applicant in this matter is establishing the premises so there is another live entertainment venue in Dunedin that is safe for all.
- 20 Advertising an opening before a licence is issued can be considered presumptuous on the part of the Applicant but it is for the Committee to determine if this places doubt on the Applicant’s suitability to hold an alcohol licence.
- 21 The hearing will allow the parties to speak to their submissions before the Committee determines the outcome of the application.

Signatories

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

	Title	Page
↴A	On-licence Application	8
↴B	Applicant Supporting Letter	31
↴C	Email re Managers/Food	39
↴D	Email re Trading Name	40
↴E	Licensing Inspector's Report	41
↴F	Medical Officer of Health	46
↴G	Fire and Emergency NZ	47
↴H	Students for Sensible Drug Policy Ōtepoti - objection	48
↴I	Mr Crestani/Ms Ibs Objection	52
↴J	Planning Certificate	54
↴K	Building Compliance Certificate	57
↴L	Notice of Declaration	58
↴M	Otago Daily Times Advertisements	59
↴N	Misc. Emails	60
↴O	POL/BCC Application	63
↴P	Application Invoice	65
↴Q	Planning/Building Invoice	66



PUBLIC NOTICE

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

Loboski Venues Limited has made application to the District Licensing Committee at Dunedin for the grant of an On Licence number ON-10-2024 in respect of the premises situated at 354 Great King Street Dunedin and to be known as Errick's

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

The applicant seeks the licence on the following hours:

Monday to Sunday 11.00 am to 3.00 am the following day.

First publication date: Wednesday, 17 July 2024

Second publication date: Wednesday, 24 July 2024

Objections Close 5:00 pm Wednesday, 21 August 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

Incomplete applications will not be processed

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

When a licence has been granted, it will not be issued until the annual fee has been paid.

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

- ✓ Written statement from the owner of the building or property giving you approval to sell and supply alcohol and allow its consumption on the premises. An email is acceptable, this can be sent to dla@dcc.govt.nz with the name of the premises and applicant included as a reference.
- If a body corporate: certificate of incorporation (or equivalent document)
- ✓ Planning and building certificates (not required for a conveyance)
- ✓ A copy of the proposed food and drinks menus
- ✓ A scale plan of the premises showing the principal entrance and the areas where alcohol is to be sold, supplied and consumed, with an indication of which areas are to be:
 - undesignated - anyone of any age allowed
 - supervised - minors must be with their parent/guardian
 - restricted - R18.
- ✓ Map showing location of 'sensitive' locations, e.g., schools, early childhood facilities, hospitals and churches
- ✓ A risk mitigation plan detailing how you will ensure the impact on the community will be minimized, e.g. control of noise and litter, parking and dispersal of patrons
- ✓ Copy of host responsibility policy – for high risk premises please also include an alcohol management plan explaining how you will implement the points of the policy
- Letter of authorisation if a consultant is completing this form on your behalf

Office use only

Date received:

Calculate your application fee

Select your premises type:

- 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

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	15

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	

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

3

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

Section 224 of the Sale and Supply of Alcohol Act 2012

To the Secretary, Dunedin District Licensing Committee

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

Endorsements *(tick if applicable)*

- BYO restaurant – tick if you are a restaurant that does not intend to sell alcohol, i.e. you want to offer BYO only
- Caterer's on licence – for off-site catering, instead of, or in addition to, food/alcohol supplied on the premises (please provide menus, website information, bookings etc)

Contact person

Name:

Phone:

Email:

Postal address:

Postcode:

Applicant details

Applicant status (please select from the below options)

- | | | |
|--|---|---|
| <input type="radio"/> Individual | <input type="radio"/> Partnership | <input type="radio"/> Body corporate |
| <input type="radio"/> Public company | <input checked="" type="radio"/> Private company | <input type="radio"/> Club |
| <input type="radio"/> Trustee | <input type="radio"/> Local authority | <input type="radio"/> Licensing trust |
| <input type="radio"/> Government department or other instrument of the Crown | <input type="radio"/> Manager under the Protection of Personal Property Rights Act 1988 | <input type="radio"/> Board, organisation or other body |

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.

Full legal name:

Any other names you may be known by:

Address:

Postcode:

Occupation:

Phone:

Email:

Date of birth: Place of birth: Gender:

Is this your principal business? Yes No

Please state any other businesses:

Further details where the applicant is a company or an incorporated society

For a company (whether incorporated under the Companies Act 1993 or equivalent foreign legislation), give full legal names of directors.

Miliana Oxley Lobo (Miliana Lobo Linwood)

Where the applicant is a **private company**, give full details of each person who holds any shares issued by the company as follows: full name, address, date of birth, place of birth, designation in company and percentage of shares held.

Miliana Oxley Lobo (Miliana Lobo Linwood), 28 Killarney Street, Waitati, 17/09/1999, London England, Director, 50%
Baden Elliott Oxley, 28 Killarney Street, Waitati, 19/01/1993, Dunedin, Shareholder, 50%

Please also provide:

Authorised capital:

Paid up capital:

Where the applicant is a **public company**, give full details of each person who holds 20% or more of the shares, or any particular class of shares, issued by the company, as follows: full name, address, date of birth, place of birth, designation in company.

Further details where the applicant is a partnership

Full details of each partner as follows: full legal name, address, date of birth, place of birth.

Signature of each partner

If a body corporate, please state the authority under which you are incorporated, e.g. Companies Act 1993, Incorporated Societies Act 1908, Charitable Trusts Act 1957.

Criminal convictions

Please state all criminal convictions against any applicants including Directors or Shareholders (except convictions for offences to which the Criminal Records (Clean Slate) Act 2004 applies).

Full Name	Conviction	Date of conviction
None		

(Use a separate sheet if necessary)

Details of premises

Proposed trading name:

Current trading name (if applicable):

Name of the building (if applicable):

Address of the premises:

Postcode:

Does the applicant own the premises? Yes No

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

A written statement is required from the owner of the building or property giving you approval to sell and supply alcohol and allow its consumption on the premises. This can be sent to dla@dcc.govt.nz with the name of the premises and applicant included as a reference.

What type of lease does the applicant have and when does it expire?

Is the licence conditional on completion of building work? Yes No

If yes, please provide details:

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

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

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

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

Signed Miliana Oxley Lobo Date 4/7/24

Details of conveyance (e.g. if this application is for a ship, bus, train etc.)

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

Trading name of conveyance:

Registration number:

Address where based:

Postcode:

Does the applicant own the conveyance? Yes No

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

A written statement is required from the owner of the building or property giving you approval to sell and supply alcohol and allow its consumption on the premises. This can be sent to dla@dcc.govt.nz with the name of the premises and applicant included as a reference.

What type of lease does the applicant have and when does it expire?

Business details

Is there a current alcohol licence for the premises?? Yes No Type: on off club

Licence number: Expiry:

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

- Tavern/bar
- Café/restaurant
- Hotel
- Nightclub
- Entertainment

Other (specify)

Please select which days, and during which hours, you wish to be licensed to sell alcohol:

Day	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
Start time	11	11	11	11	11	11	11
End time	3	3	3	3	3	3	3

Is the sale of alcohol intended to be the principal purpose of the business? Yes No

If no, what is the principal purpose of the business?

Providing a safe space fr low cost entertainment

