

Notice of Meeting:

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

Date: Monday 16 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
PUBLIC AGENDA

MEMBERSHIP

| | |
|-----------------------------------|---|
| Chairperson | Colin Weatherall |
| Deputy Chairperson | Katie Lane |
| Members | 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
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

REPORT FOR ON-LICENCE, "INDIGO ROOM", 26 MORAY PLACE, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

APPLICATION DESCRIPTION

| | |
|--------------------------|----------------------------|
| Applicant's Name: | Aika and Co (2016) Limited |
| Site Address | 26 Moray Place, Dunedin |
| Trading Name: | Indigo Room |
| Style of Licence | Tavern |
| Application Number | ON-19-2024 |
| Date received by Council | 21 October 2024 |

EXECUTIVE SUMMARY

- 1 This is a report for an application for a new on-licence for the premises situated at 26 Moray Place, Dunedin, and known as the "Indigo Room". The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- 2 The Applicant is the former licensee of the premises. They did not renew their licence despite several reminders being sent to them.
- 3 Public notice of the application did not attract any public opposition.
- 4 The reporting agencies, the Police, Medical Officer of Health and Licensing Inspector have all opposed the application.

APPLICANT AND APPLICATION

Applicant

- 5 The Applicant first gained an on-licence for the premises in 2020. They renewed the licence in 2021.
- 6 In September 2024 they were sent the renewal documents and included an invoice for both the renewal application and annual fee. Despite several reminders, the renewal application was not submitted so the licence was expired on 15 October 2024.

- 7 The Applicant made several attempts to get the licence reinstated but on 21 October 2024 made application for a new licence.

PUBLIC NOTICE

- 8 Public notice of the application did not attract any objections.
- 9 However, the three reporting agencies have opposed the grant of the licence.

Police

- 10 The Police submitted an interim opposition because they had not completed inquiries with the Applicant. In the interim, their opposition is based on the reports of the Licensing Inspector and Medical Officer of Health.

11 *Medical Officer of Health*

- 12 The Medical Officer of Health has opposed the application on the following grounds:

- a) s.105(1)(a) – object of the Act. The Applicant had failed to renew their previous licence despite reminders and continued to trade without a valid licence. This non-compliance indicates a lack of commitment to adhering to the legal requirements of a licensee. The area is identified as being decile 8 on the NZ Deprivation Index.
- b) s.105(1)(d) – days on which and hours during which the Applicant proposes to sell alcohol. Operating beyond 12.00 midnight inherently increases the risk of alcohol-related harm.
- c) s.105(1)(h) – amenity and good order of the locality. Dunedin already contends with issues resulting from a high concentration of late night venues. The grant of this licence would likely contribute to a further degradation of the amenity and good order of the locality.
- d) s.105(1)(j) – whether the Applicant has appropriate systems, staff and training to comply with the legislation. The application indicates the two owners as being active staff for the premises. Only one has a current manager’s certificate and both work elsewhere. The application lacks the oversight and control necessary to ensure a safe and compliant environment.
- e) s.105(1)(k) – matters raised in reports of the Police and Licensing Inspector.

13 *Licensing Inspector*

- 14 The Licensing Inspector highlights the failings of the Applicant while holding the previous licence. These include:

- a) Failing to submit their renewal application for the licence.
- b) Failure to pay annual fees on time; after 10 months of reminders being sent, the fee was finally paid.
- c) They have a remote sellers off-licence that has been suspended because they have not paid the annual. They state they are not using it so it will remain suspended until it expires.

- d) When the new application was submitted, it was not accompanied by the required supporting documentation. They were advised it was their application and they needed to include the required documents; it was not the role of Council staff to look for the documents in previous applications.

15 The Inspector’s objection relates to the lack of systems, staff and training to meet the requirements of a licensee as set out in the legislation.

CONCLUSION AND CONDITIONS

- 16 This application results from the Applicant not renewing their previous licence on time.
- 17 The reporting agencies have identified several areas of concern relating to the Applicant and the application submitted.
- 18 The hearing is an opportunity for the parties to present their positions to the Committee before a decision is made.

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

Aika and Co (2016) Limited has made application to the District Licensing Committee at Dunedin for the grant of an On Licence number ON-19-2024 in respect of the premises situated at 1 - 26 Moray Place Dunedin and to be known as Indigo Room

The general nature of the business to be conducted under the licence is Class 1 Restaurant, n'club, tavern, adult prem.

The applicant seeks the licence on the following hours:
Monday to Sunday 10.00 am to 3.00 am the following day.

First publication date: Wednesday, 23 October 2024

Second publication date: Wednesday, 30 October 2024

Objections Close 5:00 pm Thursday, 28 November 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 | |

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:

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: Charles Chen Chieng

Phone: 0210524860

Email: charles.chieng@aika.nz daniel.brown@aika.nz

Postal address: [REDACTED]

Postcode: 9085

Applicant details

Applicant status (please select from the below options)

| | | |
|--|---|-----------------------------------|
| Individual | Partnership | Body corporate |
| Public company | <input checked="" type="checkbox"/> 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 |

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:

