

Notice of Meeting:

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

Date: Monday 8 September 2025
Time: 11.30 am
Venue: Council Chamber, top floor, Dunedin Public Art Gallery, the Octagon, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee
Opposed Off-licence Renewal – Bottle O Kaikorai Valley
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Katie Lane
Members	Colin Weatherall Pieter van de Klundert
Senior Officer	Kevin Mechen, Secretary, District Licensing Committee
Governance Support Officer	Jean Cockram

Jean Cockram
Governance Support Officer

Telephone: 03 477 4000
Jean.Cockram@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 OPPOSED RENEWAL OFF-LICENCE, "BOTTLE O KAIKORAI VALLEY, 185 KAIKORAI VALLEY ROAD, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

APPLICATION DESCRIPTION

Applicant's Name:	Jethro Holdings Limited
Site Address	185 Kaikorai Valley Road, Dunedin
Trading Name:	Bottle O Kaikorai Valley
Style of Licence	Off-licence
Application Number	OFF-1-2013
Date received by Council	10 February 2025

EXECUTIVE SUMMARY

- 1 This is a report for an application by Jethro Holdings Limited for the renewal of an off-licence for their premises situated at 185 Kaikorai Valley Road, Dunedin, and known as "Bottle O Kaikorai Valley". 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 but the three reporting agencies, Licensing Inspector, Police, and Medical Officer of Health Delegate have all opposed the application.

APPLICANT AND APPLICATION

Applicant

- 4 When the renewal application was received, the applicant company had equal directors and shareholders, Mrs P McCarthy and Mr K McCarthy.

- 5 On 7 August 2025 the directorship of the company was changed with both Mr and Mrs McCarthy being removed and replaced by Ms C McCarthy. Mr and Mrs McCarthy are still the shareholders for the company.
- 6 Mr and Mrs McCarthy were the directors and shareholders of two other companies, MJ Enterprises Limited and McCarthy Enterprises Limited, which had renewals for two other off-licence premises declined because they failed to demonstrate they were suitable to hold alcohol licences.
- 7 Jethro Holdings Limited has held the licence for Bottle O Kaikorai Valley since 2013.

PUBLIC NOTICE

- 8 Public notice of the application did not attract any objection.
- 9 The Police, Medical Officer of Health Delegate, and Chief Licensing Inspector all opposed the renewal of the licence.

Objections

- 10 The Medical Officer of Health has opposed the licence renewal for the following reasons:
 - a) The current closing time of 10.00 pm increases the potential for excessive alcohol consumption and associated alcohol-related harms, for example road crashes and alcohol-related injuries. It is suggested that a reduction in licence hours will see a reduction in alcohol-related harm.
 - b) The suitability of the Applicant is in doubt. Wanting to retain the 10.00 pm closing time is inconsistent with the object of the Act which is that the sale, supply, and consumption of alcohol is undertaken safely and responsibly and that the harm caused by the excessive or inappropriate consumption of alcohol is minimised.
- 11 The Police have opposed the application for the following reasons:
 - a) Suitability of the Applicant: the Applicant has had two off-licence application declined at hearings. They also state that the Applicant had recently appeared in the District Court for selling to a minor in a controlled purchase operation.
 - b) Hours of operation: the Police state that the current hours, 9.00 am to 10.00 pm, are excessive and believe more appropriate hours would see a 9.00 pm closing time.
 - c) Amenity and good order of the locality: the Police believe the amenity and good order of the locality would increase if the licence is not renewed.
 - d) Police would request, if the renewal is granted, conditions preventing external advertising or promotion of alcohol on the premises and that there is no single sales of RTDs, shots, beer, or cider in containers 500ml or less for under \$6.00 per unit.
- 12 The Chief Licensing Inspector has opposed the application for the following reasons:
 - a) McCarthy Enterprises Limited had their renewal application for Bottle O Mosgiel declined in May 2024. The directors of the company, Mr and Mrs McCarthy, were directors of MJ Enterprises Limited which had the renewal application for Quicker Liquor declined in July 2023. Both licences were declined because of suitability issues.

- b) There were missing documents in the current application for Bottle O Kaikorai Valley. They have applied for licence renewals in the past but the attitude of the Applicant remains unchanged. The Inspector is not confident the Applicant will undertake the sale and supply of alcohol responsibly.
- 13 There was a suggestion that Mr and Mrs McCarthy would be removed as directors and shareholders of the company. At the time of writing the opposition report, no changes had been made. A change in directors has since been notified but Mr and Mrs McCarthy are still the sole shareholders of the business.

CONCLUSION

- 14 This application for the renewal of an off-licence has been opposed by the three reporting agencies because the Applicant's directors and shareholders, but with different company entities, have previously had licence renewals declined because of suitability issues.
- 15 There has now been a change in the directors for the applicant company but the shareholding has remained the same.
- 16 This hearing is an opportunity for the Applicant to satisfy the Committee the change in directors for the company will make a difference and that they now have the processes and systems in place to ensure the sale and supply of alcohol is undertaken properly.

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

Jethro Holdings Limited has made application to the District Licensing Committee at Dunedin for the renewal of an off licence number OFF-1-2013 in respect of the premises situated at 185 Kaikorai Valley Road Dunedin and known as Bottle O Kaikorai Valley

The general nature of the business conducted under the licence is Bottle Store.

The applicant seeks the licence on the following hours:
Monday to Sunday 9.00 am to 10.00 pm.

First publication date: Saturday, 1 March 2025

Second publication date: Saturday, 8 March 2025

Objections Close 5:00 pm Monday, 7 April 2025

- 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

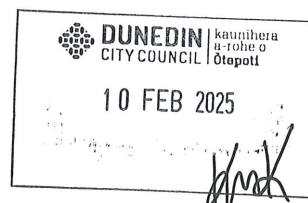
Application for Off-Licence Renewal

Incomplete applications will not be processed

- The application must be accompanied by the correct fee (*see page 2*)
- Administration will notify the public of this application via the Dunedin City Council website and the Otago Daily Times (*advertising is included in the application fee*). The contact person will be emailed a copy of the public notice to be displayed on the premises
- If you have any queries while completing this form please contact Administration on 03 474 3481 or email dla@dcc.govt.nz

Please read and complete the following checklist before submitting the application

- **Supermarket or Grocery Stores** must provide a scale floor plan showing the single area and any sub area for the display and promotion of alcohol ☐
- Location map showing location of 'sensitive' locations (*e.g., school, early childhood facilities, hospitals, churches, etc.*) together with a Risk Mitigation plan detailing how you will ensure impact upon the community will be minimised (*e.g. control of noise and litter; parking; dispersal of patrons*) – (*not required for Remote sellers*) ☐
- Copy of Host Responsibility Policy ☐
- If the application is for a **Grocery Store** you will also need to complete a Statement of Gross Annual Sales Revenue Declaration and have it **verified by a chartered accountant** ☐
- Letter of authorisation for a consultant where a consultant is completing form ☐



Calculate your fee

Select your premise type:

Type of premises	Points
Supermarket, Grocery Store, <u>Bottle Store</u>	15
Off-licence in a Hotel or Tavern	10
Remote sale premises or premises not otherwise specified	5
Winery Cellar Doors	2
Premises points	<u>15</u>

Select the latest time you intend to sell alcohol:

Latest alcohol sales time	Points
Off licences closing before 10.00 pm or earlier ✓	<u>0</u>
Off licences closing after 10.00 pm	3
Trading hours points	<u>0</u>

Select the number of enforcement holdings and add to the points:

Number of enforcement holdings in the last 18 months	Points
None	<u>0</u>
1	10
2 or more	20
Enforcement points	<u>0</u>

Add the premises points, trading hour's 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 Off-Licence Renewal

Section 127, Sale and Supply of Alcohol Act 2012

TO The Secretary

Dunedin District Licensing Committee

Application for the renewal of an off-Licence is made in accordance with the particulars set out below:

Contact Person

Full Name: Tish McCarthy
Phone No.: [REDACTED]
Mobile No.: [REDACTED]
Email address: tish.mccarthy@stra.co.nz
Postal address for documents: P.O. Box 164
Mosgiel
Preferred mode of contact: email

Details of the Applicant

Full legal name/s of the person/s or company who will receive any proceeds from alcohol sales:

Include any other names you may be known by e.g. maiden names, alias

Jethro Holdings Ltd.

Applicant status please select from the below options

<input type="checkbox"/> Individual	<input type="checkbox"/> Partnership	<input type="checkbox"/> Body Corporate
<input type="checkbox"/> Public Company	<input checked="" type="checkbox"/> Private Company	<input type="checkbox"/> Club
<input type="checkbox"/> Trustee	<input type="checkbox"/> Local Authority	<input type="checkbox"/> Licencing Trust
<input type="checkbox"/> Government Department or other instrument of the Crown	<input type="checkbox"/> Manager under the Protection of Personal Property Rights Act 1988	<input type="checkbox"/> Board, organisation or other body

Have there been any changes to the licensee status? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(A change would include a change of any shareholders, directors or partners)</i> If yes, detail changes:
Address:
Occupation:
(if individual) <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
(if individual) Applicants place and date of birth:
Postal address for documents:
Is this your principal business? <input type="checkbox"/> Yes <input type="checkbox"/> No Please state any other businesses:

Criminal Convictions		
Please state all criminal convictions against any applicants including Directors or Shareholders <i>(except convictions for offences to which the Criminal Records (Clean Slate) Act 2004 applies)</i>		
Full Name	Conviction	Date of Conviction
	n/a.	
(Use a separate sheet if necessary)		

Details of Premises

Trading name: Bottle O Kaikorai Valley

Name of the building (if applicable): —

Address of premises: 185 Kaikorai Valley Road
Dunedin

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? n/a

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

n/a.

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 Ln McCarty Date 10/2/2025

Business Details

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

- ☐ Tavern ☐ Grocery ☐ Supermarket
☐ Hotel ☒ Bottle Store
☐ Other (specify)

On which days and during which hours do you to sell alcohol:

Day	<input checked="" type="checkbox"/> Mon	<input checked="" type="checkbox"/> Tues	<input checked="" type="checkbox"/> Weds	<input checked="" type="checkbox"/> Thurs	<input checked="" type="checkbox"/> Fri	<input checked="" type="checkbox"/> Sat	<input checked="" type="checkbox"/> Sun
Start time	9 am	9 am	9 am	9 am	9 am	9 am	9 am
End time	10 pm	10 pm	10 pm	10 pm	10 pm	10 pm	10 pm

Will there be any changes to the current licenced hours? ☐ Yes ☒ No

(An extension to the existing hours may require resource consent, check with City Planning Department)

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 **parent or legal guardian**)
☐ Restricted (people under 18 years not permitted)

Is the applicant seeking any changes to the current licenced areas or designations?

☐ Yes ☒ No If yes, detail:

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	Managers Certificate Number	Expiry Date
Kirby Martinec		069/cert/500/2016	12 Dec 2026
Debiere Adam		069/cert/090/2023	28/9/2025
Linzi Craig		069/cert/165/2021	8 May 2027
Annette Harman		069/cert/427/2014	27/9/2026

(Use a separate sheet if necessary)

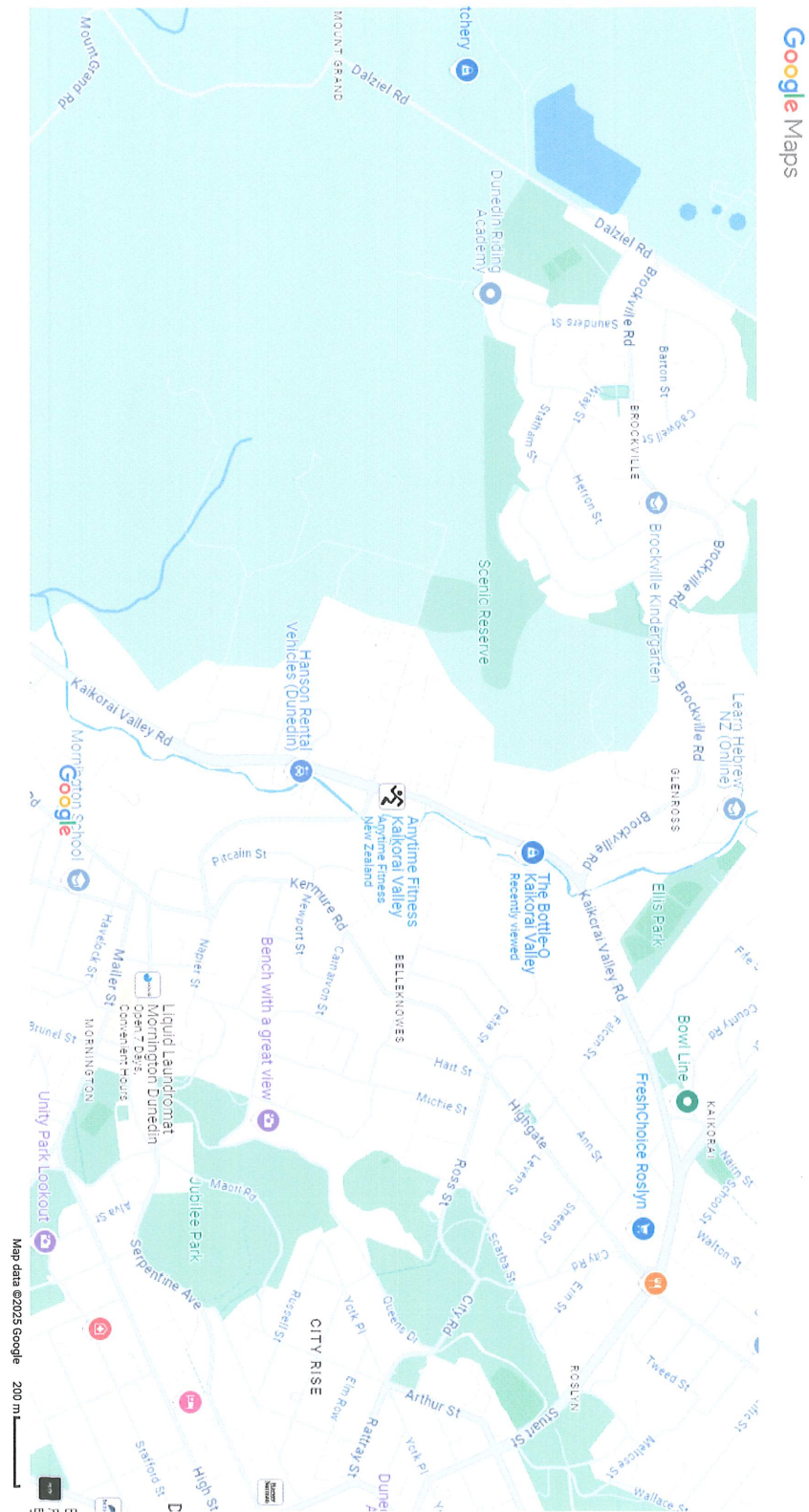
Conditions

- What steps are taken to prevent the sale and supply of alcohol to prohibited people (minors and intoxicated people)?
ask for I.D. visible signage, Training, Refusal policy to people with No I.D.
- How does the applicant train staff to ensure compliance with the Act?
Train staff on proper ID checking & how to identify underage people.
- What other steps does the applicant take to promote the responsible consumption of alcohol?
not serve alcohol to minors, Provides low-alcohol and non alcoholic alternatives, serve alcohol responsibly not to serve intoxicated people.

Signed Josh McCarty Date 10/3/2025 Place Dunedin



Dunedin DLC – Off Licence Renewal Application - DDLC-OFFRENEW-V2-2021







INSPECTOR'S REPORT OFF-LICENCE APPLICATION

Applicant	Jethro Holdings Limited
Trading Name	Bottle O Kaikorai Valley
Address of premises	185 Kaikorai Valley Road, Dunedin
Type of licence	OFF-Licence
Application type	Renewal
Pathway number	OFF-1-2013
Date of application	10 February 2025

The Licensing Inspector and Delegated Medical officer of Health visited the premises (unannounced) on 10 April 2025 for a routine compliance check.

Applicant details

Jethro Holdings Limited
Company number: 4099778
NZBN: 9429030451711
Incorporation Date: 6 November 2012
Company Status: Registered
Entity type: NZ Limited Company

The current directors and current shareholders are Kenneth William McCarthy and Patricia Margaret McCarthy, both of Mosgiel.

Mr and Mrs McCarthy are also current directors/shareholders of the following companies: MJ Enterprises Limited, Five Roads Alpacas Limited, and McCarthy Enterprises Limited.

General nature of the business (description/background/previously licensed)

Bottle O is part of a chain of bottle stores throughout New Zealand. Previously, the applicant's store was under the Super Liquor franchise, however this changed to Bottle O late 2023.

Site Location (zoning/surrounding uses or activities)

Industrial 1. Resource consent RMA 93781 was granted on 29 September 1993 to permit the use of the site for the sale of alcohol.

Manager details

Current Manager's Certificate Holders are:

Debiree Adam – Expires 08/05/27
Linzi Craig – Expires 28/09/25
Annette Harman – Expires 27/09/26
Corinna McCarthy – Expires 30/06/27

Licensing hours sought

The applicant requested 9am until 10pm daily. (No changes to current licensing hours)

Are there any changes from the existing licence or Temporary Authority?

No.

Designation sought

Supervised.

Correct signage on display?

1. Copy of licence at principal entrance? Yes

2. Duty Manager? Yes

3. Prohibited persons? Yes

Host Responsibility

No policy provided with application.

Does the premises utilise DCC owned footpath?

No.

What is the maximum occupancy number for the premises?

Less than 50 persons.

Public Notification process

ODT 1 and 8 March 2025

Public Objections (interest in the application/reasons for)

None.

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:

See Inspector's Comment.

The suitability of the applicant:

See Inspector's comment.

Any relevant local alcohol policy:

No issues.

The days on which and the hours during which the applicant proposes to sell alcohol:

No issues.

The design and layout of any proposed premises:

No issues.

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.** No BWOFF required.

(b) **Sale of food.** N/A

(c) **Fire.** No issues as of 26/02/25.

(d) **Security.** N/A.

Any matters dealt with in any report from the Police or a Medical Officer of Health

Opposition from both NZ Police and 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:

No issues.

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.

The applicant is known to both the committee and the authority, having appeared before both in recent years. Most recently the applicant appeared for McCarthy Enterprises Limited, for Mosgiel Bottle O, which was an application declined by the committee (Decision released 31 May 2024)

with a trade-out period granted. The applicant has also appeared representing MJ Enterprises (Trading as Quicker Liquor), which was an application declined by the committee (Decision released 5 July 2023) due to the licensee being found unsuitable to hold an alcohol licence. The director and shareholders of MJ Enterprises are the same Directors/Shareholders of McCarthy Enterprises Limited and are the same director/shareholders again before the committee with this renewal application under Jethro Holdings Limited.

The previous failings of the applicant are in relation to not having appropriate staff, systems, and training in place as per section 105 (j) of the Act. This is again evidenced within this application with no host responsibility policy being provided within the application, as a basic requirement clearly outlined on the application front page checklist for all applications.

This calls into question the overall suitability of the applicant under section 105 (b), with similar concerns raised by the other agencies who I support under section 105 (k) of the Act.

The object of the Act therefore is also called into question regarding the applicant ensuring the sale and supply of alcohol is undertaken responsibly when there is an overall lack of organisation and awareness displayed by the applicant.

The agencies have met with and exchanged communications with the applicant and associated family members throughout April to July. The premises has been for sale; however, no potential buyers have been confirmed as of the date of this report.

Communications I have received have led me to believe the company structure of the applicant may be changing, with Patricia and Kenneth McCarthy potentially both being removed as director/shareholders. However, as of the date of this report, no changes have been observed on the NZ Companies register, nor has any confirmation been received of any changes being made, which may prompt a re-assessment of applicant suitability by the agencies.

For the above reasons I oppose the renewal of this application and believe the application should fail.



Tanya Morrison
Chief Licensing Inspector
26/07/25

Opposition to Renewal of Off-Licence for Bottle O Kaikorai Valley

Introduction:

This submission is presented in **opposition** to the renewal application submitted by Jethro Holding Limited trading as Bottle O Kaikorai Valley, which seeks to maintain its current trading hours, closing at 10pm. The Medical Officer of Health requests a reduction in trading hours from 10pm to 9pm. We support this request for a reduction, as we believe it aligns with the objectives of the *Sale and Supply of Alcohol Act 2012* (the Act) and is necessary to reduce alcohol-related harm in the community.

Relevant Provisions of the Sale and Supply of Alcohol Act 2012 (NZ):

The *Sale and Supply of Alcohol Act 2012* provides a legal framework that aims to reduce alcohol-related harm, ensure the responsible sale and consumption of alcohol, and promote public health and safety. The following provisions of the Act are particularly relevant:

1. **Section 4 – Purpose of the Act:** The purpose of the Act is to:
 - *Ensure that the sale, supply, and consumption of alcohol are undertaken safely and responsibly.*
 - *Prevent the harm caused by the excessive or inappropriate consumption of alcohol.*
2. **Section 5 – Objectives:** When determining alcohol licence conditions, the Act requires that the licensing authority consider:
 - The harm caused by alcohol consumption, including crime, injury, and health problems.
 - Ensuring that alcohol is sold and consumed in a manner that minimizes the risk of harm to the community.
3. **Section 105 – Licensing Objectives:** The licensing authority is required to determine whether a licence should be granted, renewed, or amended, taking into account factors such as:
 - The object of the Act to minimize alcohol-related harm.
 - The suitability of the applicant and the premises.
 - The level of alcohol-related harm in the locality and the potential for further harm.

Grounds for Opposition:

Health New Zealand
Te Whatu Ora

1. **Increased Alcohol-Related Harm with Extended Trading Hours:** The extension of trading hours until 10pm increases the potential for excessive alcohol consumption, particularly later in the evening. Studies have found that reducing the availability of alcohol late at night for off-licences is associated with lower consumption levels, reductions in hospital admissions for alcohol intoxication, especially for young people, and reductions in road crashes and alcohol-related injuries.¹
2. A reduction in trading hours, as requested by the Medical Officer of Health, from 10pm to 9pm, would reduce the availability of alcohol late at night and is consistent with the Act's objectives to minimize alcohol-related harm. By closing earlier, Leith Liquor would limit opportunities for alcohol consumption that contribute to higher risks of harm, thereby promoting a safer environment for the community.

The Medical Officer of Health's request to reduce trading hours aligns with the harm-reduction principles outlined in the Act. By restricting the availability of alcohol, the risk of harm—such as alcohol-fuelled violence and emergency department admissions—would be reduced.

3. **Suitability of the Premises and Applicant:** Under Section 105 of the *Sale and Supply of Alcohol Act 2012*, licensing authorities must consider the suitability of the applicant and the premises, as well as the level of alcohol-related harm in the locality. The applicant's request to maintain trading hours until 10pm is inconsistent with the goals of the Act, particularly when the community is already experiencing significant harm related to alcohol consumption.

Reducing the trading hours to 9pm would be more suitable for the community, especially considering the negative impact of late-night alcohol availability on public health and safety. The applicant has a responsibility to ensure the premises operate in a way that minimizes harm and supports responsible alcohol consumption.

Conclusion:

Granting Bottle O Kaikorai Valley's request to maintain trading hours until 10pm would be inconsistent with the *Sale and Supply of Alcohol Act 2012*, particularly in relation to the Act's focus on minimizing alcohol-related harm. We respectfully request that the licensing authority impose a reduction of trading hours to 9pm, as this would better align with the harm-reduction principles of the Act and contribute to ensuring the responsible sale and consumption of alcohol in our community.

This is the opposition submission of Health.

**National Public Health Service
- Southern**

Private Bag 1921, Dunedin 9054
Waea: 03 476 9800

**National Public Health Service
- Southern**

PO Box 1601, Invercargill 9840
Waea: 03 211 8500

**National Public Health Service
- Southern**

PO Box 2180, Wakatipu,
Queenstown 9349
Waea: 03 450 9156



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

13th March 2025

Re: Bottle O Kaikorai Valley, Licence OFF-1-2013

Dear Sir/Madam

On 25/02/2025 Police received an application from Jethro Holdings Limited for the renewal of the Off-Licence for the premises known as Bottle O Kaikorai Valley.

This is a busy suburban premises situated on Kaikorai Valley Road, Bradford, Dunedin. The premises is one of three off licence premises within a 1km radius.

The market for this premises is predominantly the residential community that resides nearby. Being positioned along a main arterial route towards and away from Dunedin City it is also attractive to customers travelling along these routes.

Police oppose the renewal of this licence under Section 131:

- (a) The matters set out in paragraphs (a) to (g), and (k) of section 105(1)
- (b) Whether (in it's 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

Specifically, s.105(1)

- (a) The Object of the Act
- (b) The suitability of the applicant
- (d) The days on which the hours during which the applicant proposes to sell alcohol

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*
- (b) *The harm caused by the excessive or inappropriate consumption of alcohol should be minimized.*

(2) *for the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes-*

Sgt Steve Jones - Dunedin Police – Alcohol Harm Prevention Officer

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

(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)

Police will submit the Object of the Act can not be met with this application due to the suitability of the applicant and the operation of their other premises. The amenity and good order of the area is already so badly affected by alcohol related harm from excessive and inappropriate consumption.

Suitability of the Applicant

The applicant holds a number of other licenced premises in Dunedin City and are listed below:

- Bottle O Andersons Bay
- Bottle O Cumberland

The applicant's previous premises were:

- Bottle O Mosgiel
- Quicker Liquor

Police submit that the applicant has been twice declined an application for their previous premises by the Dunedin DLC. Furthermore, they have recently been subject to a Police Prosecution before the Dunedin District Court for a charge of Unlicensed Person Sells Alcohol as well as previously failing Controlled Purchase Operations. Thus, Police submit the applicant is not suitable to hold a licence.

In discussing the meaning of "suitability", Holland J said in *Re Sheard* [1996] 1 NZLR 751, [1996] NZAR 61 (HC) at 755:

"Suitability is a word commonly used in the English language and is well understood. In an earlier decision the Authority has adopted the definition in The Concise Oxford dictionary as 'well fitted for the purpose, appropriate'. I do not find it helpful to refer to other decisions on different facts as to the meaning of that word. Where a statute uses an unambiguous and well understood word or expression and chooses not to enlarge on the ordinary definition of the word or expression by a special interpretation in the statute it is usually unwise for a Court to add to the ordinary meaning of the word as a general guide for all cases, as distinct from applying the word to the particular facts before it."

The Authority stated, in *Re Jays LLA 994/94*, 15 July 1994, that:

"Differing aspects of suitability will be given different weight by decisionmakers under the Act. Among them are experience in the hospitality industry, management ability, and personal integrity."

In *Two Brothers Wholesale Ltd* (2021) NZARLA 32:

"[103] it is not correct that suitability must only be considered in the context of the operation of licensed premises as regards the safe and responsible sale and supply and consumption of alcohol. As is clear from Nishchay's an assessment of suitability is much wider and includes considerations of the

character and reputation of the applicant and its honesty as well as considerations of the operation of premises. Whether or not the grant of the licence will result in the reduction or an increase in liquor abuse is a relevant issue as are considerations about how a licensee will deal with liquor abuse issues that may arise from the establishment of the business, but suitability is not restricted to these matters."

Amenity and good order

Police records of alcohol related incidents in the area indicate high calls for Police service in Dunedin City where alcohol is a contributing factor. The premises is classed under the NZ Census 2023 Deprivation Index as being located in an area with a deprivation score of 8. This is defined as a high deprivation area. Police will submit there is a direct link between the deprivation of an area and alcohol related harm.

Police will submit there is no requirement for a 'causative link' between the premises and harm occurring in the area as Clark J commented in the Lion Liquor Retail Limited High Court decision NZHC 1123 [2018]

[68] In the face of such evidence the Act does not countenance the continuation of high levels of alcohol-related harm. The Act requires minimisation of the alcohol-related harm. The task of the DLC was to respond to the risk and it did so. It is not necessary to establish, as the Authority required, that the proposed operation "would be likely to lead to" alcohol-related harm. To require demonstration of a link to this degree of specificity is not much different from requiring proof. Requiring proof of "a causative link is not only unrealistic but is contrary to the correct legal position".

The days on which the hours during which the applicant proposes to sell alcohol

The applicant is currently requesting the following trading hours:

Monday to Sunday 9am to 10pm

Police will submit it is inappropriate for this premises to be open for the amount of time considering the area in which it is located and the harm occurring as a result. Police will provide evidence that supports maximum trading hours for the premises of:

Monday to Sunday 9am to 9pm

Conditions Sought

The sale of single serve, high octane alcohol at a cheap price does not align with the object of the act in that the vulnerable community in which this premises is situated are exposed to higher levels of harm. Furthermore, the advertising of alcohol on the external surrounds of the premises is exposing an already vulnerable community to further harm, particularly minors.

If the committee were of a mind to renew the licence, Police would seek the following licence conditions:

- 1) No external Alcohol advertising or promotion on the building premises
- 2) No single sales of RTD's, shots, or beer or cider 500ml or less for under \$6

For your consideration,



Steve Jones
Sgt SJCT35
Dunedin Police

From: [White, Nikki](#)
To: [Dunedin Licensing Agency](#)
Subject: FW: Renewal - OFF-1-2013 - Jethro Holdings Limited, Bottle O Kaikorai Valley, 185 Kaikorai Valley Road Dunedin
Date: Wednesday, 26 February 2025 09:04:16 a.m.
Attachments: [0.png](#)
[image001.png](#)
[OFF-1-2013 - Jethro Holdings Limited, Bottle O Kaikorai Valley.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
Mobile: 027 559 1825

nikki.white@fireandemergency.nz
www.fireandemergency.nz



From: Kirsten Allan <Kirsten.Allan@dcc.govt.nz>
Sent: Tuesday, February 25, 2025 11:56 AM
To: Aaron.whipp@tewhatuora.govt.nz; Admin DHB (alcoholadmin@southerndhb.govt.nz) <alcoholadmin@southerndhb.govt.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Otago Risk Reduction <OtagoRiskReduction@fireandemergency.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Police <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>
Subject: Renewal - OFF-1-2013 - Jethro Holdings Limited, Bottle O Kaikorai Valley, 185 Kaikorai Valley Road Dunedin

Hello

Please note that this application was submitted and paid for on 10 February, but did not include a copy of the Host Responsibility Policy.

I have emailed the applicant twice and tried calling but have had no response, so the application does not include the HR Policy as required.

Many thanks

Kirsten



PUBLIC NOTICE DECLARATION

To the Secretary, Dunedin District Licensing Committee

Premises Name: Bottle O Kaikorai Valley
Premises Address: 185 Kaikorai Valley Road Dunedin
Reference number: OFF-1-2013

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):

Right hand door

From Date: Saturday, 1 March 2025

To Date: Monday, 7 April 2025

Name: Trish McCarthy

Signature: Trish McCarthy

- 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 25 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

Alcohol Licence Application for DCC Noticeboard

First notice Saturday, 1 March 2025

ALCOHOL LICENCE APPLICATIONS

Off-1-2013 - Jethro Holdings Limited, Bottle O Kaikorai Valley, 185 Kaikorai Valley Road, Dunedin. First notice. Closes Monday, 7 April.

On-27-2017 - Panwar Enterprises Limited, The Maharajas, 735 Great King Street North, Dunedin. First notice. Closes Monday, 7 April.

On-34-2023 - Only Ur's Limited, Ferry Indians Dunedin, 300 Moray Place, Dunedin. Second notice. Closes Monday, 31 March.

On-4113-2006 - Dunedin Lawn Bowls Stadium 1999 Limited, Hopes Dunedin Lawn Bowls Stadium, 38 Tahuna Road, Dunedin. Second notice. Closes Monday, 31 March.

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

Second notice Saturday, 8 March 2025

ALCOHOL LICENCE APPLICATIONS

Off-1-2013 - Jethro Holdings Limited, Bottle O Kaikorai Valley, 185 Kaikorai Valley Road, Dunedin. Second notice. Closes Monday, 7 April.

On-4-2025 - Artist and Venue Limited, The Cellar, 4 Hanover Street, Dunedin. First notice. Closes Monday, 14 April.

On-7195-2007 - Mainland Hospitality Limited, Dunedin Social Club, 26 the Octagon, Dunedin. First notice. Closes Thursday, 10 April.

On-27-2017 - Panwar Enterprises Limited, The Maharajas, 735 Great King Street, North Dunedin. Second notice. Closes Monday, 7 April.


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

Closes Monday, 7 April 2025

DN DLC LICENCE DECISION CHECKLIST



Application: New ☐ ON ☐ Pathway reference: OFF-1-2013
 Renewal ☒ OFF ☒ Date received: 25/02/2025
 Variation ☐ CLUB ☐

Approved:  Granted: Yes ☐ No ☐
 District Licensing Committee
 Date: _____ Date considered: _____
 Date determined: _____

DLC Registration Number: 069/OFF/14/2023 2025/18/OFF
 Applicant: Jethro Holdings Limited
 Premises: Bottle O Kaikorai Valley
 Days and hours: Monday to Sunday 9.00 am to 10.00 pm
 Are there any objections? Yes ☐ No ☒
 Comments: Hearing to be taken

Reports:	Received	Recommend Issue	Matters in Opposition
Licensing Inspector	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MOH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Is the location of the premises suitable? Yes ☒ No ☐
 Is the applicant suitable? Yes ☐ No ☒
 Is the design and layout of the premises suitable? Yes ☒ No ☐
 Will the amenity and good order be affected? Yes ☐ No ☒
 Is the staff training and numbers adequate? Yes ☐ No ☒
 Is any proposed entertainment appropriate? Yes ☐ No ☐ N/A ☒
 Renewal: Has the premises been operated properly? Yes ☐ No ☒ N/A ☐
 Renewal: Change in conditions sought? Yes ☐ No ☒ N/A ☐
 Is a DLC hearing required? Yes ☒ No ☐

LICENCE CONDITIONS	
Trading hours: <i>(incl sacrosanct days)</i>	Monday to Sunday 9.00 am to 10.00 pm
Designation:	Supervised
Water: <i>(required for On & Club licences)</i>	
Low alcohol drinks: <i>(range, signage)</i>	
Non-alcoholic drinks: <i>(signage, type)</i>	
Food: <i>(menus, signage etc)</i>	N/A
Door Security: <i>(required? time? Lighting, queue management)</i>	
Prohibited people: <i>(intoxicated, minors)</i>	
Comments:	<p>This application has been opposed by the three reporting agencies.</p> <p>The directors/shareholders are Patricia and Kenneth McCARTHY. They have had two renewals for other premises (under different companies but same directors and shareholders) declined by the Committee because they have been found unsuitable to hold an alcohol licence. they did not have appropriate staff, systems, or training to meet their legislative requirements.</p> <p>This application was not accompanied by the required Host Responsibility Policy.</p> <p>The Chief Licensing Inspector said there had been a suggestion the make-up of the company was to change but this does not appear to have progressed.</p> <p>The premises has been listed for sale but again, this does not appear to have progressed.</p> <p>The Police have suggested that, if the licence was to be renewed, that condition relating to price and single serve sales be imposed.</p>

From: [Dunedin AHPU](#)
To: [Dunedin Licensing Agency](#)
Cc: [Tanya Morrison](#); [Alison Blair](#); [Aaron Whipp](#)
Subject: FW: [EXTERNAL] Renewal - OFF-1-2013 - Jethro Holdings Limited, Bottle O Kaikorai Valley, 185 Kaikorai Valley Road Dunedin
Date: Thursday, 13 March 2025 01:40:56 p.m.
Attachments: [0.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[OFF-1-2013 - Jethro Holdings Limited, Bottle O Kaikorai Valley.pdf](#)
[Bottle O Kaikorai Valley Opposed.pdf](#)

Kia ora,

Please find Police opposition attached.

FMC, please enter and assign to me.

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



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

From: Kirsten Allan <Kirsten.Allan@dcc.govt.nz>
Sent: Tuesday, February 25, 2025 11:56 AM
To: Aaron.whipp@tewhaturora.govt.nz; Admin DHB (alcoholadmin@southernhb.govt.nz) <alcoholadmin@southernhb.govt.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Fire <OtagoRiskReduction@fireandemergency.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Dunedin AHPU <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>
Subject: [EXTERNAL] Renewal - OFF-1-2013 - Jethro Holdings Limited, Bottle O Kaikorai Valley, 185 Kaikorai Valley Road Dunedin

CAUTION: This email originated from outside the New Zealand Police Network. DO NOT click links or open attachments unless you recognise the sender and are assured that the content is safe.

Hello

Please note that this application was submitted and paid for on 10 February, but did not include a copy of the Host Responsibility Policy.