

**Notice of Meeting:**

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

**Date:** Friday 10 July 2020  
**Time:** 1.00 pm  
**Venue:** Edinburgh Room, Municipal Chambers, the Octagon, Dunedin

Sue Bidrose  
Chief Executive Officer

---

**District Licensing Committee****Off Licence Application – Careys Bay Historic Hotel****PUBLIC AGENDA**

---

**MEMBERSHIP**

<b>Chairperson</b>	Colin Weatherall	
<b>Members</b>	Andrew Noone	Cr Mike Lord
<b>Senior Officer</b>	Kevin Mechen, Secretary, District Licensing Committee	
<b>Governance Support Officer</b>	Lynne Adamson	

---

Lynne Adamson  
Governance Support Officer

Telephone: 03 477 4000  
Lynne.Adamson@dcc.govt.nz  
[www.dunedin.govt.nz](http://www.dunedin.govt.nz)

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



<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
1	Apologies	4
2	Confirmation of Agenda	4
<b>PART A REPORTS (Committee has power to decide these matters)</b>		
3	Report for Carey's Bay Historic Hotel, Off-licence application, 17 Macandrew Road, Careys Bay – From Secretary, District Licensing Committee	5

**1 APOLOGIES**

At the close of the agenda no apologies had been received.

**2 CONFIRMATION OF AGENDA**

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

## PART A REPORTS

### REPORT FOR CAREY'S BAY HISTORIC HOTEL, OFF-LICENCE APPLICATION, 17 MACANDREW ROAD, CAREYS BAY – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Customer and Regulatory Services

#### APPLICATION DESCRIPTION

Applicant's Name:	Golden Harvest Contractors Limited
Site Address	17 Macandrew Road, Careys Bay
Trading Name:	Carey's Bay Historic Hotel
Style of Licence	Off-licence
Application Number	OFF-1-2020
Date received by Council	09 April 2020

#### EXECUTIVE SUMMARY

- 1 This is a report for an application for a new off-licence. The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- 2 The applicant has owned the premises for the last 12 years and, up to 2017, held both on and off-licences. In 2017 they restructured the licensee company which required a new licence. At that time, they opted not to seek an off-licence.
- 3 In the past three years they have found there is demand for an off-licence, mainly for the sale of wine to the tourists off cruise ships, but also to the residents in the area.
- 4 The application was advertised with no objections being received. However, the Police and Medical Officer of Health have both opposed the grant of this licence.

#### APPLICANT AND APPLICATION

##### *Applicant*

- 5 The applicant has owned and operated the historic premises for 12 years. Accommodation is no longer available, so it operates as a tavern. In 2017 they restructured and renamed the

company and applied for a new on-licence under the new entity. At the time they decided not to seek a new off-licence.

- 6 The premises is a popular destination for people from the cruise ships that stop in Port Chalmers. They are often asked to sell bottles of wine to the passengers so decided to apply for a new off-licence. The local drinkers also inquire about off-licence sales.
- 7 There are no suitability issues with the applicant and the premises is well managed. There is a well-defined bar area as well as both public and private dining areas on the ground floor. A courtyard is also available to be used by patrons.

## **PUBLIC NOTICE**

- 8 The public notice did not attract any objections. However, the Police and Medical Officer of Health have both opposed the grant of this licence.

### *Objections*

- 9 Police: The Police opposition makes the following points:
  - a) There is no problem with the premises. It is well managed.
  - b) The application indicates the premises is now operating as a restaurant with the majority of its income derived from food. The principal business of the premises is the sale of food.
  - c) It does not appear to be either a tavern or hotel therefore does not meet the requirements of s.32(1) of the Act.
- 10 Medical Officer of Health: This opposition is the same as that of the Police but they also make the following points:
  - a) The applicant self-identified the principal purpose of the premises is a restaurant.
  - b) The application states that the sale of alcohol has become a compliment rather than the focus of the business.
- 11 Licensing Inspector: While the Inspector does not make a recommendation in their report the following points are made:
  - a) There are no suitability issues with the applicant nor does the application go against the object of the Act.
  - b) The applicant states the alcohol sales make up 35 – 40% of their turnover. The applicant does not meet the requirements of s.32 of the Act.
  - c) Prior to 2017, at the renewal of their previous off-licence, eligibility of the company to have an off-licence was never considered. The premises looked and operated like a tavern therefore this was never considered.

## **DISCUSSION**

- 12 Once advised of the agency opposition, the applicant sent a letter explaining the business. Points made in the letter include:
  - a) The bar is an integral part of the business and caters for the regular drinkers, including 200 Social Club members. These people are present all year round.

- b) There is a strong seasonal component to the business. The summer is dominated by cruise ship passengers and independent travellers. In winter it is the local community. At any time, there will be locals sitting at the bar socialising.
- c) With the Covid-19 pandemic, cruise ships will not be coming to Port Chalmers in the foreseeable future therefore alcohol sales will return to be the main income. The off-licence will help the continuation of the business.

## CONCLUSION AND CONDITIONS

- 13 Section 32(1) of the Sale and Supply of Alcohol Act 2012 states that an off-licence can be issued to the holder of an on-licence issued for a hotel or tavern, for the premises (or part of the premises) for which the on-licence is held.
- 14 The premises is no longer a hotel but has operated as a tavern under the current ownership. A tavern is defined as premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public.
- 15 The premises used to have an off-licence up until a company restructure in 2017 at which time they decided against seeking such a licence. Until this time the style of business was not considered at renewal times because the premises looked like and operated as a tavern.
- 16 While the applicant stated the principal business is a restaurant, the applicant subsequently wrote that the premises' business is seasonal with the summer being frequented by tourists, in particular cruise ship passengers, who enjoy their premises for lunches. In the winter their main customers are the locals who meet to socialise over a drink.
- 17 The matter is to be determined at a hearing at which the parties can speak to their points of view.

## Signatories

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

## Attachments

	Title	Page
<a href="#">A</a>	Application for Off-licence	8
<a href="#">B</a>	Police Opposition	22
<a href="#">C</a>	Medical Officer of Health Opposition	24
<a href="#">D</a>	FENZ Approval	28
<a href="#">E</a>	Licensing Inspectors Report	30
<a href="#">F</a>	Letter from Applicant to Agencies	34
<a href="#">G</a>	Public Notice Declaration	35
<a href="#">H</a>	Section 32 of Act	36

## Application for an Off-Licence

### Incomplete applications will not be processed

- The application must be accompanied by the correct fee (*see page 2*)
- Accepted methods of payment are either by cash, eftpos or cheque  
(*Cheques payable to Dunedin City Council*)
- When a licence has been granted it will not be issued until the Annual Fee has been paid
- 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](mailto:dla@dcc.govt.nz)

### Please read and complete the following checklist before submitting the application

- Planning & Building Certificates ☐
- Certificate of Incorporation (*or equivalent document*) ☐
- Written statement from the owner of the building or property giving you approval to sell alcohol from the premises ☐  
*An email is acceptable, this can be sent to [dla@dcc.govt.nz](mailto:dla@dcc.govt.nz) with the name of the premises and applicant included as a reference*
- **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 ☐
- **All other premise types** must provide a **scale floor plan** of the premises showing the principal entrance, and the areas where alcohol is to be sold, with an indication of whether the area is to be: ☒
  - Undesignated - anyone of any age allowed
  - Supervised - minors must be with their parent/guardian
  - Restricted - R18
- 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*) ☐
- Copy of Host Responsibility Policy ☒
- If the application is for a **Grocery Store** you will also need to complete the Statement of Projected Annual Sales Revenue Declaration (*attached*) and have it **verified by a chartered accountant** ☐
- Letter of authorisation for a consultant where a consultant is completing form ☐



**Calculate your fee**

Find your premise type:

Type of premises	Points
Supermarket, grocery store, bottle store	15
Off-licence in a hotel or tavern	10 ✓
Remote sale premises or premises not otherwise specified	5
Winery cellar doors	2
<b>Premises points</b>	

Find the latest time you intend to sell alcohol:

Latest alcohol sales time	Points
Off licences closing before 10.00 pm or earlier	0 ✓
Off licences closing after 10.01 pm	3
<b>Trading hours points</b>	

Add the premises points to the trading hours points to get your total points =

13

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

Section 100, Sale and Supply of Alcohol Act 2012

TO the Secretary

Dunedin District Licensing Committee

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

**Endorsements** (tick if applicable)

- ☐ Auctioneer – s39
- ☐ Remote (internet) seller – s40

### Contact Person

Full Name: Joanna Kidston

Phone No.: 03 479 8022

Mobile No.: 021 139 7399

Email address: manager@careysbayhotel.co.nz

Postal address for documents: 17 Macandrew Rd,  
Careys Bay, Dunedin

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

Golden Harvest Contractors 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

Address: 17 Macandrew Rd, Careys Bay, Dunedin 9023	
Occupation: Bar & Restaurant.	
(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: As above	
Is this your principal business? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please state any other businesses: Fishing contractor	
<b>Further details where the applicant is a company or an incorporated society</b>	
For a company (whether incorporated under the Companies Act 1993 or equivalent foreign legislation), give full legal names of directors: (use a separate sheet if necessary)	
Where the applicant is a <b>private company</b> 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 (use a separate sheet if necessary)	
Joanna Kidston - Managing Director 17 Macandrew Rd, Careys Bay Dunedin 7/9/74 Dunedin NZ. 30 shares Steve Little - Director 17 Macandrew Rd, Careys Bay, Dunedin 02/01/57 Liverpool UK. 70 shares.	
<b>Private companies</b> please state the following:	
Authorised Capital: 0	
Paid up capital: 0	

Where the applicant is a **public company** give full details of each person who holds 20 percent 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 *(use a separate sheet if necessary)*

**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 *(use a separate sheet if necessary)*

Body Corporates please state the authority under which incorporated:

**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
<i>(Use a separate sheet if necessary)</i>		

**Details of Premises**

Proposed trading name: .....

Current trading name (if applicable): Careys Bay Historic Hotel

Name of the building (if applicable): As Above

Address of premises: 17 Macandrew Rd, Careys Bay  
Dunedin 9023

Does the applicant own the premises? ☒ Yes ☐ No

If "no" 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 from the premises. This can be sent to [dla@dcc.govt.nz](mailto: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 detail: .....

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? 400

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:

2 Female toilets

1 male toilet / 2 Urinals

1 Unisex toilet 1 unisex Accessible

**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 *[Signature]* Date 9/04/20

**Business Details**

Is there a current alcohol licence for the premises? Yes ☒ No ☐ Type: On/Off/Club

Licence number: ON-13-2017 expiry: 12/06/21

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

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

Please select which days and during which hours you wish to be licenced 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	9am	9am	9am	9am	9am	9am	9am
End time	10pm	10pm	10pm	10pm	10pm	10pm	10pm

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

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

Restaurant.

Does the applicant supply or sell, or intend to supply or sell, any goods other than alcohol and food?

☒ Yes ☐ No

If yes, provide details: Food - lunch and dinner  
restaurant, cards, small souvenirs.

Does the applicant provide, or intend to provide, any services other than those related to the sale or supply of alcohol or food?

☐ Yes ☒ No

If yes, provide details: .....

What designation(s) are required for the premises?

☐ Undesignated (people of any age are permitted)

☒ Supervised (people under 18 years must be accompanied by parent or legal guardian) off-licence only.

☐ Restricted (people under 18 years not permitted)

If different designations are required for different areas, please describe:

.....  
.....  
.....

Manager Details			
Provide the below details for each manager or proposed manager			
Full Name	Date of Birth	Managers Certificate Number	Expiry Date
See	Attached		
(Use a separate sheet if necessary)			

#### Duty Managers Certificates

Tara Acland	069/CERT/229/2016	2020
Sam Ashdown	069/CERT/84/2016	2020
Robyn Chester	069/CERT/527/2010	2020
Joanna Kidston	069/CERT/402/2015	4/08/21
Katrina Hyslop	069/CERT/184/2017	17/08/21
Sarah Nairn	069/CERT/281/2015	30/05/22
Ezra King	069/CERT/012/2019	13/03/23
Lotte Jayne Bailey	069/CERT/134/2019	19/12/20
Emma Hunter	069/CERT/027/2020	11/03/21

Still to apply but have completed licensed controller test:

Imogen Salvage  
 Emma Scott  
 Jazmine O'Sullivan



**Conditions**

- 1) What experience and training in relation to premises licensed to sell and/or supply alcohol does the **applicant** have?

12 years of owning business.  
- Careys Bay Hotel.

- 2) What steps will be taken to prevent the sale and supply of alcohol to prohibited people (minors and intoxicated people)?

Strict usual checking of i.d. High percentage of duty managers, training on intoxication signifiers.

- 3) How does the applicant intend to train staff to ensure compliance with the Act?

All front of staff fully trained as part of our induction process.  
High take-up of manager training.

- 4) What other steps does the applicant propose to promote the responsible consumption of alcohol?

Offering take-away food.  
Concentrating on kegged beer sales & wine. Not stocking pack beer.

Signed

*Jeliah*

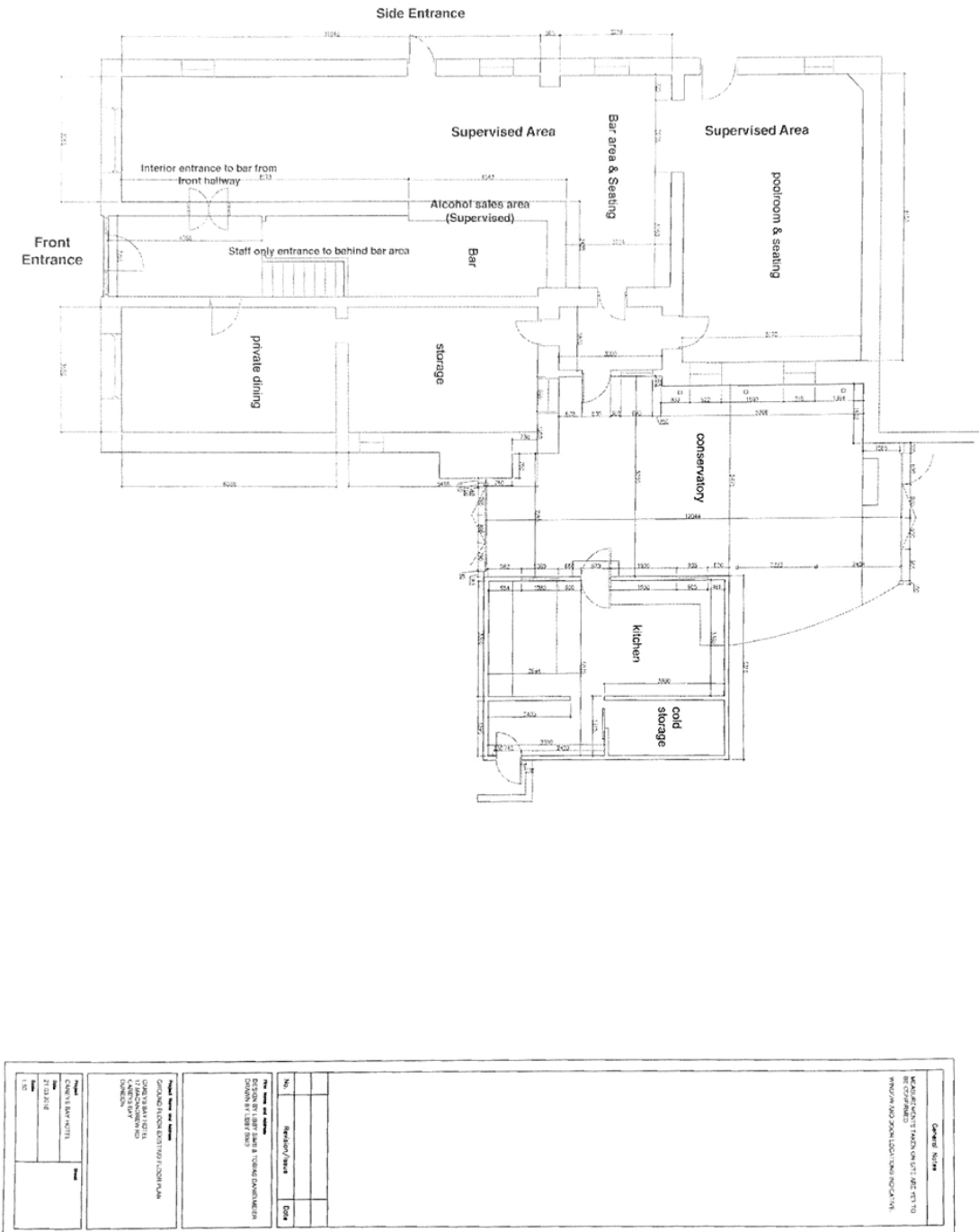
Date

9/4/20

Place

Dunedin.

**Careys Bay Hotel Site Plan**



Golden Harvest Contractors Ltd,  
17 Macandrew Rd,  
Carey's Bay,  
Port Chalmers,  
Dunedin

9<sup>th</sup> April 2020

Community Risk Mitigation Report

To whom it may concern,

Carey's Bay Hotel has been trading for over 145 years and is a treasured integral component of the Carey's Bay and wider Port Chalmers and Dunedin communities. We are operating in a residential area as a blend of restaurant/bar/café and function venue. There are no churches, schools, early childhood facilities, or the like within an approximate 2km radius.

The hotel as a business is complex. It four current components of our operation meld into one seamless operation. We are very community focused and most of our staff lives in the Port Chalmers area.

One component of the hotel operates as a "public house". We have generation upon generation of people who name the hotel as their "local". In this sense we can be likened to an old English style pub where everyone knows everyone else, they keep an eye on each other and treat the hotel like an extension of their living room. The feeling is very social and friendly, and we have many local families, parents, grandparents and children who all feel comfortable and happy in a social non-threatening environment that is not solely focused on the serving of alcohol.

We maintain a café style component to the business; available at any time of the day, we serve and promote good coffee, herbal teas, organic juices and an extensive bar menu well as the obligatory cakes, desserts and cheese rolls. Water is always freely available at a water station and placed on tables.

We operate a popular and busy seafood restaurant as a major part of the business. We are very "food focused", the restaurant menu is served seven days a week for lunch and dinner and it is very busy as a destination restaurant for locals and visitors.

The fourth component to our business is as a function venue. We host weddings, anniversaries, birthdays, Christmas parties, Murder Mystery nights, fund-raising dinners, corporate dinners, business meetings, music & comedy evenings and many local events.

We are primarily food focused with all our events, we have a strict policy regarding the provision of food for parties, and we turn down bookings if we consider they aren't providing enough food for their guests.

We occasionally host touring bands but maintain an acoustic only policy and anyone playing has to be finished by 11pm to minimise any annoyance to neighbours. Our closing time now, even on Friday and Saturday nights is mostly pre-midnight and our local police in conversation have stated they are very happy with the way the hotel is managed.

We have maintained a zero-tolerance attitude to the "rugby boy" mentality that prevailed when we took the business over from the previous owners and have stamped out the negative drinking behaviour that went along with this. I am happy to say we have had many years now of running a trouble-free environment.

Our target market within the business is varied but once again all our marketing is food focused. We never "special" or promote alcohol and have no posters or extra branding in the establishment. We take pride in promoting our restaurant and have also extended our marketing to promote our traditional high teas, which have become another important part of the business. Our liquor license, while important to us has become a compliment rather than a focus of the business. Our alcohol sales consistently sit at 35-40% of our total sales.

Our location is in a residential area and we have close relationships with the neighbours who know they can talk to us about any problems they may have. They are mostly all patrons of the bar and restaurant and we have had very few issues in the 12 years we have been operating.

We have an open honest relationship with our regular patrons and ensure their safety at all times. We operate a courtesy van that many utilize to get home safely and Friday night pickups and drop-offs have become a regular addition to their end of week social calendar.

We operate our business with pride and social responsibility and intend to keep doing so for many years yet.

We would like to apply for our off-license as an add-on to our business, we now have an interesting supply of craft beers on tap and customers are keen to take these away. As a note we choose craft beers in the 2%-6.5% range and deliberately don't choose beers above this percentage. We would also be selling wine as customers are interested in the range we stock. We aren't planning on stocking pack beer or extra bottles of spirits for sale.



Joanna Kidston  
Managing Director

# **Carey's Bay Historic Hotel**

## **Host Responsibility Policy**

**"At the Carey's Bay Hotel we encourage Safe Drinking Practice"**

- Appropriate and substantial food is available throughout the day**
- We offer a range of non-alcoholic, low alcohol drinks and hot beverages**
- Patrons under the age of 18 will not be served alcoholic beverages. Anyone who looks under 25 years will be asked for identification. Acceptable forms of ID are the NZ photo drivers license, the Kiwi Access card or a current passport**
- Intoxicated people will not be served and will be asked to leave**
- We encourage you not to drink and drive. We are happy to call you a taxi or arrange alternative transport with family or friends. We also operate a courtesy van that we encourage our patrons to utilise.**
- Patrons behaving in a disruptive or disorderly manner will be asked to leave**



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

9 May 2020

The Secretary  
Dunedin Licensing Committee  
Dunedin City Council  
PO Box 5045  
Dunedin 9058

RE: Sale & Supply of Alcohol Act 2012- Application for Off-licence

APPLICANT: Golden Harvest Contractors Ltd

PREMISES: Careys Bay Hotel  
17 Macandrew Road, Careys Bay

Dear Sir/ Madam

Police have enquired into this application for an off-licence. The applicant is well known to police and there have been no issues associated with the premises, it is a well-run and managed establishment.

The only matter that must be raised is the style of premises that this business has become. The premises appears not to be a tavern or a hotel as required under section 32 (1), as the business has morphed into one where the majority of income is derived from the restaurant.

Tavern is defined under the Act as *"a premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public."*

Restaurant is defined in the Act as *"premises that are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises."*

The principal business of the premises is providing meals not alcohol, and as such police object to the application.

Sgt Ian Paulin - Dunedin Police – Alcohol Harm Reduction Officer  
[ian.paulin@police.govt.nz](mailto:ian.paulin@police.govt.nz) DDI- 4714980 Cell 021 1914981

Ian Paulin  
Sgt E896  
Dunedin Police



Application No: OFF-1-2020

8 May 2020

The Secretary  
District Licensing Committee  
Dunedin City Council

**Attention: Kevin Mechen**

Dear Sir

**RE: SALE AND SUPPLY OF ALCOHOL ACT 2012 – APPLICATION FOR NEW OFF LICENCE - Careys Bay Historic Hotel**

I refer to the application received on 20 April 2020, from Golden Harvest Contractors Limited, for a new Off Licence for the premises situated at 17 Macandrew Rd, Careys Bay, Dunedin.

I have considered this application with respect to the public health issues involved. This report advises that **the application is opposed** and the grounds for our opposition are as follows.

**Ref Sale and Supply of Alcohol Act 2012 Section 32 Kinds of premises for which off-licences may be issued**

This section specifies that the following kinds of premises are able to be granted an off licence (paraphrased):

- A hotel or tavern where an on-licence is issued for the premises
- A bottle store (retail premises where 85% of the revenue is expected to be from the sale of alcohol)
- Remote seller (where 85% of the revenue is expected to be from the remote sale of alcohol)
- An alcohol manufacturer
- A supermarket
- A grocery store

The Act defines a tavern as meaning a "premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public".

In the application the applicant has self-identified the principal purpose of their business as that of a restaurant:

- In answer to "Is the sale of alcohol intended to be the principal purpose of the business?" they have ticked "no"
- In answer to "If no, specify what is the principal purpose of the business?" they have written 'Restaurant'
- Further on in the application they have also made the following statements:
  - "we operate a popular and busy seafood restaurant as a major part of the business"
  - "Our liquor licence, while important to us has become a compliment rather than a focus of the business."

An off-licence cannot be issued under Section 32 as the premises is principally a restaurant.

**I oppose the issue of this licence.**

Yours sincerely,

Toni Paterson

***Delegated by the Medical Officer of Health under Section 151 of the Sale and Supply of Alcohol Act 2012***





**Report for Off Licence Applications**  
*Social Responsibility, Sale and Supply of Alcohol Act and Smoke-free Environments Act Considerations*

GENERAL INFORMATION			
Licensing Agency	Dunedin City Council	Application/licence number	OFF-1-2020
Date application received	20/04/2020	Date of emails	6/05/2020
Type of application (check one of each item)	New	If a variation, what is being varied?	
Name of person interviewed	Jo Kidston	PHS Staff Member	Toni Paterson
Licensing Inspector		Police	
DETAILS OF PREMISES			
Name of premises	Careys Bay Historic Hotel		
Address of premises	17 Macandrew Road, Careys Bay, Dunedin		
Contact person if different from above	Joanna Kidston		
Name of applicant/licensee	Golden Harvest Contractors Limited		
General nature of business	Restaurant (has self-identified this in the application)		
Duty Managers	9 3 more have completed the LCQ and intend to apply for managers certificates	Designation of premises	Restricted: <input type="checkbox"/> Supervised: <input checked="" type="checkbox"/> Bar and lounge area already supervised under the on licence Undesignated: <input type="checkbox"/>
Managers Register	Already in place due to the on licence		
Comments	Due to Alert Level 3 COVID-19 restrictions a visit was unable to take place. Applicant has been asked numerous times if customers are able to take craft beer away with them. Would like to be able to sell riggers and bottles of wine both across the bar and via online sales (pick up only).		
OBSERVATION OF PREMISES			
Licence able to be easily read as entering each principle entrance or, for a club, by people using the premises?	Applicant aware of requirement due to already holding an on licence		
Signage displayed	<input checked="" type="checkbox"/> Minors <input checked="" type="checkbox"/> Duty Manager's name <input checked="" type="checkbox"/> Intoxication		
Hours	Displayed so easily read from immediately outside the entrance: Requested/licensed hours: 9am-10pm Normal trading hours: Monday-Saturday - 10am open Sunday-Thursday – 9.30pm close in winter, closer to 11pm in summer Friday-Saturday – 11.30pm close in winter, closer to midnight in summer		
If a supermarket or grocery store – comments re single alcohol area. Position/perimeter reducing exposure?	NA		
Comments	Applicant aware of signage display requirements due to already holding an on licence Off-site consumption sales likely to be later in the day during the week and from lunchtime onwards in the weekend.		

ADVERTISING/PROMOTIONS			
Describe any concerns regarding advertising or promotions. E.g. appeal to young appeal, external advertising at a supermarket, external advertisements of discounts 25% or greater etc	Unlikely to be anything of concern regarding advertising or promotions.		
Any loyalty programmes?	No	If yes, describe	
Does the premises host tastings?	Yes	If yes, is water available at the tasting?	Yes
Comments	Intends to promote this service via blackboard, website, facebook, Instagram and possibly the "untappd" app. May mention it in print publications, e.g. the cruise ship guide.		
AMENITY AND GOOD ORDER			
Any concerns about noise levels?	No	Any concerns about nuisance and vandalism?	No
If a new application, any concerns about the number of premises for which licences of a similar kind are already held?	800m (as the crow flies) to the nearest off licence (Mackies in Port Chalmers). Port Chalmers has 2 other off licences as well.	What is the neighbouring land used for?	Residential homes. Marina.
Comments			
STAFF TRAINING – RELEVANT TO THE SALE AND SUPPLY OF ALCOHOL ACT 2012			
Describe training or staff instruction provided	<input checked="" type="checkbox"/> On the job training <input type="checkbox"/> Mentoring/buddy system <input type="checkbox"/> Drinksafe/SASA workshops <input checked="" type="checkbox"/> Part of induction process <input type="checkbox"/> Servewise online training		
Comments	High uptake of managers training		
CONTROL OF PREMISES – MINORS			
<input checked="" type="checkbox"/> Appropriate control systems stated to be in place <input type="checkbox"/> Low-risk setting with adequate control procedures in place <input type="checkbox"/> Control systems and/or grasp of control issues seems questionable			
Comments			
CONTROL OF PREMISES – INTOXICATION			
<input checked="" type="checkbox"/> Appropriate control systems stated to be in place <input type="checkbox"/> Low-risk setting with adequate control procedures in place <input type="checkbox"/> Control systems and/or grasp of control issues seems questionable			
Comments			

SOCIAL RESPONSIBILITY			
Does management have a suitable written Social Responsibility Policy?	Needs some amendments. PHS has advised on this and applicant has agreed to implement.	Has a copy been supplied?	Yes
Comments			
SMOKEFREE ENVIRONMENTS ACT 1990			
Does the applicant sell cigarettes/cigars/tobacco?	No	If yes, are the displays visible?	NA
Comments			
REMOTE SALES			
Method of sale	<input checked="" type="checkbox"/> website <input type="checkbox"/> mail <input type="checkbox"/> telephone <input type="checkbox"/> none		
Legible copy of licence (or link to one) present on home page of website	Applicant has been advised of requirement r15(1)	Licensee name, licence number and expiry date present on home page of website	Applicant has been advised of requirement r15(1&4)
Age verification – website	Applicant has been advised of requirements	<input type="checkbox"/> On entry to website r14(2) <input type="checkbox"/> Immediately prior to payment	
Age verification – mail orders	NA	<input type="checkbox"/> Signature required at or near end of form <input type="checkbox"/> Beginning of form <input type="checkbox"/> Immediately before signature r14(4)	
Age verification – phone orders	NA	<input type="checkbox"/> Start of conversation <input type="checkbox"/> End of conversation r14(3)	
Checks in place for prospective receiver as well (if different to buyer)	Applicant has been advised of requirement r14(2-4)	Refuse to sell if declarations do not indicate both are 18 years or older	Applicant has been advised of requirement r14(2-4)
Licensee name, licence number and licence expiry date printed on receipt	Applicant has been advised of requirement r15(3&4)	Licensee name, licence number and licence expiry date printed in catalogue	NA s59(6), r15(2&4)
Applicant aware of restriction on delivery times	Sales will be for pick up or takeaway only, no delivery s59(1&2)	Delivery company aware of restriction on delivery times	NA s59(1&2)
Comments			
RECOMMENDATION			
Opposition Applicant has stated they are principally a restaurant, therefore are unable to be granted an off licence under Section 32			

RESOURCES PROVIDED
<input type="checkbox"/> Managers Guide
<input type="checkbox"/> DOB Chart
<input type="checkbox"/> SCAB – Intoxication Assessment Tool
<input type="checkbox"/> Servewise coaster
<input type="checkbox"/> Managers Register template

**From:** [Bredenbeck, Mark](#)  
**To:** [Dunedin Licensing Agency](#)  
**Subject:** FW: Emailing: OFF-1-2020 - Golden Harvest Contractors Limited, Carey's Bay Historic Hotel, 17 Macandrew Road Careys Bay.pdf - yet to be printed, pathway updated 23/4  
**Date:** Wednesday, 22 April 2020 1:14:03 PM  
**Attachments:** [120042018471600363.png](#)  
[image002.png](#)  
[OFF-1-2020 - Golden Harvest Contractors Limited, Carey's Bay Historic Hotel, 17 Macandrew Road Careys Bay.pdf](#)

Hi

There are no issues with this application from Fire and Emergency.

Regards

Mark

**Mark Bredenbeck**  
Fire Risk Management Officer  
East Otago – Area 24

**We Are Better Together – Whanaungatanga**

Dunedin Central Fire Station  
85 Castle Street  
PO Box 341  
Dunedin 9054



M: 027 221 5141  
P: 03 467 7565  
[mark.bredenbeck@fireandemergency.nz](mailto:mark.bredenbeck@fireandemergency.nz)  
[www.fireandemergency.nz](http://www.fireandemergency.nz)

**From:** Karen Tytsma <Karen.Tytsma@dcc.govt.nz>  
**Sent:** Monday, 20 April 2020 8:47 PM  
**To:** Admin DHB <admin@phsouth.co.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Ian Paulin <ian.paulin@police.govt.nz>; Mark Bredenbeck <Mark.Bredenbeck@fire.org.nz>; Melissa Joyce <Melissa.Joyce@southerndhb.govt.nz>; Samantha Clark <samantha.clark@southerndhb.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>; Toni Paterson <toni.paterson@southerndhb.govt.nz>; Tony Mole <Tony.Mole@dcc.govt.nz>  
**Cc:** William.Black@police.govt.nz  
**Subject:** Emailing: OFF-1-2020 - Golden Harvest Contractors Limited, Carey's Bay Historic Hotel, 17 Macandrew Road Careys Bay.pdf

Karen Tytsma

Alcohol Licensing Administrator

Dunedin District Licensing Committee

50 The Octagon, Dunedin; PO Box 5045, Moray Place, Dunedin 9058, New Zealand  
Telephone; 03 474 3481; Fax; 03 474 3523  
Email: [dla@dcc.govt.nz](mailto:dla@dcc.govt.nz); [www.dunedin.govt.nz](http://www.dunedin.govt.nz)

P Please consider the environment before printing this email

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

OFF-1-2020 - Golden Harvest Contractors Limited, Carey's Bay Historic Hotel, 17 Macandrew  
Road Careys Bay.pdf

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



If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination,  
distribution or reproduction of this material by you is prohibited..

This email was sent and protected by SmartGate™



Notice: This email and any attachments may contain information that may be subject to an obligation of confidence or the subject of  
legal privilege.

If you received it in error:

1. Please let us know immediately by return email and then delete the email and your reply.
2. You must not use, copy or disclose any of the information contained in this email.

There is no warranty that this email is error or virus free.

If this is a private communication, it does not represent the views of the organisation.

## **INSPECTOR'S REPORT ON LICENCE APPLICATION**

<b>Applicant</b>	GOLDEN HARVEST CONTRACTORS LIMITED
<b>Trading Name</b>	Carey's Bay Historic Hotel
<b>Address of premises</b>	17 Macandrew Road, Carey's Bay
<b>Type of licence</b>	Off licence
<b>Pathway number</b>	OFF 1 2020
<b>Application type</b>	New Application
<b>Date of application</b>	9 April 202

### **Applicant details**

GOLDEN HARVEST CONTRACTORS LIMITED  
Company number: 2072138  
NZ Business Number: 9429032991758  
Incorporation Date: 21 Dec 2007  
Company Status: Registered  
Entity type: NZ Limited Company

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

The applicant's website has the following description

*The Carey's Bay Hotel is a favourite Dunedin destination with a variety of different dining areas and experiences.*

In March 2020 the applicant advised

*We have a delicious revolving selection of craft beers now and people keep asking (to purchase for consumption off site)  
That would basically be all we would use it for and the odd bottle of wine that cruise ship passengers have asked about buying.  
Wouldn't be stocking up on stubbies and the selection we have is mostly than 4-5.5% Staying away from high octane"*

### **Site Location (zoning/surrounding uses or activities)**

Residential 1 Township and Settlement. (existing use rights apply)

### **Manager details**

Current Manager's Certificate holders are

EMMA GEORGIA HUNTER  
SAMANTHA KATE ASHDOWN  
TARA JADE ACLAND  
ROBYN CHESTER  
JOANNA MAREE KIDSTON  
KATRINA HELEN HYSLOP  
SARAH LOUISE NAIRN  
EZRA THOMAS LEONARD KING  
LOTTE JAYNE BAILEY

### **Licensing hours sought**

Monday to Sunday 0900 to 2200

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

The premises has not held an off licence since June 2017.

**Designation sought**

It is intended that alcohol sales will occur over the bar which is currently supervised.

**Correct signage on display?**

- |   |     |
|---|-----|
| <b>1. Copy of licence at principal entrance</b> | Yes |
| <b>2. Duty Manager</b>                          | Yes |
| <b>3. Prohibited persons</b>                    | Yes |
| <b>4. Availability of food</b>                  | Yes |
| <b>5. Transport options</b>                     | Yes |

**Host Responsibility**

1. Minors. The premises operates under the U25 policy.
2. Intoxication. Cutting supply and offering food are amongst the strategies used.
3. Food. Full and snack menus are available.
4. Transport. Taxi numbers are on display, however, locals are frequently given a ride home.

**Does the premises utilise DCC owned footpath?**

There is a current permit for a portable sign.

**What is the maximum occupancy number for the premises?**

The BWOF states that the occupancy is 445.

**Public Notification process**

The application was advertised in the Otago Daily Times 22 and 29 April 2020

**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:**

No issues

**The suitability of the applicant:**

No issues

**Any relevant local alcohol policy:**

The hours applied for comply with the 2018 Local Alcohol Policy

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

The premises is open from 1000 each day and rarely trades after midnight in the bar. Alcohol off sales will be limited to 2200.

**The design and layout of any proposed premises:**

The premises has ground floor bar, dining and private dining areas and a courtyard.

**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:**

None

**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.** The premises has a current BWOF

**(b) Sale of food.** The premises is registered until 31 March 2020 and has an A grade.

**(c) Fire.** Fire Service approval was gained 22 April 2020

**(d) Security.** Not required

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

None

**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 application is made under section 32 1(a) "to the holder of an on-licence issued for a hotel or tavern, for the premises (or part of the premises) for which the on-licence is held".

The Act defines a tavern as "means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public".

Within the applicant's supporting information confines the comment

Our target market within the business is varied but once again all our marketing is food focused. We never "special" or promote alcohol and have no posters or extra branding in the establishment. We take pride in promoting our restaurant and have also extended our marketing to promote our traditional high teas, which have become another important part of the business. Our liquor license, while important to us has become a compliment rather than a focus of the business. Our alcohol sales consistently sit at 35-40% of our total sales.

If alcohol sales are "35 to 40% of our total sales" then the business does not satisfy the definition of a tavern and consequently does satisfy the section 32 requirement.

This does seem an unfair situation in that the success of the other components of the business after 12 years of management would now make the premises ineligible.



Prior to the applicant deciding the let the licence expire in 2017, there was no consideration that the premises was ineligible. The premises has always had the appearance of a tavern and was treated accordingly.

Tony Mole  
**Licensing Inspector**

17 Macandrew Rd  
Careys Bay  
Dunedin  
Monday 11<sup>th</sup> May 2020

Hi Ian and Toni,

I have been speaking to Tony Mole regarding our off-license application. Tony has notified me that our application has been opposed by the medical officer of health and the police on the technicality that our business revenue is made up of more food sales than drinks sales.

I would like to reply to this opposition now rather than wait to be officially contacted .

I feel to explain our business further is necessary. I am going to raise some points in these email which I feel are important to your decision.

1. Our bar is an integral part of our business. We have a large group of regular local social drinkers, (including 200 members in our social club). On any given night you could expect to come in and find both Port locals and visitors sitting at our bar leaners enjoying a drink and good company. To all these customers we are known as Careys Bay Pub not Careys Bay restaurant.
2. Through our quiet winter season these customers are the mainstay of our business.
3. We have a strong seasonal aspect to our business. Our summer season doubles the amount of business we do in the winter.  
Our summer business has grown to be dominated by Cruise ship restaurant customers, Cruise ship food tours, Taiwanese and Chinese bus food tours, large numbers of independent overseas travellers, a couple of months of large work Xmas functions and the odd small wedding. The pub/local drinkers continue throughout.  
Needless to say we now expect most, if not all of this business to disappear under Covid-19 leaving us with our pub trade and a much smaller restaurant trade.  
The loss from all this summer business means we will miss out on hundreds of thousands of dollars worth of revenue from our restaurant. Our Asian food tours alone for example are worth well over 100k.  
On cruise ship days our entire premises can be full of passengers, some times through the week these passengers can form around 80% of our restaurant customers.
4. I would contend that without this trade for the foreseeable future, if not for the next few years we could easily return to our drinks sales being worth more than our food sales.
5. Finding new streams of revenue is crucial to our survival as a business doing a very decent job of holding an on-license.  
Having our off-license would help us continue to exist in what is a completely new, strange and unstable situation.

To end, I would emphasise that all projections for this current and very changed environment will mean the Careys Bay Hotel will return to be predominantly and technically a tavern in all respects.

Thank you for your attention to this email.

Regards

Jo Kidston

The Secretary  
Dunedin District Licensing Committee  
PO Box 5045  
Moray Place  
Dunedin 9058

**Public Notice Declaration**

**Premises Name:** Carey's Bay Historic Hotel  
**Premises Address:** 17 Macandrew Road Careys Bay  
**Reference number:** OFF-1-2020

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):**

Front entrance of building on notice board.

From Date: 21/04/20 To Date: 13/05/20

Name: Joanna Kiaston

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](mailto:dla@dcc.govt.nz), posted to the above address, or faxed to 474 3523

### **Sale and Supply of Alcohol Act 2012, section 32**

#### **32 Kinds of premises for which off-licences may be issued**

- (1) An off-licence may be issued only—
  - (a) to the holder of an on-licence issued for a hotel or tavern, for the premises (or part of the premises) for which the on-licence is held; or
  - (b) for retail premises where (in the opinion of the licensing authority or licensing committee concerned) at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else; or
  - (c) if—
    - (i) the premises for which it is to be issued are not retail premises; and
    - (ii) at least 85% of the annual income of the person to whom it is to be issued is (in the opinion of the licensing authority or licensing committee concerned) expected to be earned from the remote sale of alcohol; or
  - (d) for premises where (in the opinion of the licensing authority or licensing committee concerned) the principal business carried on is the manufacture of alcohol; or
  - (e) for premises that (in the opinion of the licensing authority or licensing committee concerned) are a supermarket with a floor area of at least 1 000 m<sup>2</sup> (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items); or
  - (f) for premises that (in the opinion of the licensing authority or licensing committee concerned) are a grocery store.
- (2) Premises for which (by virtue of [section 350\(b\)\(i\)](#)) an off-licence must not be issued except to a licensing trust can still be premises for which (by virtue of subsection (1)) an off-licence may be issued.
- (3) [Section 36](#) overrides subsection (1).