

Notice of Meeting:

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

Date: Friday 22 October 2021
Time: 9.00 am
Venue: Edinburgh Room, Municipal Chambers, the Octagon, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee
Opposed New Licence – Great Taste Buffet Restaurant
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Colin Weatherall
Members	Rakei Amohau Katie Lane
Senior Officer	Kevin Mechen, Secretary, District Licensing Committee
Governance Support Officer	Lynne Adamson

Lynne Adamson
Governance Support Officer

Telephone: 03 477 4000
Lynne.Adamson@dcc.govt.nz
www.dunedin.govt.nz

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

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	4
2	Confirmation of Agenda	4
PART A REPORTS (Committee has power to decide these matters)		
3	Report for On-licence Application by Great Taste Buffet Restaurant, 12 St Andrew Street, Dunedin – 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 ON-LICENCE APPLICATION BY GREAT TASTE BUFFET RESTAURANT, 12 ST ANDREW STREET, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

APPLICATION DESCRIPTION

Applicant's Name:	Great Taste Limited
Site Address	12 St Andrew Street, Dunedin
Trading Name:	Great Taste Buffet Restaurant
Style of Licence	Restaurant
Application Number	ON-13-2021
Date received by Council	16 June 2021

EXECUTIVE SUMMARY

- 1 This is a report for an application for a new on-licence from Great Taste Limited for their premises situated at 12 St Andrew Street, Dunedin, and known as "Great Taste Buffet Restaurant". The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- 2 The applicant seeks slightly fewer hours than the previous licensee. The inspector considers that the sale and supply of alcohol under these conditions are consistent with the purpose of the Act and meets the criteria at section 105.
- 3 While there were no public objections, both the Police and Licensing Inspector have opposed the grant of this licence.

APPLICANT AND APPLICATION

- 4 The applicant company was registered in November 2020. It has one director, Deqin Wang, and two shareholders, Deqin Wang and Junlin Li.
- 5 Both are experienced in the management of licensed premises having owned two restaurants, "Kwang Chow Cuisine" in Dunedin and the "Hong Kong Restaurant" in Invercargill. The Dunedin premises was issued a licence after a public hearing resulting from opposition from the Licensing

Inspector and Medical Officer of Health. During the hearing the applicant asked for amendments to their requested trading hours and undertook not to allow BYO alcohol.

- 6 No concerns were raised in the time they held the licence for this premises.
- 7 The application for a temporary authority for the current premises was declined by the Committee after it was learned they traded without authority for about six months. The Committee emphasised that their decision was not a predetermination of this application.

PUBLIC NOTICE

- 8 Public notification of this application did not attract any public opposition.
- 9 However, while the Medical Officer of Health has not opposed the application, both the Police and Licensing Inspector submitted adverse reports.
- 10 Police: The Police have raised three matters:
- The object of the Act – the Committee needs to have confidence in the application
 - Suitability of the applicant – they admitted selling alcohol without a licence or temporary authority
 - Systems, staff and training – there is a lack of detail regarding training and there is no supporting documentation attached to the application.
- 11 Licensing Inspector: Two points were raised:
- Suitability of the applicant – in the decision regarding the temporary authority, the Committee commented on ‘concerns regarding their suitability to hold a temporary authority’
 - Host Responsibility Policy – their policy has no mention of not serving minors or the acceptable forms of identification.

CONCLUSION

- 12 The applicant in this matter had a temporary authority application declined after they admitted selling alcohol without either a licence or temporary authority.
- 13 In that matter the Committee commented that this current application would not be predetermined by the previous decision.
- 14 This public hearing will allow the applicant the opportunity to satisfy the Committee that they meet the criteria detailed in section 105 of the Act.

Signatories

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

	Title	Page
↓A	On-licence Application	8
↓B	Licensing Inspector's Opposition	27
↓C	Police Opposition	31
↓D	Police Opposition Email	34
↓E	Medical Officer of Health - not opposed	35
↓F	Planning Certificate	36
↓G	Building Compliance Certificate	39
↓H	Fire and Emergency New Zealand Clearance	40
↓I	Public Notices	42

PUBLIC NOTICE

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

Great Taste Limited has made application to the District Licensing Committee at Dunedin for the grant of an On Licence number ON-13-2021 in respect of the premises situated at 12 St Andrew Street Dunedin and to be known as Great Taste Buffet Restaurant.

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

The applicant seeks the licence on the following hours:

Monday to Sunday 11.30 am to 9.30 pm

First publication date: Saturday, 19 June 2021

Second publication date: Saturday, 26 June 2021

Objections Close 5:00 pm Friday, 9 July 2021

- 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 www.dunedin.govt.nz/alcohol-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 15 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 an On-Licence

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

- Planning & Building Certificates (not required for a conveyance) ☒
- Certificate of Incorporation (or equivalent document) ☒
- Written statement from the owner of the building or property giving you approval to sell and supply alcohol and allow its consumption on the premises
An email is acceptable, this can be sent to dla@dcc.govt.nz with the name of the premises and applicant included as a reference ☒
- A copy of both the proposed food and drinks menus ☒
- **Scale plan** of the premises showing the principal entrance, and the areas where alcohol is to be sold, supplied and consumed with an indication of 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 (for high risk premises please also include an alcohol management plan explaining how you will implement the points of the policy) ☒
- Letter of authorisation for a consultant where a consultant is completing form ☒ N/A

Calculate your fee

Select your premise type:

- **Class 1 restaurants** – restaurants with a significant separate bar area which, in the opinion of the Council, operate that bar at least one night a week in the nature of a tavern (such as serving alcohol without meals to tables situated in the bar area)
- **Class 2 restaurants** – restaurants that have a separate bar (which may include a small bar area) but which, in the opinion of the Council, do not operate that area in the nature of tavern at any time
- **Class 3 restaurants** – restaurants that only serve alcohol to the table and do not have a separate bar area

Type of premises	Points
Class 1 restaurant - Night clubs, Taverns, Adult premises	15
Class 2 restaurant - Hotels, Function centres	10
Class 3 restaurant, other premise not specified	5
Theatres, cinemas, BYO only restaurants, winery cellar doors	2
Premises points	

Select the latest time you intend to sell alcohol:

Latest alcohol sales time	Points
2am or earlier	0
Between 2:01am - 3:00 am	3
3:00 am onward	5
Trading hours points	

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

10

Use the table below to work out the fee payable:

Total points	Risk rating	Application fee (GST Inc)	Annual Fee (GST Inc)	Total fee required
0-2	Very low	\$368.00	\$161.00	\$529.00
3-5	Low	\$609.50	\$391.00	\$1000.50
6-15	Medium	\$816.50	\$632.50	\$1449.00
16-25	High	\$1,023.50	\$1,035.00	\$2058.50
26 plus	Very high	\$1,207.50	\$1,437.50	\$2645.00

Application for On-licence

Section 100, Sale and Supply of Alcohol Act 2012

TO The Secretary

Dunedin District Licensing Committee

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

Endorsements (tick if applicable)

- ☒ *Selling* BYO Restaurant – tick if you are a restaurant that **does not** intend to sell alcohol (s37) i.e. you want to offer BYO **only**
- ☒ Caterer's on-licence – for off-site catering, instead of, or in addition to, food/alcohol supplied on the premises (please provide menus, website information, bookings etc.) (s38)

Contact Person

Full Name: *Lisa Degin Wang*

Phone No.:

Mobile No.: *021851122*

Email address: *lisadegin@hotmail.com* *lisadegin@*

Postal address for documents: *12 St Andrew St* *Hotmail.com*

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

Great Taste Limited

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"/>	Licensing 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:	12 St Andrew St, Dunedin
Occupation:	Business Owner/operator
(If individual) <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female <input type="checkbox"/> Other	
(If individual) Applicants place and date of birth:	
Postal address for documents:	12 St Andrew St, Dunedin
Is this your principal business? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please state any other businesses:	Zoo Cafe
Further details where the applicant is a company or an incorporated society	
For a company (whether incorporated under the Companies Act 1993 or equivalent foreign legislation), give full legal names of directors: (use a separate sheet if necessary)	
Deqin Wang Junlin Li	
Where the applicant is a private company give full details of each person who holds any shares issued by the company as follows: full name, address, date of birth, place of birth, designation in company and percentage of shares held (use a separate sheet if necessary)	
Private companies please state the following: Authorised Capital: Paid up capital:	

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
Wang Deqin	None	
Li Junlin	None	

(Use a separate sheet if necessary)

Details of Premises

Proposed trading name: Great Taste Buffet Restaurant

Current trading name (if applicable):

Name of the building (if applicable):

Address of premises: 12 St Andrew St

Dunedin

Does the applicant own the premises? ☒ Yes ☒ No ✓

If "no" Full legal name and address of the owner:

Leonard Cheng

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

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

long term 15 Nov 2032

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? 150 guests

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:

male urinals: 3 female toilet: 1

male toilet: 1 female accessible toilet: 1

male accessible toilet: 1 ~~1~~

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 Date 17/05/2021

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

Type of conveyance (e.g.: ship, bus, carriage etc.):

Trading name of conveyance:

Registration number:

Address of home base:

Does the applicant own the conveyance? ☐ Yes ☐ No

If "no" Full legal name and address of the owner:

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

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

.....

Business Details

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

Licence number: 069/00/76/2015 Expiry: 12 Oct 2022

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

☐ Tavern/Bar ☒ Café/Restaurant ☐ Hotel ☐ Nightclub
☐ Entertainment ☐ Other (specify).....

Please select which days and during which hours you intend 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	11:30	11:30	11:30	11:30	11:30	11:30	11:30
End time	9:30	9:30	9:30	9:30	9:30	9:30	9:30

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?

Serving food and non-alcohol drinks

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: Soft drink & juice & other non-alcohol drink

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**)
- ☐ 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
Nan (Mia) Ding	09/04/1992	Applying	
Sam Cheng	17/02/1987	069/CERT/329	1/Jul/2022

(Use a separate sheet if necessary)

Conditions

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

LCO certificate

.....

.....

2) What provision does the applicant intend to make for the sale and/or supply of:

i. food (describe type and range and when it will be served, attach menu)

hot dishes

salads/cold dishes

ii. non-alcoholic drinks (describe type and range)

softdrinks, ginger beer

juices, lemon, lime & bitters

iii. low-alcohol drinks (2.5% abv or less, describe type and range)

Heineken light

3) To what extent, and where, will drinking water be **freely** available to patrons?

There are two water containers and a water tap
available with glasses.

4) If no access to mains water supply is available, how will potable (clean drinking) water be made available?

5) What steps will be taken to provide help with and information about transport options from the premises?

Taxi ordering/calling service is free and available

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

No more than 3 standard drink is selling to
each guest.

- 7) How does the applicant intend to staff (number and experience) the premises to ensure compliance with the Act? For high risk premises, what arrangements will be made for security staff?

Training to every staff member of front house,
teach them ~~about~~ everything about selling & supplying
of alcohol.

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

Responsible alcohol selling policy printed and designated
on the premise. Staff need to know well of
them. Got every front house staff a LCB certificate.

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

Recommend low/non-alcohol drink to guests.
No more than 3 standard drink per guest.

Signed  Date 17/05/2021 Place Dunedin



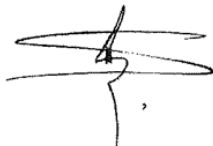
Certificate of Incorporation

GREAT TASTE LIMITED

8139961

NZBN: 9429048790635

This is to certify that GREAT TASTE LIMITED was incorporated under the Companies Act 1993 on the
12th day of November 2020.

A handwritten signature in black ink, consisting of a stylized 'G' and 'T'.

Registrar of Companies
26th day of May 2021



Certificate generated 26 May 2021 01:00 PM NZST

This is to clarify that I, Leonard Cheng am aware of alcohol selling and consumption activities in Great Taste Buffet Restaurant. I give authority to the restaurant owner for the above activities.

Leonard Cheng

31May2021



Buffet Food List

Soup:

Chicken & Sweet Corn Soup

Miso Soup

Salads:

Cabbage Salad

Japanese Udon Salad

Couscous Salad

Potato Salad

Lettuce Salad

Pasta Salad

Seafood Salad

Coleslaw

Seafood Sushi

Vege Sushi

Chicken Sushi

Nachos (Mixed Bean Sauce & Bolognese)

Hot Dishes:

Deep Fried Spring Rolls

Stir Fried Egg Noodles

Vege Egg Foo Young

Steamed Rice

Mashed Potato

Fried Chicken

Drink Menu

BEERS

SPEIGHTS.....	\$8
STRINLAGER PURE.....	\$8
STEINLAGER CLASSIC.....	\$8
HEINEKEN.....	\$8
HEINEKEN LIGHT.....	\$8
HEINEKEN ZERO.....	\$8
STELLA ARTOIS.....	\$8

CIDER

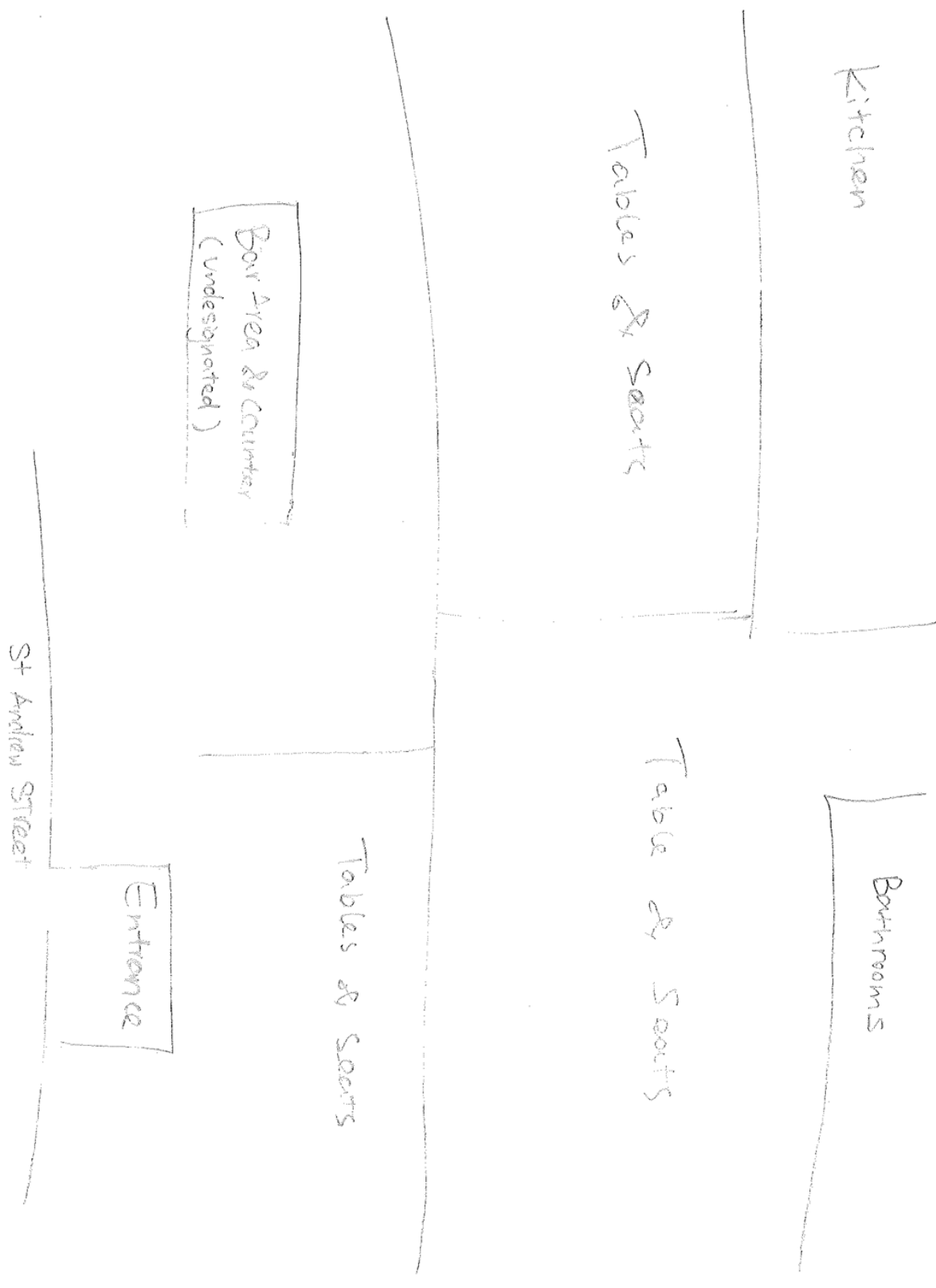
MONTEITHS APPLE CIDER.....	\$7.5
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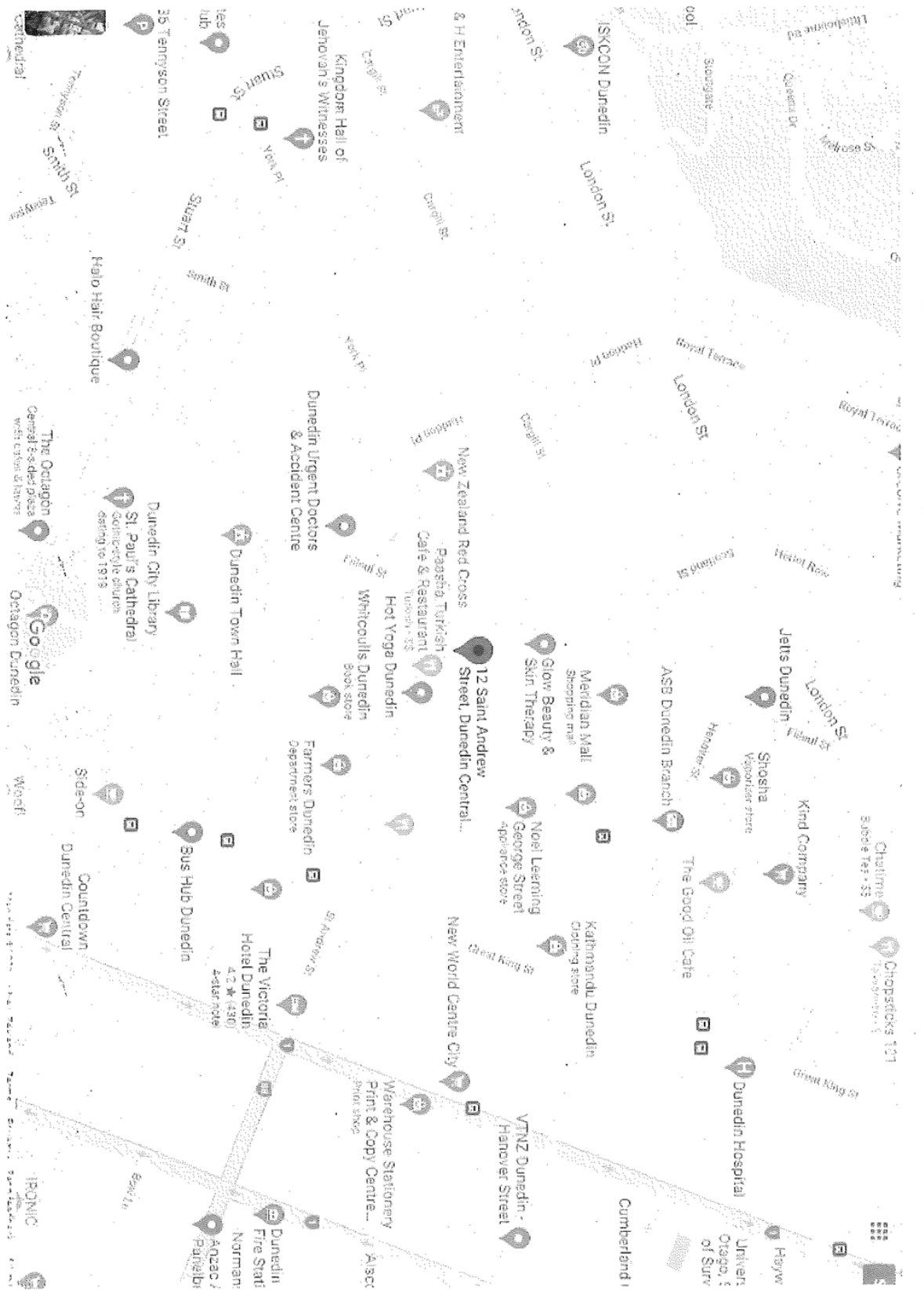
OTHER ALCOHOLIC DRINKS

SMIRNOFF ICED RED.....	\$8.5
CORUBA.....	\$8.5
GIN & TONIC.....	\$8.5

WINES

RED WINES	GLASS	BOTTLE
PINOT NOIR.....	\$8	\$35
SHIRAZ.....	\$8	\$35
MERLOT.....	\$8	\$35





Host Responsibility Policy

- ✓ We will make sure our staff and management are looking after you by offering food and alternative drinks, as well as alcohol.
- ✓ We will promote transport options to get you safely home.
- ✓ We will encourage more people to have a lifesaver (designated driver). We will make the lifesavers job more attractive by providing an interesting range of low-alcohol and alcohol-free drinks.
- ✓ We will make sure all these services are well promoted - you won't have to go looking for them. We will have signs on display outlining what we provide as responsible hosts.
- ✓ It's against the law to serve someone who is intoxicated. We will maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.
- ✓ Please be our guest and take advantage of these services.
- ✓ Host responsibility makes sure that everyone has a good time, and leaves in safe shape for the road home.
- ✓ It could save our licence, and it could save your life.

INSPECTOR'S REPORT ON LICENCE APPLICATION

Applicant	GREAT TASTE LIMITED
Trading Name	Great Taste
Address of premises	12 St Andrew Street, Dunedin
Type of licence	On licence
Pathway number	ON-13-2021
Application type	New application
Date of application	8 June 2021
Interviewee	Nan Ding
Date of interview	15 July 2021

Applicant details

GREAT TASTE LIMITED
Company number: 8139961
NZBN: 9429048790635
Incorporation Date: 12 Nov 2020
Company Status: Registered
Entity type: NZ Limited Company

Deqin WANG is the sole director. Deqin WANG and Junlin LI are equal shareholders.

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

Great Taste is a buffet restaurant open for lunch and dinner trade

Site Location (zoning/surrounding uses or activities)

Central Business District

Manager details

Current Manager's Certificate holders are
SHI CHENG
Application received from
Nan Ding

Licensing hours sought

Monday to Sunday from 1130 to 2130

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

The previous licence has hours from 1000 to 2200

Designation sought

None

Correct signage on display?

The premises is currently unlicensed.. The applicant is aware of the signage requirements.

- 1. Copy of licence at principal entrance**
- 2. Duty Manager**
- 3. Prohibited persons**
- 4. Availability of food**
- 5. Transport options**

Host Responsibility

The applicant has provided a copy of the "An example of a host responsibility policy" from the Dunedin City Council website and is reproduced below.

- ✓ We will make sure our staff and management are looking after you by offering food and alternative drinks, as well as alcohol.
- ✓ We will promote transport options to get you safely home.
- ✓ We will encourage more people to have a lifesaver (designated driver). We will make the lifesaver's job more attractive by providing an interesting range of low-alcohol and alcohol-free drinks.
- ✓ We will make sure all these services are well promoted - you won't have to go looking for them. We will have signs on display outlining what we provide as responsible hosts.
- ✓ It's against the law to serve someone who is intoxicated. We will maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.
- ✓ Please be our guest and take advantage of these services.
- ✓ Host responsibility makes sure that everyone has a good time, and leaves in safe shape for the road home.
- ✓ It could save our licence, and it could save your life.

The policy is bereft of any statement about not serving minors or the acceptable forms of ID. This is also absent from the website version. The concept of 'lifesaver' is an outdated ideal that few (if any) premises subscribe to today. The application does not have included a 'training and management policy' nor was such a policy mentioned at the interview.

Does the premises utilise DCC owned footpath?

The previous occupier has been invoice for a portable signboard

What is the maximum occupancy number for the premises?

The Building Compliance Officer has advised that the occupancy should not exceed 100

Public Notification process

The application was advertised in the Otago Daily Times of 19 and 26 June 2021.

Public Objections (interest in the application/reasons for)

None

Section 105 Criteria

In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

(a) the object of this Act:

Primarily the Act requires that the sale of alcohol should be undertaken safely and responsibly and that harm should be minimised. The interview with Ms Ding revealed no issues.

(b) the suitability of the applicant: (any previous issues)

Following a hearing held on 20 July, the District Licensing Committee declined an application by Great Taste Limited for a Temporary Authority. The decision had

- [36] The Committee is left with some concerns regarding the applicant's suitability to be the holder of a temporary authority. However, this is not a predetermination for the applicant's on-licence application that has been filed.**

(c) any relevant local alcohol policy:

The activity and the hours applied for comply with the 2018 Local Alcohol Policy.

(d) the days on which and the hours during which the applicant proposes to sell alcohol:

The premises is open seven days for lunch and dinner. The premises is usually closed by 2100

(e) the design and layout of any proposed premises:

Casual seating area and counter are at the front of the premises. The dining area is entered by the counter.

(f) 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

(g) 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

(h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:

The premises has been low-risk for in recent years as the customer base has changed to families and older people.

(i) the amenity and good order of the locality

(a) Noise. There is no history of noise issues associated with the premises. The premises does not produce entertainment noise.

(b) Nuisance and vandalism. Nothing that can be associated with the premises.

(c) Licensed premises in the vicinity. Multiple licensed restaurants are in the vicinity

(j) whether the applicant has appropriate systems, staff, and training to comply with the law:

(a) Building. The premises does not have a current BWOFF but remains safe to occupy.

(b) Sale of food. The premises is registered until 31 May 2022 and has a B grade

(c) Fire. FENZ approval was gained 14 June 2021

(d) Security. Not required.

(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103

Inspector's comment

This report is prepared for the District Licensing Committee's consideration.

I oppose the issue of the licence. The suitability issues highlighted in the decision to decline the Temporary Authority remain and the section 105 criteria need to be discussed at a public hearing with the applicant



23 August 2021

Tony Mole
Licensing Inspector



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

29 July 2021
The Secretary
Dunedin District Licensing Committee
Dunedin City Council
DUNEDIN 9054

APPLICATION ON-LICENCE- Great Taste Limited

Police have inquired into the application made by Great taste Limited for a new on-licence at the premises known as Great Taste, situated at 12 St Andrew Street, Dunedin. Police raise concerns on the following matters.

The criteria the committee must have regard to when considering an application for a new licence are contained in section 105 of the Act.

Police oppose this application under the following sub-sections:

- (a) Object of the Act
- (b) Suitability of the applicant
- (j) whether the applicant has the appropriate systems, staff, and training to comply with the law

Object of the Act 105(1)(a)

4 Object

(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 minimised.

Police submit that for the object of the Act to be achieved the committee must have confidence in the application. There are significant weaknesses in the

Sgt Ian Paulin - Dunedin Police – Alcohol Harm Reduction Officer
ian.paulin@police.govt.nz DDI- 4714980 Cell 0211914981

application, in particular around the staff training, and these weaknesses raise particular concerns.

The Authority commented in *Two Brothers Wholesale Ltd* [2021] NZARLA 32 at [99]

As we said in Patels Superette 2000 Limited v Muir,¹ while there is no onus of proof on an applicant, it is for an applicant to put its best foot forward if it expects a DLC to favour the application over significant opposition which is itself supported by evidence.

Section 105(1)(b) Suitability of the applicant

Police have no evidence of the fact a sale of alcohol took place between the period of the actual purchase of the premises and the Liquor Inspector becoming aware of the purchase. However, at the DLC hearing for the Temporary Authority the applicant admitted the fact that alcohol had been sold.

This is an offence against section 233 of the Act. The penalty for an unlicensed sale is the most severe of all sanctions in the Act- three months imprisonment or a fine of not more than \$40,000. If there was evidence of an unlawful sale. Police would have laid a prosecution in the District Court under this section.

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."*²

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 Limited* (2021) NZARLA 32, the Authority commented:

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

¹ *Patels Superette 2000 Limited v Muir* [2019] NZARLA 75 at [228].

² *Re Sherd* [1996] 1 NZLR 751, [1996] NZAR 61 (HC) at [755]

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.

To not comply with the most basic law in the hospitality trade, that a licence is required to sell alcohol, points strongly to a lack of suitability of the applicant.

Systems, staff and training (s 105(1)(j))

The application is lacking in detail regarding how and who will conduct the training for the premises, what reference material is used and/ or available.

Section 7 of the application deals with staff training. It simply states *"training to every staff member of front house, teach them everything about selling and supplying of alcohol.* There is no training manual or document attached or referred, nor an external trainer referenced. As such police have serious concerns that training in this premises would not be delivered at an acceptable level.

Summary

The applicant has admitted to failing to comply with the law prior to this application being submitted, combined with the lack of adequate training, systems and staff, Police must question whether the applicant will run this business within the boundaries of the Act.

As such we oppose this application.

Regards

Ian Paulin
Sgt E896
Dunedin Police

From: [PAULIN, Ian](#)
To: [Dunedin Licensing Agency](#)
Cc: [Tony Mole](#); [Aaron Whipp](#)
Subject: opposed application- Great Taste Limited
Date: Monday, 9 August 2021 1:44:06 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[opposed application.doc](#)

Good Afternoon

Please find attached the police opposition to the application by Great Taste Limited for a new on-licence

Regards

Ian

Ian Paulin
Sergeant
Team leader
Alcohol Harm Prevention Unit
Dunedin Police

P +64 03 4714980
M +64 21 1914981
E ian.paulin@police.govt.nz



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From: [Melissa Joyce](#)
To: [Dunedin Licensing Agency](#)
Subject: No Opposition ON-13-2021 Great Taste
Date: Tuesday, 27 July 2021 1:24:18 PM
Attachments: [image002.png](#)
[image004.png](#)

27 July 2021

Ref: ON-13-2021
Application received: 17 June 2021
Applicant: Great Taste Limited
Application type: New On
Premises: Great Taste
Premises address: 12 St Andrew Street, Dunedin

Dear DLC Secretary,

This application is not opposed.

Yours sincerely,

Aaron Whipp

Delegated by the Medical Officer of Health, under section 151 of the Sale and Supply of Alcohol Act 2012

Thanks,

Melissa Joyce | Administration Officer, Public Health Service | Southern District Health Board

Private Bag 1921, Dunedin 9054, New Zealand | Level 2, Main Block, Wakari Hospital, Taieri Road, Dunedin 9010
Office: 03 4769864 | fax: 03 4769858 | melissa.joyce@southerndhb.govt.nz



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22nd June 2021

Great Taste Limited
12 St Andrew Street
Dunedin 9015

Via email: lisadeqin@hotmail.com

Dear Sir/Madam,

**PLANNING COMPLIANCE CERTIFICATE SALE AND SUPPLY OF ALCOHOL ACT 2012 – POL-2021-27 – 12 ST
ANDREW STREET, DUNEDIN**

Thank you for your recent application for a planning certificate for the purposes of the Sale and Supply of Alcohol Act 2012 for the premises called Great Taste Buffet Restaurant at 12 St Andrew Street, Dunedin.

Please find enclosed the planning certificate. I have also forwarded a copy of the certificate to the Council's alcohol licensing team for their information.

If you have any further queries regarding the planning certificate, please do not hesitate to contact me.

Yours faithfully



Elisabeth Boyle
Planner



**CERTIFICATE FOR THE PURPOSES OF SECTION 100(f)
OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012**

Planning Certificate Number:	POL-2021-27
Property Address:	12 St Andrew Street, Dunedin
Applicant:	Great Taste Limited
Premises Name:	Great Taste Buffet Restaurant
Legal Description:	Lot 1 DP 5038
Owner:	Clarke Craw and Company Nominees Ltd Leonard Cheng Amanda Cheng
Hours and days to be licenced:	10.00 am – 10.00 pm, Monday - Sunday
Dunedin City District Plan:	Central Activity Area Townscape and Heritage overlay
Proposed Second Generation Dunedin City District Plan:	Central Business District Zone Heritage Precinct Heritage Zone Heritage: Character Contributing Building

The Dunedin City Council hereby certifies that the premises operating under the name Great Taste Buffet Restaurant, located at 12 St Andrew Street, Dunedin, meets the requirements of the Resource Management Act 1991 to operate as a licensed premises (on-licence) as defined by the Sale and Supply of Alcohol Act 2012 for the following reason:

- The activity is permitted in the zone and complies with the relevant rules in the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan.

Explanation

In terms of the Operative Dunedin City District Plan, the subject site is located in the Central Activity Area Zone. Within this zone, licensed premises (defined as “...any land or buildings licensed under the Sale of Liquor Act 1989”) are a permitted activity pursuant to Rule 9.5.1(iv). Licensed premises have previously been operated from this site.

In terms of the Proposed Second Generation Dunedin City District Plan, the subject site is located in the Central Business District Zone and is located within a Heritage Precinct Heritage Zone. The Proposed 2GP was notified on 26 September 2015, and some 2GP rules have immediate legal effect. In this instance, none of the relevant rules are under appeal and are therefore regarded as operative. For the purposes of the Proposed 2GP, licensed premises are not a stand-alone activity and are always treated as secondary to another activity. In this

instance, the proposed ancillary licenced premises are considered secondary to the activity of Restaurants. In the subject zone, Restaurants are a **Permitted activity** pursuant to Rule 18.3.3.10.a.

Advice Notes

1. This activity must comply with the performance standards for noise, glare and electrical interference outlined in the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan.
2. New signage must comply with the rules set out in the Proposed Second Generation Dunedin City District Plan, or else obtain resource consent. The alteration to any existing sign or the erection of a new sign may require resource consent.
3. This certificate does not authorise any external changes to the subject building which would require consent under the rules in the Townscape Section of the Operative Dunedin City District Plan or the rules in the Heritage Section of the Proposed Second Generation Dunedin City District Plan.
4. This consent has been assessed under the Resource Management Act 1991, the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan. It does not remove the need to comply with other legislation and Dunedin City Council regulations. These include the Dunedin City Council Local Alcohol Policy.
5. The licensed premises may only operate during the hours specified in this certificate. Any proposal to extend or change the hours of operation will require further authorisation by way of resource consent processed in terms of the provisions of the Dunedin City District Plan, the Proposed Second Generation Dunedin City District Plan and the Resource Management Act 1991.


Elisabeth Boyle
Planner

Authorised by:



Phil Marshall
Senior Planner

Issue Date: 22nd June 2021

12 August 2021

The Secretary
Dunedin District Licensing Committee
P O Box 5045
Dunedin

Dear Sir/Madam

Building Compliance Certificate
Sale and Supply of Alcohol Act 2012
12 St Andrew Street Dunedin-Great Taste Buffet Restaurant

The above premises have been inspected by an officer of the Council for suitability for an On Licence under Section 100(f) Sale and Supply of Alcohol Act 2012.

The premises contain systems, features and attributes that meet the requirements of the New Zealand Building Code to the extent required by the Building Act 2004.

The premises contain fire safety features and sanitary facilities to safely cater for a maximum of **100** people. It is the licence holder's responsibility to ensure the maximum number of people using the premise at any one time is not exceeded.

Yours faithfully



Amy Barney
Building Compliance Officer

Reference: BCC-2021-9

DCCBCA-F5-BCC-1B-v4.0

From: [Otago Risk Reduction](#)
To: [Dunedin Licensing Agency](#)
Subject: FW: ON-13-2021 - Great Taste Limited, Great Taste Buffet Restaurant, 12 St Andrew Street Dunedin
Date: Wednesday, 16 June 2021 02:27:26 p.m.
Attachments: [0.png](#)
[image002.png](#)
[image003.png](#)
[ON-13-2021 Great Taste Buffet Restaurant cover sheet.doc](#)
[ON-13-2021 Great Taste Buffet Restaurant application.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
www.fireandemergency.nz



From: Karen Tytsma <Karen.Tytsma@dcc.govt.nz>
Sent: Wednesday, 16 June 2021 10:25 AM
To: Aaron Whipp <Aaron.Whipp@southernhb.govt.nz>; Admin DHB <admin@phsouth.co.nz>;
Alison Blair <Alison.Blair@dcc.govt.nz>; Ian and Stephen Police <Dunedin.AHPU@police.govt.nz>;
Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Otago Risk Reduction
<OtagoRiskReduction@fireandemergency.nz>; Melissa Joyce

<Melissa.Joyce@southerndhb.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>; Tony Mole <Tony.Mole@dcc.govt.nz>

Subject: ON-13-2021 - Great Taste Limited, Great Taste Buffet Restaurant, 12 St Andrew Street Dunedin

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; www.dunedin.govt.nz

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

ON-13-2021 Great Taste Buffet Restaurant cover sheet.doc
ON-13-2021 Great Taste Buffet Restaurant application.pdf

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Monday, 28 June to Monday, 15 November.

ALCOHOL LICENCE APPLICATIONS

Clu-2673-2006 – Brighton Club Incorporated,
Brighton Club, 1038 Brighton Road, Brighton. First
notice. Closes Friday, 9 July.

Clu-3039-2006 – Wakari Bowling Club Incorporated,
Wakari Bowling Club, 10 Mayfield Avenue, Dunedin.
First notice. Closes Friday, 9 July.

**On-13-2021 – Great Taste Limited, Great Taste
Buffet Restaurant, 12 St Andrew Street Dunedin.
First notice. Closes Friday, 9 July.**

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

ALCOHOL LICENCE APPLICATIONS

Clu-2673-2006 – Brighton Club Incorporated,
Brighton Club, 1038 Brighton Road, Brighton.
Second notice. Closes Friday, 9 July.

Clu-3039-2006 – Wakari Bowling Club Incorporated,
Wakari Bowling Club, 10 Mayfield Avenue, Dunedin.
Second notice. Closes Friday, 9 July.

Off-5-2021 – Saddle Hill Brewery and Distillery
Limited, Saddle Hill Brewery & Distillery, 116 Scurr
Road, Saddle Hill. First notice. Closes Friday, 16 July.

On-5180-2006 – St Margaret's Residential College
Council Inc, St Margaret's College, 333 Leith Street,
Dunedin. First notice. Closes Friday, 16 July.

On-13-2021 – Great Taste Limited, Great Taste
Buffet Restaurant, 12 St Andrew Street, Dunedin.
Second notice. Closes Friday, 9 July.

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