

PALMERSTON NORTH  
DISTRICT LICENSING COMMITTEE

IN THE MATTER of the Sale and Supply  
of Alcohol Act 2012 ("Act")

AND

IN THE MATTER of an application by  
Golden Dragon Girls Limited  
for an On-Licence in respect of  
premises known as Golden Dragon  
Girls situated at 505 Main Street,  
Palmerston North

HEARING COMMITTEE:

Ms Susan Baty (Chair), Mrs Aleisha  
Rutherford and Mr Rod Titcombe

PLACE OF HEARING:

Seminar Room  
Conference & Function Centre  
354 Main Street  
PALMERSTON NORTH

DATE OF HEARING:

5 November 2021

DATE OF DECISION:

19 November 2021

APPEARANCES:

Applicant, Ms Oksana Yurevna  
Polovinko  
Representative for the Applicant,  
James

Objector, Alcohol Harm Prevention  
Officer, New Zealand Police,  
Sergeant Peter West

Palmerston North City Council,  
Licensing Inspector, Mrs Lynne Kroll

AK  
JB

---

## DECISION OF THE DISTRICT LICENSING COMMITTEE

---

### THE APPLICATION

- [1] Golden Dragon Girls Limited submitted an Application for an On-Licence on 27 October 2020 ("the Application").
- [2] The Application was notified in the Manawatu Standard on 28 October and 4 November 2020. A notice was placed at the principal entrance to the premises. No public objections were received.
- [3] The Medical Officer of Health, Palmerston North Public Health Service, MidCentral Health submitted a report (dated 30 November 2020) indicating that they had no opposition to the Application.
- [4] The Alcohol Harm Prevention Officer, New Zealand Police ("the Police") submitted a Report (dated 20 November 2020) indicating that they intended to oppose the Application.
- [5] The Licensing Inspector's Report (dated 26 March 2021) supported the Police opposition and sought that the Application be heard by way of a public hearing.
- [6] The Palmerston North District Licensing Committee ("DLC") set this matter down for a Hearing on 5 November 2021.

### THE LAW

- [7] The relevant legislation is the Sale and Supply of Alcohol Act 2012 ("the Act"). While the DLC has full delegation to determine the outcome of the Application which has been lodged pursuant to s 120, the criteria for which this Application must be considered against is outlined in s 105 of the Act.

RF  
AR  
AB

## EVIDENCE

### The Hearing

#### The Applicant

- [8] The Applicant provided written submissions to the DLC and noted the time it had taken for her to receive a hearing. She was assisted by her Representative, who also provided written submissions. The Applicant read her submission and made a number of additional comments.
- [9] The Applicant drew the DLC's attention to a number of signatures from customers over approximately a three month period, indicating that they did not feel unsafe on the premises, and that they were in support of the granting of the liquor licence. She indicated that one of her customers was present at the hearing and wished to speak in support of her application (refer below).
- [10] The Applicant drew the Committee's attention to the statements from her staff in support of her application, including an additional tabled item from a current staff member who also worked with her at the Railway Hotel.
- [11] The Applicant explained the circumstances relating to an incident with her son being taken to hospital. She also drew the DLC's attention to the relevant paperwork in her submission relating to this. The Applicant's Representative commented that in his opinion the Applicant was a determined, exceptional young lady who had overcome hardship to get where she is now, and that this record speaks to that point.
- [12] The Applicant also identified who had the parental responsibility for her son at the time of this incident, and the circumstances relating to his immediate discharge from the hospital.
- [13] With respect to the assertion by Police that gangs had approached the Applicant with a view to becoming part owners of the club, the Applicant's Representative stated this was untrue and that the Applicant refuted this and that she had never anticipated or entertained that thought.
- [14] The Applicant reiterated that without an alcohol licence her business would not be viable. She also referred to the incident referenced on page 83 of the Agenda and stated that the intoxicated person did not come from her premises. The Police were called, who had then advised that they were unable to do anything and recommended the hospital be contacted to come and take the person away.

AR JB

- [15] In closing, the Applicant stated that she wanted to ensure she followed the rules regarding the sale/supply of liquor to the public in a safe manner, and that she wanted to work with the Police and Council to achieve this.
- [16] The Applicant's Representative made the statement that the granting of an alcohol licence for the Applicant to run her business would improve the area, as preloading by patrons was causing problems. In his view, it would be better for the community if that drinking was done safely in a supervised environment.
- [17] The Applicant's Representative stated he was concerned about the reliance on Facebook information in the submissions by Police; as Facebook is a lot of theatrics, and many people say things on Facebook that they would not otherwise do or contemplate.
- [18] A retired senior lecturer attended the hearing and spoke in support of the Applicant. He stated he was a regular of Golden Dragon Girls and was also a regular at the Applicant's former premises where there was an alcohol licence. He said he always felt welcome, safe and respected and commented that the women working there are treated well and have a good relationship with management. They are respected and management ensures they receive respect from customers. He felt the club was a very nice addition to Palmerston North's night life, and the granting of an alcohol licence would enhance this. This witness was not questioned by any of the parties.
- [19] When questioned by the DLC, the Applicant confirmed a number of aspects relative to her Application. With respect to mitigating risk factors related to drink driving, and how staff rostering enabled this, the Applicant confirmed she had three security staff, front desk staff and twelve dancers, all of whom were happy to drop customers off if they were free, both during and after work hours.
- [20] She did note that staff on occasion had ordered taxis for intoxicated girls that had come in off the street, and that taxis were ordered regularly for customers. If a taxi was unavailable a member of staff would ensure the customer got home safely. She confirmed her partner and herself were also available for drop-offs.
- [21] When questioned further by the DLC regarding the safety of this arrangement if, for example, one of the dancers was required to drive an intoxicated person home, the Applicant confirmed her dancers would do this in groups of two at a time, and the same applied to dancers working offsite.

AR  
JB  
PJ

- [22] The Applicant confirmed gang patches are not allowed on the premises and that there is a sign on the door, relating to no solid colours, no facial tattoos, no patch tattoos visible. There is also a dress code and security staff manage this at the door.
- [23] With respect to the incident involving the Applicant's son, the DLC noted the Police report indicated that he was intoxicated, unconscious, and was taken to hospital. The DLC asked if there were any blood tests or medical records to verify that he was intoxicated, and the Applicant indicated the discharge papers were not included in the Police report and there was nothing to prove what he had ingested. No tests were done, nothing was given to her son and he was not kept in hospital overnight, but was discharged immediately. It was her opinion that her son chose to pretend he was asleep because he did not want to be a part of the argument.
- [24] The Applicant confirmed the club is operating as a strip club only on Friday and Saturday evenings, from 9.00pm to 3.00am the following day.
- [25] The Applicant confirmed there were currently three licensed managers at the club, and one additional person was in the process of studying for her Licence Controller Qualification and would then apply for a Manager's Certificate. The Applicant stated she had been told by the Licensing Inspector that she herself was not eligible to apply for a Manager's Certificate due to a previous infringement offence notice she had received.
- [26] When asked by the DLC how she planned rostering with her duty managers, the Applicant stated that currently she had no use for duty managers as she did not have a licence to sell alcohol, but she had several duty managers waiting for the licence to be granted, at which time they would commence working for her.
- [27] With respect to liquor promotions, the Applicant confirmed that occasionally she would do something like "buy two drinks, get \$1 off", usually to coincide with main events happening in the city and gave examples such as Halloween, horse racing events, stockcar events. Over a twelve-month period she may hold up to ten such events.
- [28] With respect to security cameras, the Applicant stated there were ten on the premises including two outside, one facing the door and the other facing the alleyway. The images were visible on a screen at the bar which she monitors, along with overseeing operations at the club.

AR  
SB 128

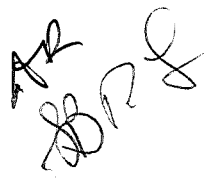
- [29] With reference to staff training and development, the Applicant confirmed her staff all have the 'Typsy' app which gives them access to specialised online hospitality training which she oversees. She also has an experienced staff member assisting with training. When questioned about the level of staff engagement in training, the Applicant confirmed that all her staff are completing this training, not just the bar staff. The total number of staff was up to 20.
- [30] The Applicant stated that she started operating from 505 Main Street, Palmerston North on 15 January 2021, and that the trial period agreed with the Police and the Licensing Inspector ran from January to March 2021.
- [31] With regard to her own training, the Applicant stated the modules for the online training course she undertook each took about a month to complete, and included a test at the end of each module.
- [32] The DLC asked who had instigated the trial and the Applicant explained that during a discussion with the Police and the Licensing Inspector she asked if she was able to open without a licence, and it was agreed this was a good idea as it would enable them to monitor how things were going. A trial period of three months was suggested and the Applicant agreed to this.

New Zealand Police

- [33] The Police expressed their feeling of disadvantage due to the Applicant having responded to their submission. They read their submission and made the following additional comments in response to statements made in the Applicant's submission.
- [34] With respect to the trial period, the Police clarified they did not say that if there were no problems during this period the Police opposition may be withdrawn; what they said was that if there were no problems during this period it may be advantageous to the Applicant's licence application. Their understanding of the trial was to see if the Applicant's business could operate without an alcohol licence, and to see if there were any problems. The Police asserted that the Applicant stated she would be quite happy not to have anything to do with the alcohol and it was "more about the girls". They noted, to the Applicant's credit, that they were unaware of any issues around her premises both during the trial period and since then.

AP RB

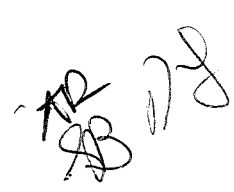
- [35] Relating to the drink driving infringement, the Police Sergeant stated that in his 35 years with the Police (17 of which were in road policing) he had never heard that breastfeeding has any effect on alcohol breath level, neither is it a licence issue – it's all about age: a person over the age of 20 commits an offence if they have more than 250 micrograms of alcohol in their breath, and this was the case with the Applicant. Holding a different licence would not have made a difference.
- [36] The Police stated that in their opinion social media posts generally reflect a person's interests and hobbies and they felt there was definitely room for some concern about the Applicant's attitude to alcohol and drugs given the number of posts, etc. on her Facebook page related to those things.
- [37] With respect to the incident with the Applicant's son, the Police couldn't believe that any officer would have said to the Applicant "if you're hit, you should hit back". They advised they had spoken to one of the female officers who attended who said that she did not believe the Applicant should be charged (which they agreed with) but she made no mention of making a complaint about the other officer's action, neither did they believe the officer would have pressed the Applicant's ex-husband to make a complaint, but would be obliged to act on it if one was made. The officer was certainly concerned enough to follow the matter up further.
- [38] With reference to the Applicant's assertion that the Police had asked five people at the Railway Hotel to make statements that the Applicant was money laundering, the Police said she had never been accused of money laundering. In the course of their investigation they spoke to three people from the Railway Hotel in confidence, none of whom would make a statement or objection, citing the reason as a fear of retribution.
- [39] The Police stated that preloading was a problem occurring before people go into any premises, regardless of whether that premises has a licence or not, and that this happens all the time. They suggested that this was not unique to the Applicant's premises – it happens at licensed premises as well.
- [40] With reference to the incidents of disorder and violence in the Main Street Area, there is no suggestion that any of those incidents have anything to do with the Applicant's premises; the Police were merely pointing out the issues Police have in that vicinity already, without the Applicant having an alcohol licence.

Handwritten signature or initials in black ink, possibly reading 'AR' or 'BR' with a flourish.

- [41] During questioning by the DLC the Police confirmed a number of points. Firstly, with reference to Section 105(1)(j)<sup>1</sup> of the Act relating to the need for appropriate systems, staff and training to comply with the law, the DLC asked for comment as to what the threshold for 'appropriate' would be, and examples of what their general expectation would be in that area for licensed premises.
- [42] The Police stated that the main requirement would be that the person had operated as a duty manager for a period of time, probably six months or more, as this would demonstrate experience in a position of authority in the running of the business, and that they would be fully conversant with all the appropriate systems and training in that industry, which the Police were not familiar with. The use of the term 'systems' was terminology used in the Act and they were not sure what this meant, but expected it was relating to the management of the premises.
- [43] Relating to the social media evidence that was presented as part of the Police's opposition to the Application, the Police confirmed this was standard Police practice in these circumstances.
- [44] With reference to the incident with the Applicant's son, the Police agreed that supervision of drinking at home was probably a safe environment and that it was where most young people did their experimenting with alcohol. The Police's concern was that while it may be responsible to have your children try alcohol at home for the first time, it was not responsible to let them get into a state where they require going to hospital. They acknowledged that there was some difference of opinion relating to how this happened.
- [45] When asked by the DLC if there were any conditions that could be applied with which the Applicant could successfully hold a licence, the Police said they had not given this any thought and would need to consult the Licensing Inspector, but felt that there may well be conditions that could be put in place that would lessen the likelihood of harm.
- [46] The DLC asked if the Police were familiar with the Licence Controller Qualification and the level of experience that might be gained within that qualification. In response, they stated that they did not know about the level of experience required to obtain it or what you would gain from it.

---

<sup>1</sup> Sale and Supply of Alcohol Act 2012.

Handwritten initials 'KR' and 'GB' followed by a signature.



- [47] With respect to data, the DLC noted that 505 Main Street, Palmerston North was previously a bar and asked the Police if statistics were higher during this period, given that there is now no alcohol sold at this address, and whether there was any trend information available. The Police said they had obtained data only for the six months when the previous premises was no longer there, but that they could get this information if required.
- [48] The Applicant asked the Police if, during the three years her club had been in operation, the Police had been called out to any gang related incidents. They confirmed they had not.
- [49] The Applicant asked the Police if there was any evidence that her son had been drunk on a particular night that had been referred to during the hearing. The Police stated it was their understanding that an assessment was made by the ambulance officers to take him to hospital, and that there was no paperwork available.
- [50] The Applicant asked if there was any statement by the female officer present that night relating to the statement she had taken from the Applicant, or if it was only the statement made by the male officer that had been asked for. The Police stated they had asked for the male officer's statement because he was the officer that had made the report of concern, and they did not ask for a statement from the female officer.

Licensing Inspector

- [51] The Licensing Inspector confirmed the contents of her written report (dated 26 March 2021) and made some verbal additions to her report. She noted the premises had changed hands so a new letter from the building owner would be required.
- [52] The Licensing Inspector noted that one of the manager's certificates held by a member of the Applicant's staff had expired and that this person had indicated they would not be renewing their manager's certificate. It therefore appeared that there was only one current manager and the additional one listed in the Applicant's submission document. The Police would need to re-vet all managers as part of the process.

AR  
SB  
WJ

- [53] With respect to the message received by the Licensing Inspector from Kelly's Footwear who occupy the building next door to the Applicant's premises on 20 November 2020, she advised that this came through the Council messaging system and that it related to the consultation process. When she subsequently had a conversation with the representative of Kelly's Footwear on 23 November 2021 the Licensing Inspector explained they were outside the 15 working days, and that if the licence was granted it would be for a period of one year. She advised the Authority has always said that the first year is like a probation year, which gives people the opportunity at renewal time to put in an objection. The Licensing Inspector went through the process with the representative, saying that if Kelly's Footwear had concerns during that year they would need to make note of them and be ready with evidence, so when it came to renewal time they would have the evidence to support an objection. The representative was satisfied but upset that they had missed seeing the notice in the paper and on the Council website.
- [54] During questioning by the DLC, the Licensing Inspector confirmed a number of points. Firstly, with reference to Section 105(1)(j)<sup>2</sup> of the Act relating to the need for appropriate systems, staff and training to comply with the law, the DLC asked for comment relating to the Police's statement on this matter and if the Licensing Inspector had anything to add. The Licensing Inspector stated inspectors like to see that duty managers have been through their training and have the required five months' experience before applying for their Manager's Certificate. The Licence Controller Qualification course is for one day, and if done online might be split over a few days. An applicant also would have to complete a questionnaire with the Inspectors to demonstrate they had the required knowledge.
- [55] As far as the management side is concerned, an applicant would need to demonstrate that they had good training records with all staff, which is part of Public Health's role in the process. There is a tool called 'ServeWise' which Inspectors recommend to licensees, particularly if they are new, as it gives them a feel for what is required when selling alcohol. They should also get their staff to do this training, which needs to be recorded in a training register which can be inspected.
- [56] The Licensing Inspector confirmed the Applicant's systems and training for staff met the required threshold and advised that the content of an inspector's report is provided by the application document. She stated her hope that the Applicant has good training records that could be inspected if necessary.

---

<sup>2</sup> Sale and Supply of Alcohol Act 2012.

AR  
SB  
PQ

- [57] During questioning, the Licensing Inspector confirmed she was comfortable with the Applicant having appropriate systems, staff and training, as per her previous comments, but she was still in support of the Police's opposition to the Application relating to the suitability of the Applicant and the amenity and good order.
- [58] The Licensing Inspector confirmed the standard from the Authority, if there is an alcohol related conviction, there was a stand down period of five years before a person could apply for a Manager's Certificate. She stated she did not realise the Applicant had a relevant infringement, rather than a conviction, and had only learned this during the hearing. She also stated she was not at this stage eligible to apply for a Manager's Certificate because she has not had a minimum of five months' training in a licensed premises in the last twelve months.
- [59] The Applicant's references were also dated in 2020, so the Licensing Inspector advised she would need updated references if the Applicant wanted to apply for a Manager's Certificate. If her liquor licence was granted, she would need to be working for five months under her duty manager, she would then be eligible to apply. When asked for clarification if this was a statutory obligation, the Licensing Inspector confirmed that in statute it is stated an applicant must have recent experience working in a licensed premises. The Licensing Inspector noted that most councils in New Zealand look for six months relevant training; in Palmerston North there has always been an agreement with Police that this be five months. Relevant experience would be detailed in the Inspector's Report that went to the DLC, and it would be up to the DLC to make the decision.

Right of Reply – Ms Polovinko

- [60] In exercising her Right of Reply, Ms Polovinko stated that she refuted components of the male officer's report relating to an incident that had been referred to in the hearing, and drew the DLC's attention to the photographic evidence of the injuries she sustained on that occasion. She stated she did not think it was fair that only one side of this story had been used in the Police's evidence. The Applicant reiterated that she thought it was safe to give alcohol to her son in the circumstances that had been outlined and that there was no evidence to support her son being intoxicated.
- [61] The Applicant reiterated that no gang patches were permitted on the premises and that this was stated on a sign on the door.

A handwritten signature in black ink, appearing to be 'HB' followed by a stylized flourish.

- [62] With respect to the drug dealing mentioned by Police, the Applicant stated she felt this was the Police's problem and had nothing to do with her. Drug dealing can be done anywhere and she did not think it was relevant to her Application.
- [63] The Applicant stated the Police mentioned incidents that "could" happen, but in the three years she had been open he had confirmed there had been no incidents at her club that put anyone in danger.
- [64] The Applicant referred to the Police saying that she had said if she did not have to get the liquor licence, she would not. She explained that her comment was that her business is a strip club so her customers come for the girls first, the liquor is second. If she could operate without an alcohol licence she would, but it was not making her enough money to make the business remain viable.
- [65] With respect to her social media posts, the Applicant reiterated that her posts are not a reflection of who she is or how she sees other people and situations.
- [66] The Applicant noted that it seemed the objector had no idea regarding training and how that all works, and she did not understand this.
- [67] The Applicant drew the DLC's attention to the copy of the Manager's Certificate for the new manager that was in her submission, and confirmed that she had an additional person lined up who had just been granted a manager's certificate, and there is the other manager from her Application that was still current. She stated that she had been approached by another person who had seen an article in the newspaper about the club not having a licence, who had said she would be happy to come and work at the club as a manager, so that made a total of five managers.
- [68] The Applicant also confirmed that she had found out today she was in fact eligible to apply for a manager's certificate but wondered how she was supposed to get the required experience working behind a bar if she did not have a licence. She stated she did act as a Manager at the Railway even though there was no paperwork to support this, and possibly would have applied for her Manager's Certificate sooner when she could have used this as relevant experience.
- [69] The Chairperson directed the non-publication of all names, personal information and photographs used in evidence for reasons of privacy.

AP  
SB DP

## FINDINGS

- [70] The DLC is aware that there is a sole objection to the New On-Licence – Golden Dragon Girls Limited located at 505 Main Street, Palmerston North. This objection originates from the Police. With the consent of Oksana Polovinko, the DLC also undertook a site visit to Golden Dragon Girls on 11 November 2021.
- [71] The objector opposes the application citing three main concerns. These are the suitability of the Applicant, that the amenity and good order of the locality would be reduced to more than a minor extent and that the Applicant has no appropriate systems, staff and training in place to comply with the law.
- [72] While this Application is made under s 120, the relevant criteria for which we must have regard to is outlined in s 105. After considering all of the evidence placed before us, we make some observations and conclusions in that respect.
- [73] During the hearing, following the Applicant's initial evidence, the Police expressed a feeling of disadvantage that the Applicant was able to respond to some of the concerns that the Police had raised in their objection. The purpose of the hearing is for all parties to be fairly heard by the DLC, and we are satisfied that the hearing has been fair and that all parties have had an equal opportunity to present and air their concerns and perspectives.

***The DLC must have regard to 'whether (in its opinion) the applicant is suitable to manage and operate a licensed premises' [s105(1)(b) of the Act]***

- [74] The Police question the Applicant's suitability based on the following concerns:
1. That in May 2019 the Applicant, while operating her Golden Dragon Girls business, received an Infringement Offence Notice for driving with Excess Breath Alcohol.
  2. That the Applicant has made social media posts which appear to joke about irresponsible alcohol use and cocaine.
  3. That in May 2020 the Police attended an incident at the Applicant's personal address concerning the intoxication of her son.
  4. That the Applicant has gang associations.



5. That the Applicant does not have the necessary experience to manage and operate a business.

[75] The DLC has considered these concerns. For simplicity we have numbered 1-5 and have responded in that order, as follows:

1. The Infringement Notice was served two and a half years ago and no further offence has been committed since that offence occurred. This offence was a one-off with no evidence of offending prior to this event.
2. The Police documentation included 20 Facebook posts from November 2019 to July 2021. When first reading the file it looks serious but needs to be looked at in the context that the Facebook posts are captured over a 20 month period amongst hundreds of other posts. The posts were not created by the Applicant but are copies of memes posted all over Facebook so they must be taken into context.
3. While it is fair for the Police to identify the intoxication incident of the Applicant's son, there was no evidence placed before the DLC to indicate that her son was intoxicated. Further there was no follow up from the Police regarding this incident.
4. The DLC noted the one photo that the Police tabled regarding alleged gang associations. The Applicant acknowledged she had a relationship with the person in the photo and that he was her ex-boyfriend, who was now in jail, and that she had ended their relationship in October 2020 and no longer has any association with him.
5. The Applicant presented documentation to the DLC to show she had completed a Licence Controller Qualification in 2011 and in June 2020. The Applicant presented documentation to the DLC that identified in 2018 she had completed several online business courses relevant to managing and operating a business. We also accept that the Applicant stated she had worked in several licensed premises so is not new to the industry. The Applicant also stated she has been managing and operating the Golden Dragon Girls business for the past three years without incident. The business employs 15-20 staff and the Applicant presented a set of financial accounts to the DLC showing the business runs at a profit.

AR  
93 DG

***The DLC must have regard to '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' [s105(1)(h) of the Act]***

- [76] In forming an opinion on the specific consideration outlined in s 105(1)(h), the DLC is guided by s 106 which, in subsection (1)(a)(ii), directs that we must have regard to 'current, and possible future, levels of nuisance and vandalism'.
- [77] It must then follow that the issues concerning the future levels of nuisance and vandalism is something the DLC must consider as it relates to the amenity and good order of the local area, which is a required consideration under s 105(1)(h).
- [78] The police presented data to the DLC collected over a four month period from January to April 2021. The data identified a total of 87 incidents that fell within the categories of Violence, Assaults and Disorder.
- [79] It is clear that the Police have concerns that two very different groups of patrons would be mixing in close proximity, with the potential for conflict very likely and that incidents of violence, assault and disorder will increase if the Applicant is issued an On-Licence. It is important for us to note that Golden Dragon Girls have been operating for the past eight months without selling alcohol. During that time the Police confirmed that there had been no incidences reported of any Violence, Gang issues, Assaults or Disorder relating to the operation of Golden Dragon Girls.


***The DLC must have regard to 'whether the applicant has appropriate systems, staff, and training to comply with the law' [s105(1)(i)]***

- [80] The Applicant submitted documentation showing that she has a Host Responsibility Policy and an Alcohol Management Plan in place. The DLC noted that the documentation also included an Incident and Noting Recording register, Fire Safety and a Risk Mitigation Plan.
- [81] The DLC notes that the Applicant has several potential staff members that have a current manager's certificate who are willing to work for her if she obtains an alcohol licence.
- [82] The DLC questioned the Police on what systems, staff and training that they recommended the Applicant should have in place. The Police directed the question to the Licensing Inspector who stated that she did not oppose the Application on those grounds and that the Applicant had provided the appropriate documentation required on systems, staff and training that an online application requires.

Handwritten signature and initials in the bottom right corner of the page.

### **Conclusion**

- [83] The On-Licence Application for Golden Dragon Girls located at 505 Main Street, Palmerston North has three significant objections to overcome. These are the suitability of the Applicant, that the amenity and good order of the locality would be reduced to more than a minor extent and that the Applicant has no appropriate systems, staff and training to comply with the law.
- [84] Firstly, with regard to the suitability of the Applicant, in our opinion we believe the Police did not present sufficient evidence to the DLC for the panel to deem the Applicant as unsuitable to hold an On-Licence.
- [85] The Licence Controller Qualification she gained as recently as June 2020 demonstrates that the Applicant has knowledge of the Sale and Supply of Alcohol Act 2012 and its implications for licensed premises. It also demonstrates the knowledge of host responsibility requirements as a Duty Manager of licensed premises. In addition, the online courses that she has completed also demonstrates she has knowledge of managing a business. This is further supported by the financial accounts that were presented to the DLC which show that the business is profitable.
- [86] Secondly, when considering whether the amenity and good order of the locality would be reduced to more than a minor extent, we must rely on the Police data placed before us. It is clear from that data that the Golden Dragon Girls business has not contributed to any increase of Violence, Assaults or Disorder complaints in the area since the business started operating eight months ago.
- [87] Thirdly, we turn to considerations about whether the Applicant has appropriate systems, staff and training in place to comply with the law. When questioned about the systems and processes that the Applicant should have in place, the Police were unsure what the legislation required and referred this matter to the Licensing Inspector to answer. The DLC notes the Licensing Inspector's statement and acknowledges that there is no evidence to support the assertion that appropriate systems, staff and training are not in place, and that she did not support the Police in this matter.
- [88] Having considered all the grounds advanced by the Police in their opposition, the DLC concludes that in their opinion there is insufficient evidence presented at the Hearing to satisfy these grounds outlined in their objection.





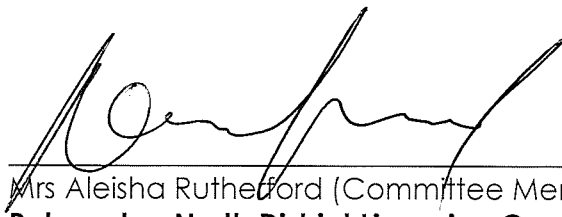
## DECISION

[89] The application by Golden Dragon Girls Limited for an On Licence in respect of premises known as Golden Dragon Girls situated at 505 Main Street, Palmerston North is **approved**.

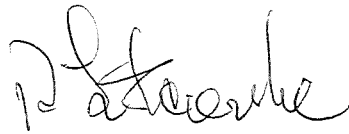
Dated this 19<sup>th</sup> day of November 2021



Ms Susan Baty (Chairperson)  
**Palmerston North District Licensing Committee**



Mrs Aleisha Rutherford (Committee Member)  
**Palmerston North District Licensing Committee**



Mr Rod Titcombe (Committee Member)  
**Palmerston North District Licensing Committee**

## Information as to Right of Appeal on a Decision of the District Licensing Committee pursuant to the Sale and Supply of Alcohol Act 2012

1. Any appeal against the Decision (as defined in the Notice of Decision) must be lodged directly with the Alcohol Regulatory and Licensing Authority ('ARLA') within 10 working days of receipt of the notification of the Decision.

You may appeal against the whole or part of the Decision by lodging a Notice of Appeal in the prescribed form with the Alcohol Regulatory and Licensing Authority, SX11159, Wellington; and with the Palmerston North District Licensing Committee and each of the other parties to the proceedings before the licensing committee.

2. Section 154 of the Sale and Supply of Alcohol Act 2012 sets out important information as to what the appeal should state, on whom the appeal should be served, and the time when service must take place. The Notice of Appeal against the Decision must also follow the form prescribed by ARLA.

For further information please visit

<https://www.justice.govt.nz/tribunals/arla/make-an-appeal-against-a-district-licensing-committee-decision/>.

3. The Sale and Supply of Alcohol Act 2012, and related Regulations, may be inspected at the City Library or viewed at [www.legislation.govt.nz](http://www.legislation.govt.nz).
4. The appeal must be accompanied by a filing fee of \$517.50, GST included.
5. If you are in any doubt as to the procedures to be followed it is strongly recommended that you consult a lawyer.