

Decision No. 13823/2023 ON – 13824/2023 OFF

THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by OLOGY COLLECTIVE LIMITED pursuant to section 136 of the Sale and Supply of Alcohol Act 2012 (The Act) for Temporary Authorities (On/Off) in respect of premises situated at 16 Peel Street, Gisborne, and known as SIDURI WINE BAR AND DELI.

BEFORE THE GISBORNE DISTRICT LICENSING COMMITTEE AT GISBORNE

Chairperson: Commissioner Pat Seymour

Members: Ken Lyell, Paulette Goddard

HEARING at Gisborne District Council Chambers on Monday 27 November 2023 at 10am.

APPEARANCES

Moana Grant

Linda Tatare

OLOGY COLLECTIVE LIMITED - Applicant

To assist

Vincenzo Petrella

Sergeant Isaac Ngatai

Constable Alexa Coleman

District Licensing Inspector – to assist

NZ Police Alcohol Harm Prevention Officer – In Opposition

NZ Police Alcohol Harm Prevention Officer - In Opposition

RESERVED DECISION OF THE GISBORNE DISTRICT LICENSING COMMITTEE

INTRODUCTION

1. This application is for a second Temporary Authority and was received at the Gisborne District Council on 02 October 2023 from Ms Moana Maraea Grant (the Applicant) on behalf of Ology Collective Limited.
2. The Applicant is leasing the property situated at 16 Peel Street, Gisborne under Ology Collective Limited and the takeover date was 3 July 2023.
3. The current Temporary Authority (27/TAOFF/13651/2023) was in force until 20 October 2023.
4. The current Temporary Authority (27/TAON/13650/2023) was in force until 20 October 2023.
5. The premise known as Siduri Wine Bar and Deli was trading under On-licence 27/ON/11582/2019, which expired on 14 November 2023 and 27/OFF/12480/2021 which expires on 17 June 2025.

6. The property owners of the building, Jim and Ann Osler, have supplied an email with the application dated 2 October 2023 renewing their support for the Applicant, Moana Maraea Grant, to obtain a liquor licence and operate a wine business from the premises in question.
7. The Applicant seeks the same terms and conditions of On-licence 27/ON/11582/2019:

The current days and hours are:

For consumption inside - Monday to Sunday 10:00am to 2:00am the following day

**For consumption in the outdoor dining area
Monday to Sunday 10:00am to 11:00pm**

8. The hours are within the national default hours of the Act and those of the Gisborne District Local Alcohol Policy.

THE APPLICATION

9. The sole director of Ology Collective Limited is Moana Maraea Grant of Gisborne.
10. The Applicant was reappointed as sole director on 21 August 2023 once the Police opposition for the first Temporary Authority had been withdrawn. The condition of the Police withdrawal was that the Applicant could no longer be a Director of Ology Collective Limited.
11. The Applicant addressed this issue in a letter submitted to the Licensing Authority and available to this hearing.
12. The shareholders of Ology Collective Limited are:

Allocation	Shareholder	No. of shares (of 10)
1	Moana Maraea GRANT	8
2	Renee Treve Maria RAROA	1
3	Stephanie Moana BERRY	1

13. The Applicant indicated that she intends to have the listed duty managers, Crystal Rawiri and Samuel Millton, employed to continue the operation of the business with Moana, Renee, and Stephanie Moana Berry running the day-to-day operations of the business as owner operators.

Manager's Name	Certificate No.	Expiry Date
Crystal Bubby June Naere Rawiri	27/CERT/13354/2023	19 January 2024
Samuel William Jim Millton	27/CERT/11433/2019	5 June 2026

14. A search of the NZ Companies Register and the Licensing Authority showed no records of note.
15. The Licensing Inspector, having regard to the particulars of the application, does not oppose the application. He states there is no reason to consider that Ology Collective Limited are unsuitable to hold an alcohol licence under the Act. However, the Applicant (Moana Grant) and sole director of this company has cast some shadows with her recent behaviour on the matter of her suitability to hold an alcohol licence under the Act, and the NZ Police oppose the granting of the Temporary Authority.

THE APPLICANT'S EVIDENCE

16. The Applicant, Moana Maraea Grant, provided no additional written material but spoke of her intentions for the business of Ology Collective Limited operating from the Siduri Wine Bar and Deli.

17. The Applicant indicated that she proposed to create an online digital and physical hub for creative development and saw the Siduri Wine Bar as a perfect starting point.
18. The Applicant explained that her friends Crystal Rawiri and Renee Raroa had asked if they could step back from the operation of the business and be silent partners.
19. The Applicant explained that although she was asking for the same hours as the previous owner of Siduri had, until 2.00am, she was only opening for the hours that she had managers in place for. That she did not wish to have to come back later and ask for longer opening hours.
20. The Applicant explained that the 'on again' and 'off again' nature of her role as Director of Ology was to appease the Police and that she needed to be named as a director as she wished to borrow money to support the business.

THE REPORTING AGENCIES – POLICE & DISTRICT LICENSING INSPECTOR

Police

21. Sergeant (Sgt) Isaac Ngatai and Constable Alexa Coleman appeared for the Police.
22. Sgt Ngatai in his opening submission opposed the application on the grounds of the sole Director of the Ology Collective, namely Ms Moana Maraea Grant, being unsuitable.
23. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
24. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
25. Section 105(j) requires the Applicant to have appropriate systems, staff and training to comply with the law. Sgt Ngatai in following up the application has determined that one of the named managers is no longer working for Ms Grant and reports that one manager is insufficient for the operation of Siduri.
26. Constable Coleman advised she had received the application for the first Temporary Authority. Constable Coleman presented two Police reports relating to the application.
27. The first report dated 29 June 2023, opposed the application on the grounds of the [REDACTED]. Then the second report dated 12 July 2023, did not oppose the application because the Applicant had removed herself as a Director of Ology Collective Ltd. Constable Coleman then produced a third report dated 10 October 2023 opposing the second temporary application.
28. Sgt Ngatai gave evidence of speaking to the Applicant about [REDACTED] and explaining how this would affect her suitability as a licensee were she to be a Director of Ology Collective Ltd operating out of the premises of Siduri Wine Bar and Deli.
29. The Applicant disputed the relevance of [REDACTED] [REDACTED]. Sgt Ngatai explained at length the implications [REDACTED] [REDACTED], that the Police would expect to see to consider an applicant suitable to be the director of a company holding a licence.
30. Sgt Ngatai referred to exhibit 1 [REDACTED]

31. [REDACTED]
[REDACTED]
[REDACTED].
32. [REDACTED]
[REDACTED].
33. The Applicant has on two occasions removed herself as a director in order to satisfy the reporting agency's concerns about her involvement as a director in the company and then reinstated herself against the advice of the Police.

Inspector

34. The Inspector Vincenzo Petrella appeared 'to assist' the committee. No new evidence was provided but in a report for the hearing the Inspector did not oppose the application.
35. In the report the Inspector noted: "There is no reason to consider Ology Collective Ltd are unsuitable to hold an alcohol licence under the Act. However, the applicant and sole director of this company has cast some shadows with her recent behaviour on the matter of her suitability to hold an alcohol licence under the Act".

CLOSING STATEMENTS

36. Police opposition relates to two matters of concern. First suitability where the Applicant as the sole director of Ology Collective Ltd will have direct control over the day-to-day running of the Siduri Wine Bar and Deli. [REDACTED]
[REDACTED]
37. The second matter of opposition for the Police relates to the lack of certificated managers. While the application lists two certificated managers, in fact only one named duty manager is available for the business, which Police deem to be insufficient. Ms Grant advised the hearing of additional staff she could employ who had manager's certificates, and her mother, but there was no evidence or specific numbers provided.

THE LICENSING COMMITTEE'S DECISION AND REASONS

38. The committee has carefully listened to and considered all evidence relating to the application and the matters raised in opposition, and consideration of the Local Alcohol Policy.
39. The response from the Applicant both to the Police and to questioning from the Committee did not indicate that she was fully aware of the responsibility of being the director of a company where alcohol ON and OFF licences are held over a premise, albeit Temporary Authorities.
40. The Director of a company engaged in the hospitality industry ultimately holds the responsibility for the operation of that company.
41. The Applicant's commitment appears to be to the Ology Collective Ltd and her wish to get that initiative established.

The Committee declines the application of Ology Collective Limited under section 136 of the Sale and Supply of Alcohol Act 2012 for Temporary Authorities (ON and OFF licences) in respect of premises situated at 16 Peel Street and known as the Siduri Wine bar and deli.

Reasons

42. The committee accept the opposition of the Police on the grounds of suitability of the applicant to hold a licence. The repeated incidences of [REDACTED] raise doubts to the Applicant's ability to manage the matters associated with an ON or OFF Licence.

43. The committee also note Police concerns at the lack of detail as to the managers available for the operation of the Wine Bar and Deli.

The Committee draw the applicant's attention to the case law in **GL Osborne LLA ph 2388/95** contained within the evidence of the Police report of Sgt Ngatai.

44. The Committee reminds the Applicant (Ms Moana Grant) that where an application goes to a hearing then providing the necessary details and responses in writing is helpful to the process.

DATED at Gisborne this 7th day of December 2023



Pat Seymour
Commissioner
Gisborne District Licensing Committee

On behalf of DLC Members:

Ken Lyell
Paulette Goddard