



Decision No: QLDC Hearing 0019/17

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **SETTLERS  
LIMITED** pursuant to s.99 of the  
Act for a new on-licence in respect  
of premises situated **21 Ramshaw  
Lane** to be known as “Settlers Bar  
& Restaurant”

**BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE**

Chairman: Mr E W Unwin  
Members: Mr L A Cocks  
Mr J M Mann

**HEARING** at Queenstown on 13<sup>th</sup> September 2017

**APPEARANCES:**

Ms T J Surrey - for the applicant  
Sergeant T Haggart - NZ Police – to assist  
Ms T McGivern – Licensing Inspector – to assist

**ORAL DECISION OF THE QUEENSTOWN LAKES DISTRICT LICENSING  
COMMITTEE**

[1] Before the committee is an application by Settlers Limited (hereafter called the company) for a new on-licence in respect of premises situated in Ramshaw Lane in Arrowtown, near Queenstown. The business is to be known as “Settlers Bar and Restaurant”. The company is a private company and the owner is Mr Jia Qi Song. The application follows the purchase of an existing business which was known as “Jacks Restaurant and Bar”. In its application the company advised that the principal purpose of the business was the sale of food.

[2] Mr Song is aged 31. He came to New Zealand approximately two years ago. He has considerable experience primarily as a chef in the hospitality industry for the past five years having worked in Australia, Belgium and Auckland before coming to Queenstown. According to his brief of evidence he was born in Hong Kong and has European Union Passport.

[3] When Mr Song came to New Zealand in 2015, it is assumed he had a work visa which would have lasted for 12 months. He purchased the current business in November 2016 and has been trading on temporary authorities ever since. The purchase of the restaurant has not been an inexpensive exercise for him and he has invested a considerable amount of capital.

[4] The obtaining of qualified managers to run the business has been described as being challenging for him. There were difficulties raised earlier on about firstly Mr Song's ability to obtain good managers, and secondly whether or not his own position allowed him to obtain a manager's certificate. He filed an application but this was opposed on the grounds of lack of experience.

[5] It was then discovered that the manager who had been originally nominated when the first temporary authority was granted, had left and the third application was put on hold until the position of the latest manager (A Mr Zarlenga) was clarified. Mr Song was required to give an undertaking that if there were no qualified manager's available, no alcohol would be sold. Further that if the current certificated manager was not available, then once again the bar would be closed.

[6] In December of last year, Mr Song applied for what we understand was an entrepreneurial work visa for which Immigration New Zealand is yet to give a decision. According to a document disclosed by Mr Song he is currently on an interim visa which was granted in April of this year. He is entitled to stay in the country and until a decision is made on his work visa.

[7] These were the preliminary difficulties that were faced by the reporting agencies as well as by Mr Song. They are the primary reasons why the matter was called before the committee for a public hearing. It was to bring some finality to the ongoing problems. Since then there has been a great deal of activity including the employment of Counsel by Mr Song. This has been of great value in bringing the application to a successful conclusion.

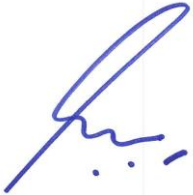
[8] The evidence now before us is that the company employs no less than six or seven people. There is not only a person employed who has a current manager's certificate, but there is a second person who has been appointed as a Temporary Manager.

[9] Ms Surrey made a preliminary application for a ruling the part of the Inspector's evidence which related to Mr Song's dealings with Immigration New Zealand (and which had been supplied by Immigration New Zealand) be ruled as inadmissible on the grounds that it was (a) hearsay and in breach of the Evidence Act 2006, and (b) in breach of the Privacy Act 1993. We took the view that no such ruling was necessary as we had decided to grant the application. We also indicated that under s.207 of the Act we would have allowed the evidence if it assisted us to deal effectually with the application. At any event we made an order under s.203 (5) of the Act prohibiting the publication of the information received from Immigration New Zealand that had not been acknowledged or accepted by Mr Song.

[10] All other requirements set out under than Act have complied with in terms of suitability, the object of the Act, host responsibility, the days and hours of operation and the design and layout of the premises. There are no other outstanding matters

and the premises are compliant under the Fire Service Act. Although the Medical Officer of Health raised some issues early on in June all matters have been attended to and the opposition has been withdrawn. There are no other issues or concerns and we have no hesitation in granting the licence.

DATED at QUEENSTOWN this 18<sup>th</sup> day of September 2017



Mr E W Unwin  
Chairperson

