



Open Agenda

District Licensing Committee meeting

I hereby give notice that a District Licensing Committee meeting will be held on:

Date: Thursday, 16 June 2022

Friday, 17 June 2022

Time: 9:30am

Location: Tauranga City Council
306 Cameron Road
Ground Floor, Room 1 & 1b

Business: For the District Licensing Committee to consider an application by **Hide Bar Limited** for an **On Licence** in respect of premises at **147B Maunganui Road, Mount Maunganui** to be known as **Hide Thirst and Hunger**.

For the purposes of this hearing the Committee will be made up of the following:

Commissioner: Murray Clearwater

Committee members: Mary Dillon
David Stewart

Marty Grenfell
Chief Executive

Terms of reference – District Licensing Committee(s)

Common responsibilities and delegations

The following common responsibilities and delegations apply to all standing committees.

Responsibilities of standing committees

- Establish priorities and guidance on programmes relevant to the Role and Scope of the committee.
- Provide guidance to staff on the development of investment options to inform the Long Term Plan and Annual Plans.
- Report to Council on matters of strategic importance.
- Recommend to Council investment priorities and lead Council considerations of relevant strategic and high significance decisions.
- Provide guidance to staff on levels of service relevant to the role and scope of the committee.
- Establish and participate in relevant task forces and working groups.
- Engage in dialogue with strategic partners, such as Smart Growth partners, to ensure alignment of objectives and implementation of agreed actions.
- Confirmation of committee minutes.

Delegations to standing committees

- To make recommendations to Council outside of the delegated responsibility as agreed by Council relevant to the role and scope of the Committee.
- To make all decisions necessary to fulfil the role and scope of the Committee subject to the delegations/limitations imposed.
- To develop and consider, receive submissions on and adopt strategies, policies and plans relevant to the role and scope of the committee, except where these may only be legally adopted by Council.
- To consider, consult on, hear and make determinations on relevant strategies, policies and bylaws (including adoption of drafts), making recommendations to Council on adoption, rescinding and modification, where these must be legally adopted by Council,
- To approve relevant submissions to central government, its agencies and other bodies beyond any specific delegation to any particular committee.
- To appoint a non-voting Tangata Whenua representative to the Committee.
- Engage external parties as required.

Terms of reference – District Licensing Committee(s)

Membership

Commissioners	DLC 1 – Commissioner: Murray Clearwater DLC 2 – Commissioner: Mary Dillon DLC 3 – Commissioner: David Stewart DLC 4 – Commissioner: Beverley Edlin
Members	Murray Clearwater (Commissioner) Mary Dillon (Commissioner) David Stewart (Commissioner) Beverley Edlin (Commissioner)
Quorum	Commissioner plus two members (for a Hearing) Commissioner (where no objection to an application has been filed and no matters of opposition raised in respect of an application for a licence or manager's certificate or renewal of a licence or a manager's certificate).

Role

- To consider applications and matters as set out in the Sale and Supply of Alcohol Act 2012.

Scope

- Hear and/or determine matters of a quasi-judicial nature in accordance with the Sale and Supply of Alcohol Act 2012.
- Undertake all functions, duties and obligations as set out in the Sale and Supply of Alcohol Act 2012 relevant to the District Licensing Committee.

Power to Act

- Conduct hearings and make decisions on behalf of the Council in a quasi-judicial manner pursuant to the Sale and Supply of Alcohol Act 2012.
- Exercise the powers of a Commission of Inquiry under the Commissions of Inquiry Act 1908.
- All responsibilities, duties and powers of a District Licensing Committee conferred by the Sale and Supply of Alcohol Act 2012.

***NB:** The Council will appoint and maintain a sufficient pool of members on the District Licensing Committee Members List to enable applications relating to alcohol licensing under the Sale and Supply of Alcohol Act 2012 to be heard within the statutory timeframes wherever possible. This may include running three District Licensing Committees concurrently.*

The following papers are provided in relation to a **RENEWAL ON LICENCE** application by **HIDE BAR LIMITED** for premises situated at **147B MAUNGANUI ROAD, MOUNT MAUNGANUI** to trade as **HIDE THIRST & HUNGER**.

	Pages
Application	1 - 18
Report by Licensing Inspector	19 - 30
Report by NZ Police	31 – 32
Report by Medical Officer of Health	33
Report by Fire and Emergency	34
Minutes of Tauranga DLC	35 - 36
Objections List	37
1) Steve Bell	38 - 39
2) Julene Foster	40 - 41
3) Richard Leach	42 – 43
4) Jill & Dane Chalmers	44 - 46
5) Isabel & Graeme Goodall	47 - 48
6) Bruce & Nancy Anniss	49 - 50
7) Alan & Angela Grace	51 – 52
7b) Alan & Angela Grace	53
8) Michelle & Shane Stent	54 - 55
9) Bruce Gardner	56 - 57
10) Colleen & Michael Taranaki	58 - 59
Submission – Alcohol Inspector	60 - 61
Brief of Evidence – Alcohol Inspector	62 - 84

Checklist for renewal of on-licence

SECTION 100 AND 127(2) OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012



Please include this checklist with your application for renewal of an existing on-licence.

To complete this application, you will need to answer all the questions, supply all requested documentation and pay the prescribed fee. This application must be lodged at least **20 working days** before the licence expires. Failure to do so may result in the application being refused.

A. WHAT TO INCLUDE (PLEASE TICK):

- | | |
|--|--|
| <input checked="" type="checkbox"/> A completed and signed application form | <input checked="" type="checkbox"/> A photo of the principal entrance |
| <input checked="" type="checkbox"/> A copy of the menu | <input checked="" type="checkbox"/> A copy of your host responsibility policy |
| <input checked="" type="checkbox"/> A copy of the Certificate of Incorporation
(if applying in a company name) | <input checked="" type="checkbox"/> A copy of your existing on-licence |
| <input checked="" type="checkbox"/> A copy of the floor plans of the premises or the
conveyance highlighting restricted or supervised areas
and the principal entrance | <input type="checkbox"/> A letter of authorisation for the consultant
(if you use an alcohol licensing consultant). |

B. PAYMENT:

Your application must be accompanied by a fee. This is not refundable or transferable.

Use the Fee Assessment table overleaf to calculate your risk rating and application fee. A fee calculator is provided at tauranga.govt.nz/alcohol to assist you in the process.

Risk Category (based on Weighting)	Renewal Fee (including GST)	Annual Fee (including GST)	Total Fee (including GST)
<input type="checkbox"/> Very low (0-2)	\$368.00	\$161.00	\$529.00
<input type="checkbox"/> Low (3-5)	\$609.50	\$391.00	\$1,000.50
<input checked="" type="checkbox"/> Medium (6-15)	\$816.50	\$632.50	\$1,449.00
<input type="checkbox"/> High (16-25)	\$1,023.50	\$1,035.00	\$2,058.50
<input type="checkbox"/> Very high (26 plus)	\$1,207.50	\$1,437.50	\$2,645.00

Please ensure you have accurately assessed your fee. Incorrect applications need to be resubmitted, which may incur additional fees. Your application will not be processed until payment is received.

If you need help completing this form, contact Alcohol Licensing on **07 577 7000** for advice or visit tauranga.govt.nz/alcohol for more information.

C. PAYMENTS MAY BE MADE:

Electronically to: ANZ Tauranga

Account Number: 06 0433 021 3474 00

Reference: Alcohol Form 10

Code: Applicant Name

In Person:

At Tauranga City Council, 91 Willow Street, Tauranga

Or posted to:

Tauranga City Council, Private Bag 12022, Tauranga 3143

D. FEE ASSESSMENT:

Application fee

Will you be retaining the same hours and conditions as your current licence? Please tick:

- Yes Tick the appropriate box on page 1 (payment section) that relates to the information from your renewal notice.
- No Go to the next section to assess the fee payable with your application.

Enter your points for:

P Your type of on-licence premises

15 Weighting

Type of on-licensed premises	Weighting points
Class 1 restaurant, night club, tavern, adult premises	15
Class 2 restaurant, hotel function centre	10
Class 3 restaurant, other premises not otherwise specified	5
BYO restaurants, theatres, cinemas, winery cellar doors	2

Classes	Weighting points
Class 1 restaurant	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 restaurant	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 restaurant	Restaurants that only serve alcohol to the table and do not have a separate bar area.

H Your latest trading name

0 Weighting

Type of premises	Latest trading time allowed by licence	Weighting points
Class 1 restaurant, night club, tavern, adult premises	2am or earlier	0
	Between 2.01am and 3am	3

E Your number of enforcement holdings in the last 18 months
If you are a new applicant this will be zero

0 Weighting

Number of enforcement holdings in last 18 months	Weighting points
None	0
1	10
2 or more	20

P + **H** + **E** = Your cost/risk category. Type of premises + latest trading time + number of enforcement holdings (add boxes P+H+E)

15 + **0** + **0** = **15** Total risk category

Turn the form over to page 1 (payment section) and tick the box that matched your cost/risk category weighting you have calculated.

E. ADVERTISING YOUR PUBLIC NOTICES (TICK ONE OPTION)

Advertise through the Tauranga City Council Website.
 (Tauranga City Council will arrange the public notification on your behalf)

Yes \$159.00 (GST inclusive)

I will arrange my own Advertising with either The Bay of Plenty Times or The Weekend Sun.

Yes (I will arrange for payment to be made to either the BOP Times or The Weekend Sun).
 Please note Tauranga City Council will send you the draft notices once your application is processed.

F. PUBLIC HEALTH QUESTIONNAIRE

The Medical Officer of Health must inquire into your alcohol application. To assist these enquiries please ensure that the Toi Te Ora Public Health Service questionnaire is completed. Go to tophs.govt.nz/alcohol_hospitality and follow the instructions.

G. TOTAL AMOUNT PAYABLE:

Total points		Amount payable
Application Fee (based on your Risk Category)		\$
Annual Fee (based on your Risk Category)		\$
Advertising with Tauranga City Council (optional)	<input type="checkbox"/> \$159	\$
Total Amount		\$

H. PAYMENTS MAY BE MADE:

Electronically to: ANZ Tauranga

Account Number: 06 0433 0213474 00
Reference: Alcohol Form 10
Code: Applicant Name

In Person:

At Tauranga City Council, 91 Willow Street, Tauranga

Or posted to:

Tauranga City Council, Private Bag 12022, Tauranga 3143

All fees are payable at the time of submitting your application.
 (for office use)

LIQL

Application..... 26481 Premises No..... 4145

23/04/2021 - completed Date received (date stamp) Receipt..... Contact ID..... 533323

**Application for Renewal of On-Licence
(for premises or conveyance)**

SECTION 100 AND 127(2) SALE AND SUPPLY OF ALCOHOL ACT 2012



**To the Secretary
District Licensing Committee Tauranga**

Application for renewal of on-licence is made in accordance with the details set out below:

Premises name: HIDE THIRST AND HUNGER HIDE THIRST AND HUNGER

Licence number: 21/ON/24669/2020 21/ON/24669/2020

Expiry date: 6/5/21 6/5/21

1. APPLICANT/ENTITY DETAILS

Full legal name on licence: HIDE BAR LTD HIDE BAR LTD

Address: 147B MAUNGANUI ROAD, MOUNT MAUNGANUI
147B MAUNGANUI ROAD, MOUNT MAUNGANUI

Postcode: 3116 3116 Email address: [REDACTED]

Occupation (if individual): _____ Sex (if individual): Male Female

Date of birth (if individual): MATTHEW HAYWARD Place of birth (if individual): _____

Daytime contact name: MATHEW HAYWARD Telephone number: _____

Mobile number: [REDACTED] [REDACTED] Preferred method of contact: _____

Status of applicant(s) (tick appropriate box):

- | | |
|---|--|
| <input type="checkbox"/> Natural person | <input checked="" type="checkbox"/> Private company |
| <input checked="" type="checkbox"/> Partnership | <input type="checkbox"/> Local authority |
| <input type="checkbox"/> Public company | <input type="checkbox"/> Licensing trust |
| <input type="checkbox"/> Trustee | <input type="checkbox"/> Government department or other instrument of the Crown |
| <input type="checkbox"/> Board, organisation or other body to which section 28 (1) (c) of the Act applies | <input type="checkbox"/> Body corporate to which section 28 (1) (b) of the Act applies |



Has the applicant been convicted of any offence (since issue of previous licence)?:

Yes No

If yes, what are the details of each offence?

Nature of offence:

21/CERT/24866/2019 EXP 8/11/22
 21/CERT/25887/2020 EXP 12/9/23
 21/CERT/25847/2020 EXP 29/10/21
 21/CERT/22999/2018 EXP 7/8/21

2. MANAGER DETAILS

Full name of manager(s)	Date of Birth	Certificate number(s) and expiry date(s)
DAYNA COMESKEY DAYNA COMESKEY	[REDACTED]	21/CERT/24866/2019 EXP 8/11/22
JASMINE MAGEE JASMINE MAGEE	[REDACTED]	21/CERT/25837/2020 EXP 12/9/23
ROBYN FRYER ROBYN FRYER	[REDACTED]	21/CERT/25847/2020 EXP 29/10/21
MATTHEW HAYWARD MATTHEW HAYWARD	[REDACTED]	
MATTHEW HAYWARD	[REDACTED]	58/CERT/1213/2020 EXP 30/4/21
	[REDACTED]	21/CERT/22999/2018 07/8/21

3. PREMISES DETAILS (to be completed where the licence applies to any premises)

Address of licenced premises: 147B MAUNGANUI ROAD, MOUNT MAUNGANUI

147B MAUNGANUI ROAD, MOUNT MAUNGANUI

Trading name for premises: HIDE THIRST AND HUNGER HIDE THIRST AND HUNGER

What part (if any) of the premises does the applicant intend should be designated as:

A restricted area: A supervised area: ALL ALL

Do you own the proposed licensed premises? Yes No

If no: Please advise if there is a designation change/variation

(i) Full name of the owner: JANINE HICKSON JANINE HICKSON

Full address of the owner: 45 NEWPORT TERRACE, WELLINGTON 45 NEWPORT TERRACE, WELLINGTON

(ii) What form of tenure of the premises will you have? LEASE LEASE

What term of tenure will you have? 3 YEARS - 1/4/23 + TWO RENEWALS

3 YEAR, 1/4/23 + TWO RENEWALS

Advised by applicant: We would like to remain undesignated as we are a restaurant but would be happy to change to supervised from 10pm if recommended.

4. CONVEYANCE DETAILS (to be completed where the licence applies to any conveyance, e.g. bus, train etc.)

Type of conveyance:

Address of home base (if any):

Address of home base (if any):

Registration number (if any):

5. BUSINESS DETAILS

What is the general nature of the business conducted by the applicant in the premises/conveyance? (For example, for premises: hotel, tavern, restaurant, entertainment/nightclub, function centre. For conveyance: transportation of passengers by ship, aircraft, rail or coach)?

RESTAURANT RESTAURANT **Please specify type of premises - Class of Restaurant or Tavern ?**

advised by applicant: we are applying for a class 1 restaurant license

Sticky .. 23/06/2022 8:35:0..

Currently a class2 as per DLC ruling, wants to revert back to class 1. MF

Is the sale of alcohol intended to be the principal purpose of the business?

Yes No

If no, what is intended to be the principal purpose of the business?

DINNING / CASUAL DRINKING
DINNING/CASUAL DRINKING

Is the applicant engaged, or intending to be engaged, in the sale or supply of any goods other than alcohol and food, or in the provision of any services other than those directly related to the sale or supply of alcohol and food?

Yes No

If yes, what is the nature of those other goods or services?



In the case of a BYO-only restaurant, does the applicant wish to have the licence endorsed under section 37 of the Act?

Yes No

In the case of a caterer's endorsement, does the applicant wish to have the licence endorsed under section 38 of the Act?

Yes No

Does the applicant seek a change to any conditions on their current licence?

Yes No

If yes, what changes are requested?

Please advise what changes are requested i.e hours, class of licence:
 as advised by applicant:
 Variation to hours – Monday to Sunday 09.00 am to 12.00 midnight is a change to the current hours licensed; - **Correct**
 we are applying for a class 1 restaurant license

On which days and during which hours does the applicant intend to sell alcohol under the licence?

Days	Hours
MONDAY - SUNDAY	9AM - 12AM
MONDAY - SUNDAY	9AM - 12AM

6. CONDITIONS (please answer each question thoroughly)

a) What provisions does the applicant intend to make for the sale and supply of?

Food: SEE ATTACHED MENU
~~SEE ATTACHED MENU~~
SEE ATTACHED MENU

Non-alcoholic refreshments:
 WATER STILL/SPARKLING, SODAS, JUICES, KOMBUCHA, MOCKTAILS, HEINEKEN ZERO
 WATER STILL/SPARKLING, SODAS, JUICE, KOMBUCHA, MOCKTAILS, HEINEKEN ZERO

Low-alcoholic beverages:
 LOW ALCOHOL BEERS & CIDER
LOW ALCOHOL BEERS & CIDER

