



PAPAIOEA
PALMERSTON
NORTH
CITY

PALMERSTON NORTH CITY COUNCIL

AGENDA

DISTRICT LICENSING COMMITTEE HEARING

9.00AM, FRIDAY 5 NOVEMBER 2021

CONFERENCE & FUNCTION CENTRE
354 MAIN STREET, PALMERSTON NORTH

MEMBERS

Susan Baty (Chairperson)
Aleisha Rutherford
Rod Titcombe

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

pncc.govt.nz | Civic Administration Building, 32 The Square
City Library | Ashhurst Community Library | Linton Library

Heather Shotter

Chief Executive | PALMERSTON NORTH CITY COUNCIL

DISTRICT LICENSING COMMITTEE

5 November 2021

ORDER OF BUSINESS

1. Welcome and Introductions

2. Declaration of Conflict of Interest

3. Overview of the Proceedings

(Pages 5-8)

Information concerning procedure for hearing of applications made pursuant to the Sale and Supply of Alcohol Act 2021

4. Hearing of 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

Parties:

i. Applicant

(Pages 9-40)

Golden Dragon Girls Limited for an On Licence. (Attached)

Palmerston North City Council

(Pages 41-46)

Report, dated 26 March 2021, by the Licensing Inspector, Lynne Kroll. (Attached)

ii. MidCentral Health (no opposition)

(Pages 47-49)

Report, dated 30 November 2020, by the Compliance Officer, Chris Hill (for Dr Patrick O'Connor, Medical Officer of Health, Palmerston North Public Health Service). (Attached)

iii. Police (opposition)

(Pages 50-53)

Report, dated 29 April 2021, by the Alcohol Harm Prevention Officer, Sergeant Peter West. (Attached)

(Pages 54-84)

Submissions and supporting documentation, by the Alcohol Harm Prevention Officer, Sergeant Peter West. (Attached)

- i. Any other person given leave by the Chairperson to give evidence
- ii. Right of reply

5. Exclusion of Public

The Committee will reserve the right to make the decision with the public excluded pursuant to section 203(4) of the Sale and Supply of Alcohol Act 2012.

Information concerning procedure for hearing of applications made pursuant to the Sale and Supply of Alcohol Act 2012

This information is to assist persons participating in the hearing of an application made to the District Licensing Committee under the Sale and Supply of Alcohol Act 2012. The hearing is necessary because the application has been opposed or objections have been made to it.

1. Engagement of Counsel

You can present your own case, but if you wish you can engage legal counsel or any other person to appear on your behalf.

2. Public Hearing

All hearings are public, and the media and members of the public are entitled to be present. This also means that any evidence provided during the process, the Minutes of the hearing and the Decision of the Committee will be published on the Council website and remain publicly available.

However, the Committee may hold any part of the hearing in private and has the power to make an order to protect sensitive information.

3. Committee Conducting the Hearing

The hearing will be conducted by the District Licensing Committee of the Palmerston North City Council. The Committee comprises three members and has the power to consider and determine certain applications received under the Sale and Supply of Alcohol Act 2012.

4. Venue for the Hearing

The Hearing will be held at the Conference & Function Centre, 354 Main Street, Palmerston North.

5. Preparation of Evidence

It would assist the Committee if you prepare a written copy of your evidence. It is not necessary to produce copies of the original objection itself or any report made to the Committee, as the Committee will have been previously supplied with these.

If you wish to present written evidence you have two options:

- a) Pre-circulated Evidence

Your evidence could be pre-circulated in accordance with the procedure detailed in the letter giving you notice of the Hearing. Your pre-circulated written evidence

should be read by yourself or by your representative, unless the Committee decides otherwise. You will not be obliged to elaborate any further unless asked to.

a) Tabled Evidence

Alternatively your evidence can be tabled (ie. presented for the first time) at the Hearing. In this event your evidence must be read in full at the Hearing by yourself or by your representative. You should also have ten (10) copies of your evidence available for distribution by the Committee Administrator, to the Committee, other parties, the Council representative(s) and the media.

6. Evidence

The Committee has the power to require evidence given at the hearing to be on Oath or Affirmation, however, there is no obligation for evidence to be sworn. Any evidence given may be oral or in writing. If evidence is in writing it must, unless pre-circulated, be read at the hearing. The statement read out at the hearing should expand on the points made in the written evidence already submitted.

7. Content of Evidence

Parties may augment or elaborate on points they have already raised in the evidence submitted to support their case.

Where it is considered that there is likely to be excessive repetition, the Chairperson may limit the circumstances in which parties having the same interest may speak or present evidence.

When speaking to the Committee make a good, strong presentation. Keep statements simple, make key points clear, speak clearly and slowly enough to be understood, and try not to repeat statements.

8. Cross-Examination

There is a right of cross-examination for parties. The Committee may also question any party concerning their submissions or evidence.

Cross-examination means being asked questions by other parties. All parties with speaking rights at the hearing will have an opportunity to ask questions of any other party giving evidence.

9. Participants

The following persons have the right to appear and be heard at the hearing, personally, or by counsel, and may call, examine, and cross-examine witnesses:

- The Applicant
- The Licensing Inspector, a member of the Police and the Medical Officer of Health - to each of whom a copy of the application has been sent
- Each Objector, if any

As a party to this hearing, you will need to be present for the complete duration of the hearing. If you do not appear in person by counsel, the matter may be heard and determined in your absence.

10. Conduct of the Hearing

At the start of the hearing, the Chairperson will briefly outline the hearing procedure. The following order of appearance will usually apply:

- a) The applicant presents his or her case and calls witnesses in support of the application.
- b) The Licensing Inspector, member of the Police and the Medical Officer of Health, usually in that order, presents their cases and call witnesses in support if they wish.
- c) Objectors, if any, present their case and call witnesses in support of their objections.
- d) Any other person given leave by the Chairperson of the District Licensing Committee to give evidence. That person must satisfy the Licensing Committee that they have an interest in the hearing, apart from any interest in common with the public, or be a member of the Fire Service authorised to undertake fire safety inspections, or be a person authorised by the City Council. See Section 204(2) of the Sale and Supply of Alcohol Act 2012.
- e) The Applicant has a right of reply.

11. Tikanga Maori

You may speak to your submission in Maori if you wish. If you intend to do so, please contact the Committee Administrator within three (3) days of the date you receive the letter notifying you of the hearing. This is to enable arrangements to be made for a certified interpreter to attend the meeting.

12. Visual Aids

If you wish to use a data projector, video, whiteboard, pin-up board or a similar aid, please contact the Committee Administrator no later than two working days before the hearing so that arrangements can be made.

13. Adjournment

The Committee has the power to adjourn the hearing. If at the time of the adjournment no date or time is set for a resumed hearing then the Applicant will be given at least ten (10) working days' notice of the time and date of the resumed hearing.

14. Decision of the Hearing

After the District Licensing Committee has heard the evidence and submissions, it will usually declare the hearing closed and will leave the Council Chamber to consider its decision.

Parties will be advised in writing of the decision and reasons for it as soon as possible after the decision has been made.

15. Appeal Rights

Any party has a right of appeal to the Alcohol Regulatory and Licensing Authority. Such appeal may be against the whole or any part of the decision. The time within which the right of appeal to the Authority must be exercised is ten (10) working days after the date on which notice of the decision was given to that party. That time may be extended if the licensing authority is satisfied that there was reasonable cause for the appellant failing to give notice within the prescribed time.

Because the appeal process is more involved than the initial hearing, it is suggested that parties consult a solicitor if they wish to appeal.

16. Variation of Procedure

The Committee may, at its sole discretion, vary the procedure set out above if the circumstances indicate that some other procedure would be more appropriate. Any change would comply with the requirements of the Sale and Supply of Alcohol Act 2012 and be advised at the hearing.

17. General

Detailed provisions for procedure are contained in Section 203 of the Sale and Supply of Alcohol Act 2012.

You should not endeavour to contact members of the District Licensing Committee. However, members of the Committee or their agent may contact you to arrange an inspection of any premises affected by the application. In this event, do not discuss the case with them.