

**MINUTES OF A MEETING OF THE HEARINGS COMMITTEE, HELD IN THE EDINBURGH ROOM, MUNICIPAL CHAMBERS, ON THURSDAY 13 SEPTEMBER 2007, COMMENCING AT 3.00 PM**

**PRESENT:** Councillors Colin Weatherall (Chairman), Richard Walls and Andrew Noone

**IN ATTENDANCE:** Mr Dave Gibbs (Public Health South), Sergeant Wayne Pitcaithly (NZ Police), Kevin Mechen (Liquor Licensing Coordinator), Tony Mole (Liquor Licensing Inspector), and Jane Hinkley (Governance Support Officer)

**PART A:**

**1 APPLICATION FOR LIQUOR LICENCE BY MAINLAND HOSPITALITY LIMITED (ALIBI)**

The Committee considered an application under the Sale of Liquor Act 1989 from Mainland Hospitality Limited for a new licence for the premises known as 'Alibi' situated at 26 The Octagon, Dunedin (previously the Tip Top Dairy). The Applicant stated that the business to be carried out was that of a restaurant and sought a licence to trade "at any time on any day".

The Applicant was represented by Mr Richard McLeod (Cook Brothers, and partner in both Mainland Hospitality Limited (Alibi) and Velvet Burger Octagon Dunedin Limited) and Paul Marshall (General Manager of Alibi).

***Presentation of the Liquor Licensing Coordinator's Memorandum***

The Liquor Licensing Coordinator (Kevin Mechen) provided an overview of his memorandum and the background to the application. He explained that although this was a new application for a new premises, the Applicant had extensive previous experience in the industry as owners of the Captain Cook Tavern.

Mr Mechen noted that the application for a licence for a Restaurant, who's sole purpose was for dining, was unrealistic for the location and premises. He believed that a tavern style licence would allow the Applicant to serve casual drinkers at the premises. He advised that the premises would still be able to trade on the three and a half sacrosanct days so long as customers were on the premises for the purposes of dining.

The Committee asked whether they had the power to change the nature of the licence applied for, and whether any other party would be disadvantaged by making a change. Mr Mechen advised that it was within the Committee's authority to decide on trading days and hours and whether the Applicant could trade on the sacrosanct days.

In response to a question, Mr Mechen advised that other taverns in the Octagon made arrangements to have tables outside their premises where customers could eat and drink, under agreement with the DLA and Dunedin City Council, therefore the Applicant could do the same.

***The Applicant's Presentation***

Mr Richard McLeod and Mr Paul Marshall then spoke to their application and provided a powerpoint presentation.

They tabled and spoke to evidence regarding their staff induction programme and Maitre D' staff training programme.

Mr McLeod gave an overview of Alibi and explained both his and Mr Marshall's experience in the industry.

He explained that Alibi was to be a Star Draught concept bar for DB in Dunedin, and would be the only outlet in Dunedin with Heineken on tap. He noted that the premises would be 'all day and all night' and expected that 60% of their income would come from liquor, with 40% to come from food. He advised that he was happy to change the application to seek a licence for a Tavern.

Mr McLeod then outlined their management of intoxicated persons. He advised that this management had been proven at the Captain Cook tavern, which was a much larger premises, and he was confident it would work at Alibi.

Mr McLeod advised that he was applying for a 24 hour licence as Alibi aimed to target professional clientele and he expected they would want to stay on until 3.00 –4.00 am, especially at weekends. He advised that Alibi would be running events in association with Heineken, for example Rugby World Cup semi finals and finals breakfasts.

Mr McLeod then outlined staff induction and training, queue control techniques and methods for controlling intoxication.

Mr Marshall advised that Alibi was not an entertainment venue and was priced above the student market. He commented that should a large crowd gather and queue control was an issue, he would put an experienced security staff member outside to manage the queue.

In response to questions from the Committee regarding queue control management, Mr McLeod noted that a queue would only be maintained at one entry door, which would be staffed. He advised that internal security would be used rather than a contractor, as this ensured that the security staff had been through the induction/training programme. He explained that this approach was taken for all his premises. He further advised that all security and Duty Managers were in radio contact at all times, and Duty Managers worked the floor rather than being stuck behind the bar.

In response to a question regarding use of a courtesy coach, Mr McLeod indicated a willingness to incorporate a coach to be used by both Alibi and Velvet Burger. He advised that the Cook Bus could be resurrected for this purpose.

In response to a question regarding management of drug use in toilets, Mr McLeod advised that staff had a check sheet and the toilets were required to be checked and signed off every 20 minutes. Anyone caught being intoxicated or using drugs there would be escorted from the premises.

In response to a question Mr Marshall advised that the premises' capacity was 190 persons

### ***NZ Police***

Sergeant Pitcaithly indicated that the Police did not have any concerns regarding Alibi, but noted the Police's general ongoing concern about safe transport of patrons out of the central city area. He advised that he was happy with the operation at the Captain Cook Tavern and had worked closely with the Applicant there.

### ***Public Health South***

Mr Gibb advised that he also had no issues with Alibi. He echoed the Police's concern regarding transport for patrons from the Octagon after 2.00 am. He noted the Applicant's willingness to work with the Dunedin Alcohol Partnership.

### ***The Liquor Licensing Coordinator's Comments***

Mr Mechen confirmed with Mr McLeod that he was happy to amend his licence application to that of a tavern.

### ***The Applicant's Response***

Mr McLeod noted that they were bringing on experienced staff who had worked with them at the Captain Cook. Mr Marshall commented that adhering to the rules made running the premises easier and more profitable.

The Committee then adjourned the hearing for Alibi at 3.33 pm and turned to consider the application for Velvet Burger Octagon Dunedin Limited.

## **2 APPLICATION FOR LIQUOR LICENCE BY VELVET BURGER OCTAGON DUNEDIN LIMITED**

The Committee considered an application under the Sale of Liquor Act 1989 from Velvet Burger Octagon Dunedin Limited for a new licence for the premises situated at 11 The Octagon, Dunedin (main entrance at 150 Lower Stuart Street). The Applicant stated that the business to be carried out was that of a restaurant and sought a licence to trade "at any time on any day".

The Applicant was represented by Mr Richard McLeod (Cook Brothers and Partner in Velvet Burger Octagon Dunedin Limited) and Mr George Eason (General Manager)

### ***Presentation of the Liquor Licensing Coordinator's Memorandum***

The Liquor Licensing Coordinator (Kevin Mechen) provided an overview of his memorandum and the background to the application, noting that this premises was quite different to Alibi. He noted that again the Applicant had applied as a restaurant.

Mr Mechen advised that the regulatory authorities had concerns about the deck access to and from Bath Street, which had recently undergone a Crime Prevention assessment. He noted that Bath Street was plagued with petty crime, some more serious crime, disorder, excrement, and tagging, particularly in the void area between Age Concern and the back of Craft Bar.

Mr Mechen advised that the premises was physically split with the Burger bar being at a higher level (off Stuart Street), therefore the premises could have a split designation. This would mean a licence for the bar area only, which would allow people to move through to the burger part at any time while excluding minors. Mr Mechen believed a tavern style licence would again be more useful for the Applicant and would allow the premises to serve casual drinkers. He noted that the premises could be open on the three and a half sacrosanct days for the purposes of selling burgers, but that the bar would need to be closed on those days.

Mr Mechen then answered questions to clarify the operation of the licence.

### ***The Applicant's Presentation***

Mr Richard McLeod and Mr Eason then spoke to their application and provided a powerpoint presentation. They tabled and spoke to evidence regarding their staff induction programme and Maitre D' staff training programme, which was the same as for Alibi.

Mr McLeod noted that Mr Eason had been managing the George Street premises. Mr McLeod advised that he wanted the premises to open at 9.00 am open and remain open until all bars shut. He noted that at the George Street store 95% of their business was food, but he expected that for the Octagon premises the split would be 80% food and 20% liquor.

Mr McLeod advised that the long term plan was to franchise Velvet Burger throughout Australasia, with their point of difference, as a gourmet burger bar, being the addition of a licensed premises. He advised that it was important to offer the consistency of an all day all night operation.

Mr McLeod then tabled a floor plan and outlined strategies to control the rear deck area, namely lighting, a mural, and security. He noted that the deck was at ground level to allow wheelchair access to the premises. He noted that Mr Eason had attended the recent Crime Prevention workshop dedicated to improving crime in the area. Mr Eason then tabled his notes from the workshop.

Mr McLeod advised that they would work with Age Concern to improve the brick wall area, the skip would be removed once construction was finished, and that he was working with Keep Dunedin Beautiful regarding murals to discourage graffiti.

Regarding a security presence, Mr McLeod advised that he planned to have a staff member stationed at the bottom of the stairs to assess levels of intoxication. This would ensure that anyone who was intoxicated did not enter the bar, but could be directed to the burger area. He noted that staff would be able to see out the doors and windows onto the deck at all times.

Mr McLeod and Mr Eason then commented further on transportation strategies and noted that they would be proactive in working with the DLA and other bar owners in the area to look at a long term strategy. He said that he would expect any transport pick up/drop off point for the premises would be on Lower Stuart Street.

In response to questions Mr McLeod noted that the proposed lighting would be significant for the area between Age Concern and Velvet Burger but would not increase the light under the Age Concern building. He still believed that the environment would not be as conducive to loitering.

In response to a question about rubbish management, Mr McLeod noted that Craft and 10 bars used wheelie bins with padlock tops, which were not easy to get into, and that his premises would use the same bins. He noted the good relationship he had with the Lemon Room and Craft and believed that the right of way would be kept tidy.

In response to questions from the Committee, Mr McLeod explained that the Octagon premises was larger than the George Street premises and provided more seating. He wanted to encourage people to buy a burger with their beer and advised that he did not expect the premises to be like a pub. He noted that the foot traffic experienced would be higher than for a standard bar.

Mr Eason advised that the capacity of the premises was 80.

### ***NZ Police***

Sergeant Pitcaithly spoke to his report and advised that his concerns had been addressed by the Applicant.

He discussed Bath Street and the strategies looked at by the Working Party including lighting, brightening up the area with murals and playing classical music. He noted that the music appeared to be working to date and that more people coming and going along the street would deter gatherings.

### ***Public Health South***

Mr Gibb also advised that his concerns had been addressed and further discussed crime prevention strategies. He said that Bath Street would need to continue to be monitored, and noted that the City Safety Officers will patrol there and provide feedback. He noted that as the premises would be the last point of call for patrons before heading home potentially intoxication would be the biggest issue for the premises.

There was discussion about the challenge of providing food for intoxicated people, which was a positive thing but placed intoxicated people on the premises. Mr McLeod noted that the Duty Manager on the floor would control issues, and the separation between upstairs and downstairs enabled staff to prevent intoxicated people from entering the bar area.

Mr McLeod advised that they were hoping to open Velvet Burger for Friday night and asked whether their licence could be granted to allow for that.

The Committee asked whether the applicant would accept a review clause for 3, 6, and 12 months, should the application be granted. Mr McLeod advised that he would agree to such a clause.

### ***The Liquor Licensing Coordinator's Comments***

Mr Mechen again confirmed with the applicant whether a change to a tavern style licence was acceptable.

### ***The Applicant's Response***

Mr McLeod again asked whether the premises would be able to open on Friday night. The Committee advised that they would reserve their decision but were mindful of the timeframe.

Mr Mechen indicated that it was possible to produce a licence in time, subject to final building inspection clearances.

Regarding Alibi, the Applicant noted they planned to open on 29 September 2007.

## **RESOLUTION TO EXCLUDE THE PUBLIC**

It was moved (Weatherall/Walls):

**"That, in accordance with the provisions of Section 107(4) of the Sale of Liquor Act 1989 the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1 (*Application For Liquor Licence: Alibi (Mainland Hospitality Limited)*) and Item 2 (*Application For Liquor Licence: Velvet Burger Octagon Dunedin Limited*)."**

**Motion carried**

The meeting moved into non public at 4.07 pm.

**MINUTES OF THE NON PUBLIC PART OF A MEETING OF THE HEARINGS COMMITTEE, HELD IN THE EDINBURGH ROOM, MUNICIPAL CHAMBERS, ON THURSDAY 13 SEPTEMBER 2007, COMMENCING AT 4.10 pm**

**PRESENT:** Councillors Colin Weatherall (Chairman), Richard Walls and Andrew Noone

**IN ATTENDANCE:** Kevin Mechen (Liquor Licensing Coordinator), Tony Mole (Liquor Licensing Inspector) and Jane Hinkley (Governance Support Officer)

**Deliberations**

The Committee noted that they wanted the Applicant to commit to providing a courtesy coach, but that it was preferable for all owners of premises in the Octagon to provide a common bus service.

Mr Mechen advised that ACC will provide funding to trial a bus service in Dunedin. The Committee noted that they supported any mechanism that ensured patrons got home safely, provided it was a reasonable form of transport.

The Committee noted that the Applicant and their staff had extensive experience in the industry had satisfactorily answered all their concerns. The Committee was pleased with the Applicant's proactive attitude and willingness to work with the Dunedin Alcohol Partnership.

**Decision**

Following discussion it was moved (Walls/Noone):

**"That the application under the Sale of Liquor Act 1989 from Mainland Hospitality Limited for a licence to trade at any time on any day, excluding the three and a half sacrosanct days, be granted subject to 12 month review and conditions as outlined in the Act."**

**Motion carried**

Following discussion it was moved (Walls/Noone):

**"That the application under the Sale of Liquor Act 1989 from Velvet Burger Octagon Dunedin Limited for a licence to trade at any time on any day, excluding the three and a half sacrosanct days, be granted subject to reviews at two, four and twelve months and conditions as outlined in the Act."**

**Motion carried**

The meeting adjourned at 4.20 pm.

The Committee then reconvened at **4.22 pm** in the **Edinburgh Room** to consider an application for a Hotel licence to trade "at any time on any day" from **O'Connells Fitzroy Hotel Limited**, which was tabled by the Liquor Licensing Coordinator (Kevin Mechen).

**PRESENT:** Councillors Colin Weatherall (Chairman), Richard Walls and Andrew Noone

**IN ATTENDANCE:** Kevin Mechen (Liquor Licensing Coordinator), Tony Mole (Liquor Licensing Inspector) and Jane Hinkley (Governance Support Officer)

Mr Mechen advised that the application had been publicly notified according to the Sale of Liquor Act 1989, with no objections received and no issues raised by the regulatory authorities.

The Committee did not see the need to hold a public hearing because, although the premises was located in a residential zone there were no immediate neighbours to the site. The Committee noted that there had been no issues with the premises, and that the new licensee had been trading on a temporary authority and had demonstrated that he was capable of running the premises in the same manner as the previous licensee. They therefore decided to **grant** the application 'on the papers' according to s106 (1) of the Act.

Following discussion it was moved (Walls/Noone):

**"That the application under the Sale of Liquor Act 1989 from O'Connells Fitzroy Hotel Limited for a licence to trade at any time on any day, excluding the three and a half sacrosanct days, be granted subject to 12 month review and conditions as outlined in the Act."**

**Motion carried**

The meeting concluded at 4.30 pm