



Hastings District Council

Civic Administration Building
Lyndon Road East, Hastings 4156
Phone: (06) 871 5000
Fax: (06) 871 5100
www.hastingsdc.govt.nz

Amended

DECISION – ON-LICENCE

**SNobbZ NIGHTCLUB (HAWKE'S BAY) LIMITED
The Cru Bar**

HASTINGS DISTRICT LICENSING COMMITTEE

Hearing Date: Friday, 26 May 2017

Please Note: Amended Decision relates to clarification of Condition (j) which reflected the verbal offer to withdraw the licensed footpath area as shown on the amended attached plan.

AMENDED DECISION NO: HDC/ON/186/2017

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012 (the Act)

AND

IN THE MATTER

of an application by **Snobbz Nightclub (Hawke's Bay) Limited** for an on-licence pursuant to s.100 of the Act in respect of premises situated at **303 Eastbourne Street West, Hastings** known as "The Cru Bar".

BEFORE THE HASTINGS DISTRICT LICENSING COMMITTEE AT A MEETING HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON FRIDAY, 26 MAY 2017 AT 9.00AM

LICENSING COMMITTEE

Chair: Councillor Kerr
Members: Councillor Lyons and Mr D Fellows

Committee Secretary (Mrs C Hunt)

APPEARANCES:

Applicant:

Steven Shane Carey
Tasha Stuck in support of the Applicant
Bronek Hastler (Security) in support of the Applicant

Objectors:

Licensing Inspector Tony Manunui
Police Sergeant Raymond Keith Wylie
Kirsty McMinn-Collard

Witnesses:

Security Manager, Mervyn Dudley
Senior Security Patrol Officer, Blair Adamson

As Required:

Health Protection Officer, Theresa Te Whaiti
Medical Officer of Health, Dr Rachel Eyre

DECISION OF THE HASTINGS DISTRICT LICENSING COMMITTEE

1.0 INTRODUCTION

- 1.1 This was an application by **Snobbz Nightclub (Hawke's Bay) Limited** for an on-licence in respect of premises situated at **303 Eastbourne Street West, Hastings** known as "**The Cru Bar**". The general nature of the business undertaken was that of a tavern.
- 1.2 The application arose from a change of licensee. Previously the partnership of Steven Shane Carey and Cherie Anne Carey had held an on licence 29/ON/059/15 (expiry date 3 October 2018) for the premises, with Mr Carey taking an active role in running the premises.
- 1.3 However that partnership was being dissolved, and Mr Carey applied for an on licence in the name of his own company, **Snobbz Nightclub (Hawke's Bay) Limited**
- 1.4 The application was opposed with three objections from the public, and opposition from the Licensing Inspector because of the effect of the bar on the amenity and good order of the locality.
- 1.5 Reports were originally received from the Police and Medical Officer of Health indicating no objection to the application. However, since then both Police and the Medical Officer of Health had become concerned about the levels of anti-social behaviour that had increased dramatically in recent months, and the effect of this upon the bar's neighbours and the community.

2.0 AT THE HEARING

- 2.1 Mr Steven Shane Carey gave evidence that the original application had sought to licence a large undefined area directly outside the building. This area included the public footpath which was within the Hastings CBD liquor ban.
- 2.2 Evidence given by Sergeant Raymond Wylie, the Liquor Licensing Harm Prevention Sergeant indicated that he had met with the Applicant in regard to the large area he sought to licence. The Applicant agreed at that meeting that an amendment would be made to the application to define a smaller area outside the premises.
- 2.3 The Applicant stated that in order to address the concerns of the Police, Licensing Inspector and objectors the outside area would not be utilised by customers until a solution to the current problems could be addressed. Removal of the use of the outside area would begin at 7.00pm each day.
- 2.4 Objections had been received from Te Rangihaeta Oranga Trust, 210 Lyndon Road West, Hastings, Alison McMinn of 404 Lyndon Road West, Hastings and Kirsty McMinn-Collard of 302 Lyndon Road West, Hastings.
- 2.5 A letter was included in the evidence from the Te Rangihaeta Oranga Trust withdrawing their objection.

2.6 **Kirsty McMinn-Collard's** gave evidence that her objection was based on the amenity and good order of the locality, and the days and hours proposed for the sale of alcohol. She described the anti-social behavior of bar patrons, and problems of noise and bottles, all of which was having a major impact on her previously quiet neighbourhood. She sought the imposition of restrictions on the Cru Bar licence.

3.0 CONSIDERATION

3.1 We consider that the applicants' variation of the licensed area is a change of condition and that the requirements of s.102(4), do not therefore apply. Furthermore, the initial police report offering no objection but later, and out of time, was changed, does not prevent us, pursuant to s204(3), from hearing their evidence

The Applicant

1. The DLC acknowledge Mr. Carey is working closely with the Licensing Inspector and Police and has made changes to reduce the disorder outside of his bar
2. It is of real concern to the committee that the violence, anti-social behaviour, and people loitering and drinking in the area near the bar had increased to such a level as shown on the video evidence.
3. We note the changes the applicant has subsequently made and the recent improvement in crowd behaviour and the reduction in antisocial issues.
4. The applicant is experienced and acknowledged by the Licensing Inspector as a person suitable to operate this licensed premise.
5. On balance the DLC accept that Mr Carey is a suitable person to operate these premises

The Premises

6. The current license includes an outside area for smokers to enjoy a drink while smoking. At the hearing Mr Carey agreed to remove this part from the application.
7. The committee is concerned at the possible 'migration' of patrons between licensed premises. The regular flow of people in and out of the premises is also seen as a risk that the applicant will need to manage carefully.

The Recent Improvements Made By The Applicant

8. In-conjunction with the Licensing Inspector and Police the applicant has in the last few weeks implemented the following
 - a. Removal of outside area from 7.00pm
 - b. One way door policy – at Mr Carey's discretion
 - c. Early closure from 1.00am
 - d. Stricter standard of dress code implemented

9. These changes have had a positive difference. Much weight was put on the outside smoking area possibly fueling the anti-social behaviour. The withdrawal of this area is a conscious decision for the applicant to improve the situation.
10. The Licensing Inspector notes an improvement due to both earlier closing time and the one-way door policy
11. Hastings District Council, Security Manager, Mr Mervyn Dudley and Senior Security Patrol Officer, Mr Blair Adamson both noticed a reduction in people on the street, and had fewer issues since the bar started shutting at 1.00am.
12. The Police supported these changes but would prefer a formal one-way door policy to prevent some patrons moving to and from the bar to consume alcohol elsewhere
13. The applicant agreed his temporary changes of one-way door policy and earlier closing time, along with no licensed outside area had improved the situation.
14. The unsocial activities were reported as being, whilst bad, only slightly worse than previous times, and only over the last few months. Therefore the amenity and good order of the area is only slightly reduced, and should be improved with the applicants proposals
15. The evidence from the Closed Circuit Television (CCTV) cameras could prove damning but from the evidence produced the committee could not link the applicant or the bar to the cause of intoxication or violence outside the premises.

4.0 DECISION

- 4.1 **The Committee has considered the matters to which it is to have regard under section 105 of the Act and is satisfied that these are met. Accordingly the applicant is hereby granted an on-licence in respect of the premises known as The Cru Bar for a period of one year.**

5.0 CONDITIONS

- 5.1 **This licence is subject to the following conditions:**

- a. **No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day to any person who is not-**
 - (i) **residing or lodging on the premises; or**
 - (ii) **present on premises to dine.**
- b. **Alcohol may be sold only on the following days and during the following hours:**

Monday to Sunday 8.00am to 3.00am the following day
One-way door policy from 1am on all days the premises are open

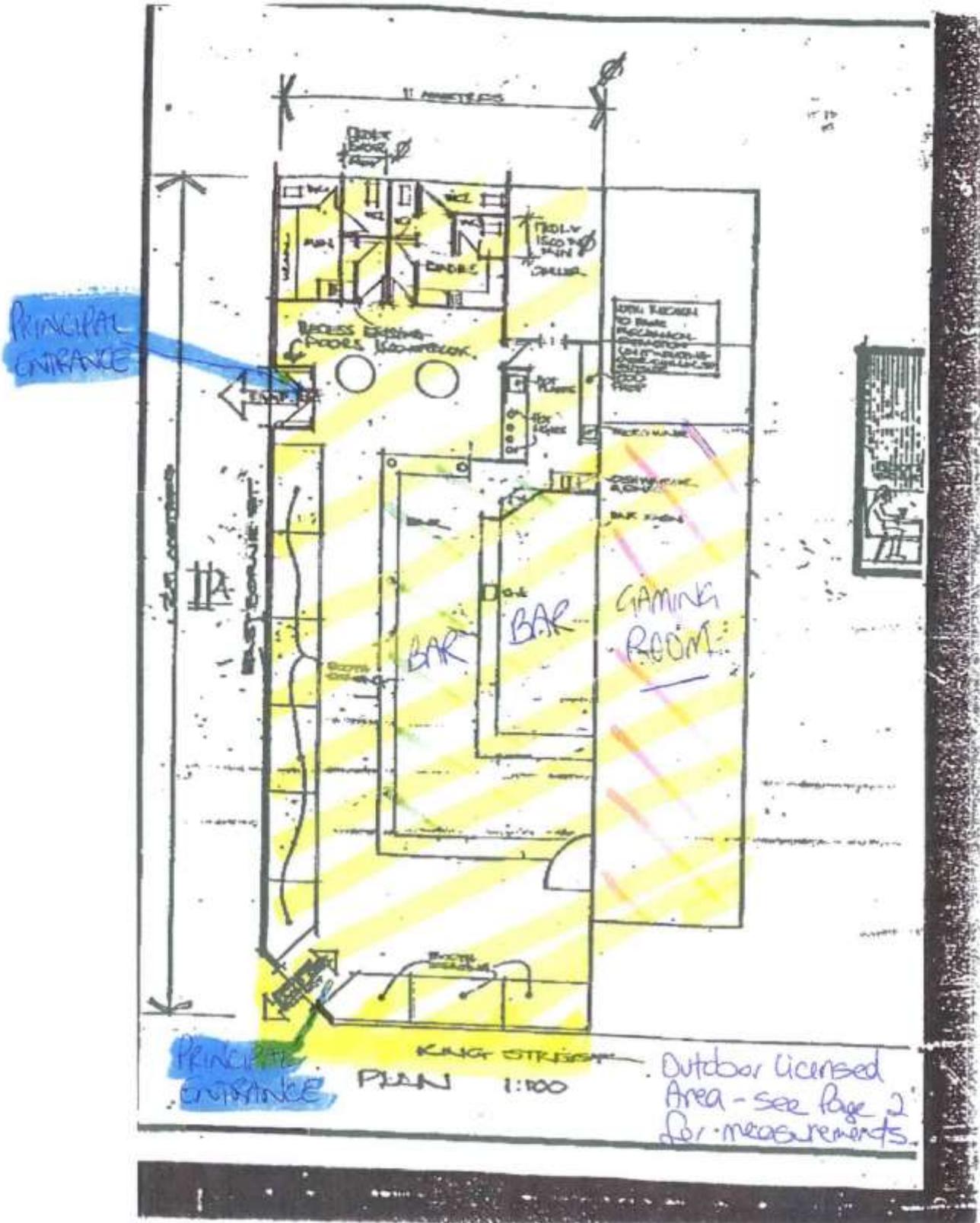
- c. **The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.**
- d. **The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.**
- e. **Drinking water is to be freely available and free of charge to customers at the following location while the premises are open for business: On the tables and at the bar.**
- f. **The host responsibility policy including the new Conditions of Entry supplied with the application is to be fully complied with.**
- g. **Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible and food should be actively promoted.**
- h. **The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low alcoholic beverages.**
- i. **The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from licensed premises.**
- j. **The licensed premises are described in an amended plan dated 13 April 2017 (Doc. Ref: CG-14-5-00021), which was further amended as a result of verbal evidence presented to the Hastings District Licensing Committee during the hearing on 26 May 2017 at which time the Applicant offered to withdraw the application in regard to the licensed footpath area at the front of the premises.**

DATED at Hastings this 21st day of June 2017



**CHAIRMAN
HASTINGS DISTRICT LICENSING COMMITTEE**

AMENDED PROPOSED FLOOR PLAN FOR LIQUOR LICENCE APPLICATION.
 The CW Bar, Hastings.



Licensed Area
 Bar Area

Restricted Area

RECEIVED
 13 APR 2017
 BY: *[Signature]*