

<b>Sale and Supply of Alcohol Act 2012</b>
<b>Inspectors Report</b>

File Reference: 13280/2022

**INSPECTOR:** Jo Gradwell  
**DATE:** 9 January 2023

<b>Application Type:</b>	<b>ON Licence</b>
<b>Section of Act:</b>	Section 100, Sale and Supply of Alcohol Act 2012
<b>Date of Application:</b>	25 October 2022
<b>Applicant:</b>	BM VENTURES LIMITED
<b>Address:</b>	33 Gladstone Road, Gisborne
<b>Premises Trading Name:</b>	Anjuna Beer Garden
<b>Principal Purpose:</b>	Restaurant and Bar

**PREMISES DESCRIPTION AND BACKGROUND:**

1. BM VENTURES LIMITED has made application to the Gisborne District Licensing Committee for an On-licence under Section 100 of the Sale and Supply of Alcohol Act 2012 (the Act), to sell and supply alcohol for consumption on the premises, situated at 33 Gladstone Road, Gisborne, and known as ANJUNA BEER GARDEN (appendix 1).
2. The proposed premises operated as a licensed bar and eatery from 1998 after Resource Consent PD97087 was granted and an on-licence was issued for Scotty's Bar and Grill.
3. The premises changed hands a number of times in the ensuing years and ceased operation in 2018 when it had been operating as the Ace of Clubs and the on-licence was surrendered.
4. The applicant leases the building of the proposed premise from Chrisp David Number Two Limited. In a letter dated 14 October 2022 (appendix 2) the property owner has consented to a liquor licence being issued to BM Ventures Limited for the premise.
5. On 21 November 2022, the licensing agency received a response (appendix 3) from Gisborne District Council Building Team for the applicants Alcohol Premise Compliance Certificate (APCC) under section 100(f) and 143(b) of the Act. It stated the building of the proposed premises was due for earthquake

strengthening in 2018 with no request for extension or work program received, and that the premise was not to be occupied until this occurred.

6. On receipt of this report, the inspector ceased working on the file and it was put on hold until the applicant received approval, which was received on 19 December 2022.
7. In terms of the fee category the licensed premises has been assessed as a Restaurant Class 1 and has been assigned a medium fee category which means the applicant has paid \$816.50 for the application fee and will be charged an annual fee of \$632.50 on issue of the licence.

#### **LOCATION OF PREMISES:**

8. The proposed premises are situated on land zoned Inner Commercial under the operative Tairāwhiti Resource Management Plan (the Plan). Please see figure 1 for a location map.
9. The premises are accessed from the footpath on Gladstone Road which is the main road through the city and joins State Highway 35 - 60 metres further along the road heading north to coastal regions.
10. The premises are located in the central business district of Gisborne city in a prominent area. It is adjacent to commercial businesses including the Emerald Hotel, and a school, the Police station is across the road with a small number of retail businesses.
11. The surrounding locality includes land zoned as Fringe Commercial, Amenity Reserve, Amenity Commercial, and Heritage Reserve, across the river along State Highway 35 is the port and land zoned Inner City Residential and General Residential.
12. Neighbouring activities and uses within the immediate vicinity include commercial and retail businesses, the Police station, and District Court building. In the wider vicinity there are further commercial and retail businesses, residential dwellings, public / community buildings the District Council building and public library.
13. The premises is located in the permanent Gisborne city alcohol ban area.

Figure 1. Location Map



14. A site visit of the premises was performed by the Licensing Inspector and the NZ Police Alcohol Harm Officers on 3 November 2022.
15. The premise was still undergoing extensive refurbishment by the applicant.
16. Matters discussed with Benjymin McCann included the Gisborne Local Alcohol Policy section 3.1.1.

*3.1.1 No new licence of any type, except for restaurants or cafes and Special Licences, to be granted for locations within 150 metres of sensitive sites existing at the time of the application for a licence. This clause will not apply to an application for a new licence made because of a change of ownership of the premises, provided the licence type and scope of the new licence are the same as the existing licence for the premises.*

17. Mr. McCann was unaware a school was located at 39 Gladstone Road, the entry to the school is approximately 35m from the entrance to the proposed licensed premise.
18. The applicant advised that he did not want the premises to be restricted as being only a restaurant.
19. The applicant also advised the pizzas on the menu would be delivered from the business next door known as Neptune's Pizzeria which is operated by Mr. McCann's sister. The kitchen facilities within the proposed premise would only be used to make bar food outside of the Pizzeria's operating hours.
20. NZ Police and I as licensing inspector, voiced concerns with the applicant regarding the application he submitted as it appears he would like to operate as a bar during after work hours and on weekends.

## **PLANNING AND BUILDING MATTERS:**

21. Pursuant to Section 100(d) of the Act, an application for a licence if it relates to any premises, must be accompanied by a statement by the applicant (appendix 4) that the owner of the building in which the premises are situated provides and maintains an evacuation scheme as required by section 76 of the Fire and Emergency New Zealand Act 2017 (please see 108 for further information).
22. Pursuant to Section 100(f) of the Act, a certificate is attached, dated 9 January 2023, stating that the proposed use of the premises meets the requirements of the Resource Management Act 1991 (appendix 5).
23. Pursuant to Section 100(f) of the Act, a certificate is attached, dated 9 January 2023, stating that the proposed use of the premises meets the requirements of the Building Code (appendix 5).

## **NOTIFICATION:**

24. Pursuant to Section 101(b) of the Act and Section 36 to 38 of the Sale and Supply of Alcohol Regulations 2013 (the Regulations) the application was publicly notified on the Gisborne District Council website on 27 October 2022.
25. Copies of these notices have been perused, are accurate, and are held on file (appendix 6).
26. A notice of application was placed on the site in accordance with Section 101(a) and (b) of the Act, and Section 39 of the Regulations and a photo record is held on file (appendix 7).

## **OBJECTIONS:**

27. In accordance with Section 102 of the Sale and Supply of Alcohol Act 2012, the District Licensing Committee Secretariat received four individual objections to the application.
28. A summary of the objectors is provided in a spreadsheet in appendix 8.
29. When considering who can object to the granting of a new licence, a person may only object if they have a greater interest in the application than the public generally.
30. Of the four objections received, three of them are deemed to be valid as they have a greater interest in the application than the public generally. The other objection is from a person who resides in Australia and does not fit the requirements set down in section 102 (1) of the Act.
31. An objection to a new licence can only be made in relation to matters listed in section 105 of the Act being:  
*1(a) the object of this Act:*

- (b) *the suitability of the applicant:*
- (c) *any relevant local alcohol policy:*
- (d) *the days on which and the hours during which the applicant proposes to sell alcohol:*
- (e) *the design and layout of any proposed premises:*
- (f) *whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:*
- (g) *whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*
- (h) *whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:*
- (i) *whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—*
  - (i) *they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
  - (ii) *it is nevertheless desirable not to issue any further licences:*
- (j) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
- (k) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.*

32. All four of the objections cite section 105(1)(c) of the Act as the grounds under which the objection is being made and refer to the Local Alcohol Policy (LAP) which came into effect in the Gisborne District on 5 March 2018, see appendix 9.

33. All four of the objections cite the LAP policy provision 3.1.1 being:

*3.1.1 No new licence of any type, except for restaurants or cafes and Special Licences, to be granted for locations within 150 metres of sensitive sites existing at the time of the application for a licence. This clause will not apply to an application for a new licence made because of a change of ownership of the premises, provided the licence type and scope of the new licence are the same as the existing licence for the premises.*

Where;

*3.1.3 For the purpose of clauses 3.1.1 and 3.1.2, sensitive sites are defined as areas, premises or facilities that are either considered more sensitive to alcohol-related harm or are already experiencing greater levels of alcohol related harm than other areas as determined by the DLC. Such sites are educational institutions<sup>1</sup>, spiritual facilities<sup>2</sup>, marae and recreational facilities<sup>3</sup>.*

34. Three of the objections are from people who are associated with the educational institution called Te Kura Kaupapa Maori Hawaiki Hou, which is located approximately 35m from the proposed premises.

35. All objections were received within the timeframe prescribed in Section 102(2) of the Sale and Supply of Alcohol Act 2012, which was 27 October 2022 to 17 November 2022. All objections have been included, see appendix 10.

## **STATUTORY CRITERIA**

## The Object of the Act:

- *The sale, supply and consumption of alcohol should be undertaken safely and responsibly*
- *The harm caused by the excessive or inappropriate consumption of alcohol should be minimised*

36. The premises has a robust host responsibility policy supplied with the application (appendix 11).
37. The application states the principal purpose of the business is to be food. The applicant has provided a menu (appendix 12) with the application indicating substantial food is to be available on the premises at all times alcohol is sold or supplied. The premises proposes to sell mainly pizza, complemented with smaller dishes including nacho bowls, bruschetta, bread and dips, and deep fried foods.

The applicant has advised this food will be provided from the company called L and L Holdings that operates Neptune's Pizzeria located next door. At the time of writing this report the applicant has not registered as a food business, a requirement under the Food Act 2014.

It is the licensing inspectors opinion that the principal purpose of this business is not food and therefore must be considered a tavern.

Section 53 of the Act states:

*The holder of an on-licence or club licence must ensure that, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of food is available for sale and consumption on the premises, in portions suitable for a single customer,—*

*(a) at reasonable prices; and*

*(b) within a reasonable time of being ordered.*

Until the requirements of the Food Act 2014 have been met, the applicant will not be able to meet the requirements of Section 53 of the Act.

38. A range of low-alcohol drinks are to be provided including Fugazi Ale 2.2%, Heineken Light 2.5% and Sunshine Pilsner light 2.4%.
39. A range of non-alcohol alternatives such as fruit juices and a range of carbonated beverages and no alcohol beer are available at all times.
40. Tap water is to be freely available at a water station at the bar and delivered to tables in bottles with water glasses.
41. The applicant has advised alternative transport will be arranged by staff members on request. Signage with adequate information regarding alternative transport will be prominently displayed in the bathrooms and at the principal entrance of the premises.

42. In my opinion the applicant has not provided adequate information and documentation to demonstrate that suitable measures will be undertaken to ensure the responsible sale and supply of alcohol, and that harm will be minimised as currently there is no provision for food.

**SUITABILITY OF THE APPLICANT:**

43. The applicant is a private company, duly incorporated under the Companies Act 1993 on 10 February 2021 reference no. 8157862 (appendix 13).
44. The company has one director, Benjymin Matthew McCann.
45. The sole shareholder of BM VENTURES LIMITED is:

Allocation	Shareholder	No. of shares 100
1	Benjymin Matthew McCann	100

46. Benjymin has a strong background in the hospitality industry and has worked as a barperson, doorman, security, and supervised private functions.
47. The applicant advised he intends to work full time in the business if the licence is granted.
48. The applicant has not declared any convictions and the Police have not brought up any matter of suitability in their report.
49. Based on my discussions with the applicant, my inspection of the premises, the supplementary documentation accompanying the application, and the reports filed, it is my opinion that the applicant is aware of their responsibilities under the Act and is suitable to operate the licensed premises.

**DAYS AND HOURS DURING WHICH THE APPLICANT PROPOSES TO SELL ALCOHOL:**

50. The applicant proposes to sell alcohol on the following days and during the following hours:

**Monday to Sunday from 11:00am to 2:00am the following day.**

51. As the licensed hours applied for exceed 1:00am, the applicant is required to operate a one way door policy. As required by policy provision 3.2 of the LAP.

**GISBORNE DISTRICT LOCAL ALCOHOL POLICY (GDLAP):**

Location and Density

52. As this application relates to a tavern the location of the premises does not comply with the requirements of section 3.1.1 of the GDLAP as there is a sensitive site within 150m.

## Hours

53. The application complies with the maximum hours detailed in section 3.2 of the GDLAP for on-licensed premises.

## **DESIGN AND LAYOUT OF THE PREMISES:**

54. The proposed licensed premises are outlined in the plan received with the application (appendix 14).
55. The proposed floor plan shows the layout of the approximately 460 square meter premises, 300 m<sup>2</sup> inside and 160 m<sup>2</sup> outside. The key features of the premises include:
- The principal entrance is located on the footpath of Gladstone Road, is centrally located in the building, and opens into a small foyer which opens into the proposed licensed area.
  - A large, long bar is located immediately to the right of the principal entrance.
  - The premise kitchen (currently not functioning) is located to the left of the principal entrance past the bar.
  - The internal patron area is to the right and front of the principal entrance.
  - Amenities are located past the kitchen down a corridor on the left.
  - Staff areas and an office area located down the corridor past the amenities.
  - A covered outdoor area is accessed from the rear right side of the internal area, past the covered area is an uncovered outdoor area behind the building.
  - Staff access to the pizzeria is located through the kitchen, a pass for food service from the pizzeria is located behind the bar.
56. The applicant has provided a Crime Prevention Through Environmental Design (CPTED) assessment of the premises which demonstrates that the premises has, through the design and layout, minimised potential harm to assist with a safe environment for patrons.
57. An inspection of the premises verifies the CPTED assessment by the applicant, and there are no issues or concerns with regards to the design and layout of the premises.
58. The following points have been noted by the applicant and the inspector in respect of the design and layout of the premises:
- The service area is elevated and provides good visibility of the indoor and most of the outdoor areas.
  - CCTV is installed with coverage of the hallway to the amenities and a blind spot at the rear of the outdoor area, and the premises as a whole, the applicant advised of his intention to upgrade the CCTV system.
  - There is to be sufficient lighting installed to allow for monitoring of the indoor and outdoor areas.
  - Entrances and exits are visible from the service area as is the entrance and exit to the amenities and the outdoor area.



- An emergency exit is located in the outdoor area which opens into the carpark operated by the Emerald Hotel. At the time of the inspectors visit on 19 December 2022, the emergency exit was not compliant.
59. The applicant has proposed to designate the internal and external areas of the premises as supervised.
  60. I do not consider this designation as appropriate as the hours applied for, in my opinion, require a restricted designation where minors are not to be admitted after a certain hour of the day.
  61. In my opinion the designation should be supervised from 11:00am to 10:00pm to allow for family meals and occasions, then restricted from 10:00pm to 2:00am the following day.
  62. It is my opinion that the design and layout of the premises is adequate to fulfil the object of the Act in terms of minimising potential harm and ensuring a safe environment for patrons, in conjunction with the applicant's operational procedures.

#### **THE SALE OF GOODS AND PROVISION OF OTHER SERVICES:**

63. The applicant is not engaged in, and does not propose to engage in, the sale of goods or the provision of services other than those directly related to the sale of alcohol, low and non-alcoholic refreshments, and food.

#### **AMENITY AND GOOD ORDER OF THE LOCALITY:**

64. The following areas have been considered with respect to the amenity and good order of the locality and the effect of the licensed premises:

##### **Possible future noise levels:**

65. The applicant advises a tailored sound system has been installed with individually controlled speakers with set volume limits to ensure noise compliance. External noise will be by way of patrons entering and exiting the premises, and vehicle movements, as well as some loading and unloading of goods from deliveries.
66. Historically, the previously licensed premise received multiple noise complaints, in particular from the neighbouring hotel The Emerald, where late night noise pollution affected hotel guests.
67. Historical noise issues were raised with the applicant who advised the existing building had sufficient soundproofing, and the outdoor area is enclosed between three buildings with no windows, thus providing a solid noise barrier.
68. The applicant also provided further information regarding strategies to be implemented by staff if and when required to reduce noise.

69. In my opinion, provided the operational procedures and or noise management plan are followed the effects on the locality related to noise from this licensed premises will be less than minor.

**Possible future levels of nuisance and vandalism:**

70. The Council has historical records (including Police reporting) of noise and vandalism issues in the locality during the prior operation of this licensed premises.
71. The applicant is aware of these historical issues with nuisance and vandalism and has operational procedures to address these if they were to occur.
72. In my opinion the design and layout and the operational procedures of the premises should minimise any potential for these issues to arise or contribute to future levels of nuisance and vandalism.

**The number of premises for which the same kind of licences are already held:**

73. On-licensed premises activity in the surrounding area includes:

<b>Name of Premises</b>	<b>Address</b>	<b>Licence Type</b>
Emerald Hotel	13 Gladstone Road	Hotel function center
The Rivers	1 Gladstone Road	Bar and restaurant
Just Thai Cuisine	2 Lowe Street	Restaurant
Thai Sunshine	116 Grey Street	Restaurant
Sugar N Spice Bar	90 Peel Street	Bar and night club
Bar 59	55-59 Peel Street	Bar
Mo's Sports Bar	65 Peel Street	Bar
China Palace	60 Peel Street	Restaurant
Verve Cafe	121 Gladstone Road	Café/restaurant
Portofino Restaurant	12-14 Peel Street	Restaurant
Poverty Bay Club Cafe	38 Childers Road	Cafe
The Dome Cinema	38 Childers Road	Bar and cinema
Wharf Bar and Grill	60 Esplanade	Restaurant and bar
Lone Star Gisborne	64 Esplanade	Restaurant and bar
UssCo Bar and Bistro	16 Childers Road	Restaurant
Flagship Eatery	14 Childers Road	Cafe
The Globe	1 Vogel Street	Restaurant and bar

74. There are also four club licensed premises, and two Off-licensed premises (Bottle store) within a 500m radius.

**The purposes for which land near the premises concerned is used:**

75. The surrounding land area is widely used for commercial and retail purposes. The Gisborne Police station is located opposite the premise on the corner of Customhouse Street and Gladstone Road. The District Court is located opposite the Police station on Customhouse Street. The Emerald Hotel is

located next door to the proposed premise. An education facility called Te Kura Kaupapa Maori o Hawaiki Hou is located at 39 Gladstone Road.

76. There are sensitive uses or activities located within a 150m linear distance of the premises. The property located at 39 Gladstone Road, approximately 35m from the proposed premise, has been used as an educational facility for young people aged 5 to 18 years old since its inception in February 2019.
77. The educational facility also provides teachings to enhance Maori customs and traditions under Te Aho Matua. The children and wider family utilise the facility at 39 Gladstone Road, and the surrounding environment including the reserves and rivers.
78. Outside of school hours the facility is used for overnight wananga (learning and sharing of tribal knowledge) and tikanga for the children and their families.
79. Under the LAP, this site fits the definition of an educational facility and a spiritual facility, see footnote 1 and 2 of the LAP.
80. What is not referenced in the Act, or the LAP is the principals of Te Tiriti o Waitangi, in particular the principal of protection. In my opinion the protection of the educational and cultural facility, and those who use it, located at 39 Gladstone Road must be considered.
81. The proposed premises are within a roughly 500m linear distance of the following sensitive uses or activities:
  - Equippers Church – Lowe Street.
  - Assembly of God – Grey Street.
  - Turanga Ararau – Kahutia Street.
  - Gisborne Community Early Education Centre – Palmerston Road.
  - House of Wonder Early Childhood Centre – Pitt Street.

**The purposes for which the premises will be used if the licence is issued:**

82. The application states the principal purpose of this business is food.
83. As the applicant has not applied for a food registration under the Food Act 2014 and told the Police and myself on November 3, 2022, that pizza was to be provided from the pizzeria located next door, it is my opinion that food is not the principal purpose of this business, and therefore any licence issued must be as a tavern.
84. As the provision of food is a requirement under the Act, if the applicant plans to sell food a food registration is required whether the principal purpose of the premise is a tavern or any other classification.
85. The building is an existing building. These premises have been set up and run as a tavern for a number of years until closing in 2018 and so is very compatible in this regard. No building works have been undertaken to set up the business other than minor cosmetic work.

86. Potential issues may arise with noise as the outdoor area at the rear of the premises backs on to the hotel accommodation provided by the Emerald Hotel, see figure 2.
87. The applicant does not seem to think noise from the outdoor area will likely pose an issue but will address issues if they were to occur.

**Figure 2. Showing outdoor area backing onto Emerald Hotel**



88. Considering all of the above, in my opinion, the amenity and good order of the locality would not be likely to be reduced, by more than a minor extent, by the granting of this licence.

#### **SYSTEMS, STAFF AND TRAINING:**

89. The applicant has provided the following management plans, and supporting information:

##### Staff training and development plan:

90. The applicant has advised one prospective employee has formal manager's qualifications and training.
91. The applicant Mr. McCann has completed the Licence Controller Qualification, as has his sister Leah McCann. Both Ben and Leah have applied for managers certificates but have not as yet been issued with these as they are not currently working in a licensed premise.

<b>Manager's Name</b>	<b>Certificate No.</b>	<b>Expiry Date</b>
Bradley Taylor Watts	49C/CERT/273/2016	5 October 2024

92. Mr. Watts has held manager certification since 2016, records available show he has been exercising it at Thorndon Tennis and Squash Club where the website lists him as the club manager. This was also confirmed by the Wellington Licensing Agency.
93. I have not been given any reason to believe Mr. Watts is relocating to Gisborne or that his experience, in only having exercised his certificate in a sports club with no food facilities, suitably qualifies him to manage a tavern style eatery.
94. This is not deemed sufficient for the intended days and hours of sale proposed under the licence.
95. All staff involved in the sale and supply of alcohol will be trained in the premises host responsibility policy, responsible service of alcohol (RSA- Australian alcohol service training), operational procedures, and the requirements of the Act and the Licence.

#### Staff Roster:

96. The applicant has provided a proposed roster (appendix 15) which outlines the number of service staff, their roles and when they will be working.
97. The applicant advised this is a proposed roster and no staff have been engaged at this time and that would occur once a licence has been issued.

#### Monitoring Systems:

98. The duty manager and staff will be regularly circulating and monitoring the premises and patrons for compliance, and additional security staff will be controlling entry and order during busy nights or events. The duty manager or senior staff are notified of any issues, but the duty manager makes the final call about any matters if any conflicts arise.
99. ID checking is undertaken by staff for all persons who appear to be under 25 years of age.
100. All staff will be trained in identifying signs of intoxication, and the intervention methods listed in the host responsibility policy and implementation plan. Alcohol will not be served to those customers that display signs of being observably adversely affected by alcohol. All persons considered intoxicated will be removed.

#### Security plan:

101. The applicant has advised two door people and one security person would be engaged to work Friday and Saturday nights from 8:00pm to close.

102. Approximately eight floor staff (duty manager, four bar staff, a server, and two glassies) and three security staff (from approximately 8:00pm) are rostered on during the peak nights of Friday and Saturday.
103. Staff will regularly circulate the premises, including the outdoor area for compliance of patrons and premises. Security will monitor the entrances and the interior on peak nights, to ensure greater compliance of patrons.
104. After review of the application, supporting information and discussions with the applicant, in my opinion the applicant has shown that if the on licence is granted, and sufficient suitably qualified duty managers were employed, there should be appropriate systems and training to meet the requirements of the Act.

#### **REPORTS FROM OTHER AGENCIES:**

105. The NZ Police have inquired into the application and oppose the granting of the licence. A copy of the report, 18 November 2022, is attached to the application.
106. Police have opposed on the grounds of section 105(1)(c) of the Act, being the Local Alcohol Policy, Gisborne Local Alcohol Policy section 3.1.1. They have also opposed under section 105(1)(j) of the Act, whether the applicant has appropriate systems staff and training to comply with the law.
107. The reporting Officer for the Medical Officer of Health has not submitted a report within the 15 working day statutory timeframe prescribed under Section 103(3)(b) of the Act. It is therefore assumed, under Section 103(4) of the Act, that the Medical Officer of Health does not oppose the application.
108. Fire and Emergency New Zealand (Tairāwhiti) reported on the application in an email dated 31 November 2021 (appendix 16). Where the property owner is required to provide an approved evacuation scheme for 33 Gladstone Road, and details of the rear egress from the outdoor area which was padlocked closed at the time of the report.
109. The report states the evacuation scheme will need to be provided in order for FENZ Tairāwhiti to support the on-licence application.
110. FENZ Tairāwhiti sent an email dated 19 December 2022 (appendix 17) stating they had not heard from the building owner regarding these matters and as a result are not able to support a liquor licence at the property.

#### **RECOMMENDATION:**

111. Having regard to the particulars of the application and the relevant statutory criteria under the Act(s), including the objections received under Section 102 of Sale and Supply of Alcohol Act 2012 and the matters raised in opposition from the reporting Agencies under Section 103 of Sale and Supply of Alcohol

Act 2012, I oppose the application for an on-licence based on the following criteria:

- The object of the Act due to insufficient evidence for provision of food for licensed hours.
- Gisborne Local Alcohol Policy section 3.1.1
- Systems, staff, and training due to not having sufficient suitably qualified certified managers available for the hours applied for.
- Design and layout of the premises due to not applying for appropriate designation for late night operations.

Jo Gradwell  
Licensing Inspector  
Gisborne District Council

#### **APPENDICES:**

Appendix 1	Application
Appendix 2	Letter from landlord
Appendix 3	Response from Building regarding APCC
Appendix 4	Declaration of Evacuation Scheme
Appendix 5	Alcohol Premise Compliance Certificate
Appendix 6	Public Notice
Appendix 7	Public Notice displayed on the proposed premises
Appendix 8	Summary of objections
Appendix 9	Gisborne District Local Alcohol Policy
Appendix 10	Objections
Appendix 11	Host responsibility policy
Appendix 12	Menu
Appendix 13	Certificate of Incorporation
Appendix 14	Proposed site plan
Appendix 15	Proposed roster
Appendix 16	Email from FENZ dated 31 October 2022
Appendix 17	Email from FENZ dated 19 November 2022



Friday 18 November 2022

The Secretary  
The Gisborne District Licensing Agency  
P.O. Box 747  
GISBORNE

**Re: Application for New On Licence.  
Benjymin MCCANN on behalf of BM Ventures Limited trading as Anjuna Beer Garden situated  
at 33 Gladstone Road, Gisborne.**

The applicant in this matter seeks an On-licence to operate as a Restaurant and Bar.  
The application was forwarded to the Police for reporting on the 28<sup>th</sup> October 2022.

On Thursday 3<sup>rd</sup> November 2022 Police meet with the applicant at the premises situated at 33  
Gladstone Road, Gisborne.

The applicant submitted a menu for the Anjuna Beer Garden with the New On Licence application and  
advised during the meeting that the food on the menu would be made in the next door premises  
belonging to his sister, Leah Soko Anne MCCANN who owns and operates Neptunes Pizzeria situated  
at 35 Gladstone Road, Gisborne.

The applicant advised that the current kitchen in the premises would only be used to make Bar food  
outside the hours of trade of Neptunes Pizzeria.

Due to the applicant not operating a restaurant as part of the Anjuna Beer Garden business the  
applicant would therefore be operating as a Tavern not a Restaurant.

#### **Gisborne District Council Local Alcohol Policy**

Policy Provision 3.1 relates to Location and Density of licensed premises within the Gisborne  
Licensing District.

### **1. POLICY PROVISIONS**

#### **1.1 Location and Density of Licensed Premises**

3.1.1 No new licence of any type, except for restaurants or cafes and Special Licences, to be granted  
for locations within 150 metres of sensitive sites existing at the time of the application for a  
licence. This clause will not apply to an application for a new licence made because of a  
change of ownership of the premises, provided the licence type and scope of the new licence  
are the same as the existing licence for the premises.

This application to operate as a Tavern will be affected by this section and therefore Police have  
opposition with this aspect of the application.



Situated at 39 Gladstone Road, Gisborne is Te Kura Kaupapa Maori o Hawaiki Hou which is a Registered School. This School is situated approximately 30m from the proposed licensed premise, Anjuna Beer Garden, therefore falling within 150m of a sensitive site.

Police have meet with the Principal, Russell WILSON, who has advised that to his knowledge the applicant Benjymin MCCANN has not approached the School to inquire about his proposed application for a licensed premises.

As per section 103 (15 working days to report back to the licensing committee), police have considered section 105 "Criteria for issue of licenses" and section 131 "Criteria for renewal" and this report affirms that police have an opposition to this application.

Opposition to the On Licence application relates to section 105 with specific reference to section 105 (1) (j).

**105, Criteria for issue of licenses**

(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

(c) any relevant local alcohol policy:

(h) whether (in its opinion) the amenity and good order of the locality would be reduced, to more than a minor extent, by the effects of the issue of the licence:

(i) whether (in its opinion) the amenity and good order of the locality are already badly affected by the effects of the issue of existing licences that –

(i) they would be likely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence: but

(ii) it is nevertheless desirable not to issue any further licences:

(j) whether the applicant has appropriate systems, staff and training to comply with the law:

**105(1) (j) whether the applicant has appropriate systems, staff, and training to comply with the law:**

The applicant has listed one certified manager, namely Bradley Taylor WATTS (49C/CERT/273/2016). WATTS holds a managers certificate as the Club Duty Manager for the Thorndon Club being a Tennis and Squash Club.

Police do not believe that having only one certified manager for the premises is sufficient for the trading hours of Monday to Sunday 11.00am to 02.00am (the following day).

Police also do not believe that the listed certified manager has appropriate knowledge and training in the operation and management of a premises with a Tavern licence.

The applicant has listed himself, Benjymin MCCANN and his sister Leah Soko Anne MCCANN.

Neither hold a managers certificate and Police do not believe they have the training and knowledge to operate and manage a premises holding a Tavern On Licence.

**Trading Hours:**

**Monday – Sunday                      from 11.00am to 02.00am (the following day)**

**Food availability:**

As per attached Menu. The applicant has advised that all food will be provided for the Anjuna Beer Garden from the neighboring premises being Neptunes Pizzeria currently owned and operated by his sister, Leah Soko Anne MCCANN. That outside the operating hours of Neptunes Pizzeria will potentially provided from the small kitchen on premise but the applicant has not advised what this will consist of.

**Non-alcohol drinks:**

Water, Juice, Fizz, Soda's and Sparking Water as per attached menu. Including Heineken 0.0%, Garage Project Tiny IPA 0.5%

**Low-alcohol drinks:**

Fugarzi 2.5%. The applicant has been advised that Police require a minimum of two Low alcohol Beverages to be available for purchase.

Police oppose this application for a new On Licence.

For your information.



Alexa COLEMAN  
Constable ACIH66  
Alcohol Harm Prevention Officer  
New Zealand Police  
GISBORNE

# anjuna

## BEER GARDEN

Dear DLC,

We are proposing to open "Anjuna" a beer garden, located at 33 Gladstone road.

Giving the Gisborne community and tourists a space to enjoy great food, entertainment and socialise in one of Gisborne's most iconic buildings.

Guests to Anjuna, will be able to enjoy the amazing architecture of this heritage building, and a little oasis in the city in our enclosed garden space out back.

Our proposed licence hours are 11am until 2am - Monday to Sunday, although we believe that the majority of the time we will be closed by 10pm.

longer licence hours will allow "Anjuna" to host public and private functions from time to time.

Kind regards

Ben McCann

# Application for On-licence or renewal of on-licence

Sections 100 and 127(2), Sale and Supply of Alcohol Act 2012

To the Secretary  
District Licensing Committee (Gisborne District Council)  
PO Box 747  
GISBORNE 4040

Application for:  On-licence  On-licence Renewal  
is made in accordance with the particulars set out below.

## Endorsements

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, does the applicant wish to have the licence endorsed under section 38 of the Act?

Yes  No

## Applicant(s) Details

Name(s) in full (to appear on licence):

Surname

First Name

Middle Name

McCann

Benjamin

Matthew

Company/Other: BM Ventures Ltd

Postal Address: 30 Kawatiri Road, Makauri Gisborne 4071  
(for service of documents)

Phone: 0275137092  
Day Mobile

Email: benjymccann@gmail.com

Do you hold a current licence for the premise or conveyance? Yes  No

If Yes, state the following:

1. Type of licence:
2. Any changes sought to the current conditions of the licence (licensed area, trading hours, designations, other):
3. The reasons for the changes sought:

Change sought to condition

Reason for change sought

Applicant(s) Details (cont'd)

Status of applicant (please tick):  
 Natural Person       Public Company       Private Company  
 Partnership       Trustee       Licensing Community Trust       Local Authority  
 Government department of other instrument of Crown  
 Body Corporate to which section 28(1) (b), (5), (6) of the Act applies  
 Manager under the Protection of Personal and Property Rights Act 1988  
 Board, organisation, or other body to which section 28(1) (c) of the Act applies

If applicant is a **natural person or persons** (fill in separately for each person):

DETAILS FOR PERSON 1

Name in full:

**McCann**  
Surname

**Benjamin**  
First Name

**Matthew**  
Middle Name

Any alias name:

Occupation:

Sex:      Female  Male       Date of Birth: **03/04/92**      Place of Birth: **Gisborne**

Postal Address:

Phone:      **0275137092**  
Day      Mobile

Email:

Preferred method of contact:      Phone       Email       Written

DETAILS FOR PERSON 2

Name in full:

Surname

First Name

Middle Name

Any alias name:

Occupation:

Sex:      Female  Male       Date of Birth:      Place of Birth:

Postal Address:

Phone:      (day)      (mobile)

Email:

Preferred method of contact:      Phone       Email       Written

If applicant is a **board, organisation, or other body**:

Contact person's name in full:

Surname

First Name

Middle Name

Postal Address:

Phone:      (day)      (mobile)

Email:

Preferred method of contact:      Phone       Email       Written

## Applicant(s) Details (cont'd)

If applicant is a **company**, provide the following information:

Date of incorporation: **10/2/2021** Place of incorporation: **Gisborne**

Full details of each director:

Name	Address	Date of Birth	Place of Birth	Designation
<b>Benjymin McCann</b>	<b>30 Kawatiri Road</b>	<b>03/04/1992</b>	<b>Gisborne</b>	<b>director</b>

If applicant is a **private company**, please provide the following information:

Authorised Capital  Paid-up Capital

Provide the full details of each person who holds any shares issued by the company:

Name	Address	Date of Birth	Place of Birth	Designation	Face value of shares held
<b>Benjymin McCann</b>	<b>30 Kawatiri Road</b>	<b>03/04/92</b>	<b>Gisborne</b>	<b>Director</b>	

If applicant is a **public company**, provide the full details of each person who holds 20% or more of the shares, or any particular class of shares, issued by the company:

Name	Address	Date of Birth	Place of Birth	Designation
/				

If applicant is a **partnership**, provide the full details of each partner:

Name	Address	Date of Birth	Place of Birth	Designation
/				

Please provide the signatures of each partner:



## Criminal Offences

Has the applicant been convicted of any offence:

Yes  No

What are the details of each offence? (refer to notes)

Nature of Offence	Date of Conviction
/	

Details of location of existing or proposed licence premise

Address: **33 Gladstone Road Gisborne**

Trading name or name of building: **Chrisp David Number 2 TWO Ltd** (if applicable)

Is a licence sought conditional upon construction or completion of the premises? Yes  No

If **Yes**, state the details:

Does the applicant own the proposed licensed premise? Yes  No

If **no**, state the properties owner's details:

Owner's Name: **Number two Ltd** **Chrisp** **David**  
Surname First Name Middle Name

Owner's Address: **P.O Box 765**

Form and Term of tenure: **3 years**

Details of existing or proposed conveyance

Kind of conveyance:   
(e.g ship, railway carriage, bus etc)

Address of home base:

Registration No. (if applicable) Trading Name: (if applicable)

Is a licence sought conditional upon construction or completion of the conveyance? Yes  No

If **Yes**, state the details:

Does the applicant own the conveyance: Yes  No

If **no**, provide:

Owner's Name:   
Surname First Name Middle Name

Owner's Address:

Form and Term of Tenure:

Managers Details (provide full details of each manager or proposed manager)

Full (Legal) Name	Managers Certificate No.	Expiry Date
Bradley Taylor Watts	49C/CERT/273/2016	10/5/2024
Benjymin Matthew McCann	<del>Pending</del> Application in process	
Leah Soko Anne McCann	Application in process	

Business Details

What is the general nature of the business to be conducted by the applicant in the conveyance if the licence is granted? (for example; hotel, tavern, restaurant, entertainment/nightclub?)

**Restrant / bar**

## Business Details

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

Yes

✓ No

If **no**, state the intended purpose of the business:

**Food**

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

Yes

✓ No

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

State the days and hours that the applicant intends to sell liquor under the licence:

Monday - Sunday

(days)

11am - 2am

(hours)

(days)

(hours)

(days)

(hours)

## Conditions

What experience/training has the applicant had?

6 year of hospitality experience between outback inn, Sheraton and osteria group as security, doorman, bartender and private functions.

What provisions does the applicant intend to make for the sale and supply of (state type and range):

Food

Full pizza menu, Bread and dips, Chips and wedges, Bruschetta, Arancini balls, Nacho Bowls and vegetarian options. Please refer to menu attached for full details.

Non-alcoholic beverages

Juices, sodas and water

Please refer to menu attached for full details,

Low-alcohol beverages

Heineken 0.0%, Garage protect Tiny 0.5%, Fugazzi 2.0

Please refer to menu attached for full details

To what extent (and where) is drinking water intended to be freely available to patrons?

At the bar and on the tables.

Please refer to menu attached for full details



## Conditions (cont'd)

If no access to mains water is available, describe the potability of water intended to be available to patrons?

Access to mains water and bottled water

What steps does the applicant propose to take to provide assistance with, or information about, alternative options for transport from the licensed premise?

Staff member assistance with arranging transport, free phone to arrange transport, alternative transport signs in bathrooms and near principle entrance

What steps does the applicant propose to take to prevent the sale and supply of alcohol to prohibited people?

- Meet and greet, ID check - No ~~Valid~~ ID, no service, no exceptions.
- Staff training
- SCAB - Speech, coherence, Appearance and behaviour ~~checks~~ monitoring
- ~~Man~~ Duty manager observing operations and patrons

What other steps does the applicant propose to take to promote the responsible consumption of alcohol?

- No one is to encourage the consumption of excess alcohol
- No drinks sold with large volumes of ~~alcohol~~
- No promotions more than 25% of retail price
- No advertising excessive consumption of alcohol
- Staff training

What other systems (including training systems) and staff are in place (or to be in place) for compliance with the Act?

- All staff to complete serverwise course
- ~~Meet~~ meeting and performance reviews
- Following of host responsibility policy

## Attachments

You need to provide the following information with your application (please tick if attached):

- A floor/site plan showing the licenced area(s) and each area to be designated as a supervised area or restricted area, and indicating whether it is an supervised or restricted area and showing the principal entrance.
- For a body corporate applicant, please attach a copy of certificate of incorporation (or equivalent document)

For new licences and renewal licences with variations:

- Copy of planning consent (not required for conveyance)
- Copies of all relevant building certificates consents

Or A certificate from the Council stating that the proposed use of the premises meets requirements of the Resource Management Act 1991 and of the building code (refer to notes).

## Signature

Signature of the Applicant



Dated at **Gisborne**

(place) this **19** day of **October**

**20 22**

6



# Checklist for On-licence or renewal of On-licence

(for premises, conveyance, BYO restaurant, and caterers)

Sections 37, 38, 99, 100 and 101, Sale and Supply of Alcohol Act 2012

The following must be attached before the application will be accepted for processing

- Pages** Please tick when completed:
- 1.-7.  One copy of completed application form  
Prescribed Fee (paid)
  - 8.  Photographs of the exterior of the premises, principal entrance and promotional signage of the exterior of the proposed or existing premises. Or an artist's impression as they will look when they are finished.
  - 9.  A map showing the location of the premises, or the homebase for a conveyance.
  - 10.  A scale plan of the proposed premises or conveyance with a broad black line showing:
    - those parts of the premises/conveyance that are to be used for the sale of supply of alcohol.
    - those parts of the premises/conveyance (if any) that the applicant intends should be designated as restricted areas or as supervised areas.
    - each entrance to the premise that the applicant intends should be designated as a principal entrance.
  - 11.  A written statement from the owner to the effect that the owner has no objection to the grant of the licence (where the applicant is not the owner of the premises/conveyance)
  - 12.-14.  Partnership/Company/Incorporation/Organisation details including legal documentation and percentage interests of all partners as applicable.
  - 15.-20.  A copy of the menu(s)
  - 21.-23.  Host responsibility policy
  - 24.-25.  Completed public notice forms - Form 7 and 7A (to be checked and signed by GDC licencing clerk)
  - 26.-34.  Completed evacuation scheme declaration form
  - 35.-36.  Alcohol premises compliance certificate (if applicable) ?
  - FRONT PAGE**  Covering letter/additional information relevant to this application.

## For Renewal Applications only

Any changes sought. Variation/cancellation of conditions.

## For Endorsed Applications

A current Safety Certificate (if an aircraft)

### Risk/Cost Application

Very Low	<input type="checkbox"/>
High	<input type="checkbox"/>

### OFFICE USE ONLY

Premises Cost/Risk Rating  
Application Fee (GST inc)  
Payment Received by C

GISBORNE DISTRICT COUNCIL  
 <<COPY ONLY>>

TAX INVOICE No: 2023/92652  
 GST Reg No : 52-153-239

Received From  
 181387 - BM VENTURES LTD

Date : 19 Oct 2022, Time: 02:10p.m.  
 Till : FRSS  
 Received : \$816.50 EFTPOS

Application: \$816.50 LIQL-13280  
 BM VENTURES LTD

Total Rec : \$816.50

Incl GST : \$106.50

GISBORNE DISTRICT CO  
 ADMINISTRATION CENTR  
 GISBORNE

\*-----EFTPOS-----\*

TERMINAL 04295305  
 TIME 19OCT22 14:10  
 TRAN 002643 CHEQUE

EFTPOS  
 CARD

ASB VISA  
 RID: A000000000  
 PIX: 1010  
 TC: 55BAB941A15A7706  
 TVR: 0080048000  
 ATC: 01BC  
 TSI: E800  
 PURCHASE NZ\$816.50  
 TOTAL NZ\$816.50

**ACCEPTED**

\*-----\*

**MERCHANT COPY**

**Jo Gradwell**

**From:** Ben McCann <benjymccann@gmail.com>  
**Sent:** Tuesday, 20 December 2022 9:09 am  
**To:** Jo Gradwell  
**Cc:** Vincenzo Petrella  
**Subject:** Re: Liquor Licence Application

Morning Jo,

What are the low alcohol options of beverages that will be available as required by the Sale and Supply of Alcohol Act 2012? They must contain more than 1.15% of alcohol and not more than 2.5% by volume at 200 C?

Heineken Light, Sunshine Pilsner light.

What is the floor area in m2 of the internal and external areas of the premise?

300 Square meters internal and external is 160 square meters.

How will the one-way door operate and who will operate it?

One way door will come into effect if the bar is operating after 1am. If the bar decided to operate later than 1am, then a one-way door must be in effect or if the venue is nearing its maximum capacity. It is important that the door is operated consistently during these times to ensure compliance with the policy.

It is necessary to have designated staff members responsible for operating the one-way door and enforcing the policy. These staff members will be trained in the proper procedures for operating the door and handling any potential conflicts or issues that may arise.

Clearly visible signs should be displayed to inform patrons of the one-way door policy and the times when it is in effect. These signs will be placed in prominent locations where they can be easily seen by patrons.

Staff members monitoring the door will communicate the one-way door policy to patrons and ensure that they are aware of it. This will include verbal communication by staff members operating the door.

How many staff will be rostered on? And a copy of the proposed roster.

Name	Wednesday	Thursday	Friday	Saturday	Sunday
Bar person 1	3:30pm – Close	3:30pm – Close	3:30pm – Close	3:30pm – Close	11:00- 3:00pm
Bar person 2	4:00pm – Close	4:00pm – Close	4:00pm – Close	4:00pm – Close	10:30- 3:00pm
Bar person 3	4:00pm – Close	4:00pm – Close	4:00pm – Close	4:00pm – Close	10:30- 3:00pm
Bar person 4	-	-	4:00pm – Close	4:00pm – Close	-

Glassey 1	3:30pm – Close	3:30pm – Close	3:30pm – Close	3:30pm – Close	11:00-3:00pm
Glassey 2	-	-	4:00pm – Close	4:00pm – Close	-
Server	-	-	4:00pm – Close	4:00pm – Close	11:00-3:00pm
Doorman 1	-	-	8:00pm – Close	8:00pm – Close	-
Doorman 2	-	-	8:00pm – Close	8:00pm – Close	-
Security	-	-	8:00pm – Close	8:00pm – Close	-
Duty manager 1 of 3	2:00pm – Close	2:00pm – Close	2:00pm – Close	2:00pm – Close	10:00 – 3:00pm
Kitchen	3 people	3 people	6 people	6 people	5 people
Diswasher	4:00pm – Close	4:00pm – Close	4:00pm – Close	4:00pm – Close	11:00 – 3:00pm
Total staff	9	9	18	18	13

### Who and how will monitoring of patrons and the premise for compliance be conducted?

It is important to Anjuna that the monitoring of patrons on our premises complies with all rules, regulations, and laws. This can be done in a variety of ways:

1. **Physical checks:** This involves our dedicated security team and all staff members surveying the premises and monitoring individuals to ensure that they are complying with rules and regulations. For example, a staff member may check IDs at the door or at the bar to ensure that only authorized individuals are allowed onto the premises.
2. **Electronic monitoring:** using electronic monitoring systems, such as security cameras strategically placed through out the premise, to monitor for compliance. These systems can be used to monitor the premises and identify any potential violations. Cameras will be able to be monitored from the bar to ensure that there aren't any blind spots.
3. **Self-monitoring:** Encourage patrons to report any non-compliant behavior. Asking patrons to report any suspicious activity or individuals who are not following rules.
4. **Third-party monitoring:** from time to time Anjuna may hire third-party firms with the correct training to monitor for compliance. These firms may use a combination of physical and electronic monitoring methods to ensure compliance with rules and regulations. However, all operations will be over seen by the manager on duty to ensure rules and regulations are being followed.

### What training will the staff have prior to opening, and what ongoing training will be provided?

Anjuna staff are required to undergo training in responsible service of alcohol (RSA) before they can serve alcohol. RSA training covers a range of topics, including:

1. The effects of alcohol on the body and behavior

2. The legal responsibilities of serving alcohol
3. Strategies for promoting responsible alcohol consumption
4. Techniques for identifying and refusing service to intoxicated patrons

In addition to RSA training, it is important for staff at Anjuna receive ongoing training on best practices for operating a safe and responsible business.

Additional and on going training can include but is not limited too:

1. Health and safety regulations and procedures
2. Customer service skills
3. Conflict resolution and de-escalation techniques
4. Emergency response protocols and first aid

It is the responsibility of the owner and manager at Anjuna to ensure that staff receive the necessary training and are competent to perform their duties in a safe and responsible manner.

**Will you be completing a Crime Prevention Through Environmental Design (CPTED) Assessment? If so, I require a copy of the assessment.**

Yes, a comprehensive well thought out plan for crime prevention has been applied to the premises layout, including the adjustment of the back garden area in which we will cut out the blind spot to insure a clear line of sight from one end to the other. CCTV cameras are installed in all blind spots including the entrance to the restrooms and the whole garden area is also under video surveillance. Please find CPTED checklist attached.

# 6. CPTED c and duty m

*Licenseses and duty managers  
whether CPTED measures are*

**CPTED checklist for on- and cl**

**Bar area**

Bar staff have good visibility of entire p

## CPTED checklist for on-

### Outdoor drinking areas

Outdoor drinking areas are mo

Lighting allows staff to monitor

**What management plans do you have in place to address noise, nuisance, and vandalism within and within the vicinity of the premises?**

1. **Setting limits:** A tailored sound system has been installed with individually controllable speakers as well as noise limits to be set to make sure that we are not disrupting the community and ensure the safety of staff and patrons.
2. **Monitoring and enforcement:** Regularly monitoring noise levels can help to ensure that noise levels are kept within acceptable limits. This involves using decibel meters to measure the noises are at acceptable levels or receiving complaints from the community and taking action to address the issues.

**Soundproofing:** Due to the construction of the building and dual entire doors it is very evident that the existing structure already has sufficient sound proofing ensure that noise is contained in the premises. Also the garden area is in the middle of three buildings with no windows providing a solid sound barrier.

**Education:** Providing information and resources to the staff and patrons of the bar about the effects of noise and how to reduce it can help to encourage responsible behavior and reduce the impact of noise on the community. This includes posting signs or providing information on the bar's website or social media pages.

**Managing the flow of patrons:** Implementing strategies to manage the flow of patrons entering and exiting the bar, such as having doorman or using a queue system, can help to reduce the noise generated by patrons.

The management plan will be flexible and adaptable, as different events or situations will require different approaches to managing noise. Regular review and updating of the plan may be necessary to ensure that it remains effective.

**Nuisance management plan:** This plan outlines the steps that the bar will take to minimize nuisance to neighbors and the surrounding community. This may include measures such as limiting the number of patrons allowed on the premises, implementing closing times, helping transport options for patrons, making sure and preventing intoxicated patrons from entering and not serving intoxicated patrons.

**Vandalism prevention plan:** This plan outlines the steps that the bar will take to prevent vandalism on the premises. This includes measures such as installing security cameras, providing adequate lighting, and training staff to identify and report suspicious behavior. Other considerations are as follows;

1. **Physical barriers:** Installing security cameras and alarms, as well as fencing or gates, can help to prevent unauthorized access to the property and discourage vandalism.
2. **Surveillance:** Installing surveillance cameras and hiring security guards deter potential vandals and provide evidence if vandalism does occur.
3. **Maintenance:** Regularly maintaining and repairing the property can help to keep it in good condition and reduce the likelihood of vandalism.
4. **Community involvement:** Engaging with the community and involving them in the prevention of vandalism can be an effective way to reduce the occurrence of vandalism.
5. **Education:** Providing information and resources to the to staff about the impact of vandalism and the importance of preserving public and private property can help to reduce the occurrence of vandalism.



It is also important to address incidents of vandalism when they do occur. This could include reporting the vandalism to the authorities and taking steps to repair or replace damaged property.

It is important for Anjuna to communicate these management plans to patrons and the surrounding community, and to take proactive steps to address any noise, nuisance, or vandalism issues that may arise. In addition, the bar should work closely with local authorities and community to address any concerns or issues that may arise.

Kind regards,  
Ben McCann

Sent from my iPad

On 16/12/2022, at 12:51 PM, Jo Gradwell <Jo.Gradwell@gdc.govt.nz> wrote:

Morena Ben,

Now that we have received verbal approval from Building, I am able to continue processing your liquor licence application.

I have a number of questions that require answering before I can finalise my report for the District Licensing Committee and will also need to conduct a site visit.

Questions I have at this stage are:

1. What are the low alcohol options of beverages that will be available as required by the Sale and Supply of Alcohol Act 2012? They must contain more than 1.15% of alcohol and not more than 2.5% by volume at 20<sup>o</sup> C.
2. What is the floor area in m<sup>2</sup> of the internal and external areas of the premise?
3. How will the one-way door operate and who will operate it?
4. How many staff will be rostered on? And a copy of the proposed roster.
5. Who and how will monitoring of patrons and the premise for compliance be conducted?
6. What training will the staff have prior to opening, and what ongoing training will be provided?
7. Will you be completing a Crime Prevention Through Environmental Design (CPTED) Assessment? If so, I require a copy of the assessment.
8. What management plans do you have in place to address noise, nuisance, and vandalism within and within the vicinity of the premises?

I would like to organise a site visit with you on Monday or Tuesday, if you could please reply email with what time is suitable and the answers to the above questions at the earliest opportunity.

Kind regards

**Jo Gradwell** | Environmental Health Graduate | Gisborne District Council  
**email** Jo-Anne.Gradwell@gdc.govt.nz | **ph** +64 6 867 2049  
**address** 15 Fitzherbert Street, PO Box 747, Gisborne 4010 | **url** [www.gdc.govt.nz](http://www.gdc.govt.nz)

## 6. CPTED checklist for licensees and duty managers

Licensees and duty managers can use the checklist below to regularly assess whether CPTED measures are in place.

CPTED checklist for on- and club-licensed premises	Yes	No	N/A
<b>Bar area</b>			
Bar staff have good visibility of entire premises	✓		
Area behind the bar is raised to <u>improve visibility</u>	✓		
Bar area is open with no obstructions affecting monitoring of premises	✓		
Cash registers are front facing	✓		
If cash registers are not front facing, mirrors are installed for monitoring customers			✓
Safe is out of public view	✓		
<b>Internal layout</b>			
Premises is laid out so staff can monitor all patrons at all times	✓		
There are <u>no obstructions within the bar causing blind spots</u>	✓		
Where there may be blind spots, mirrors or CCTV are installed	✓		
Bar is easily approached by customers	✓		
Customers can easily move around the premises	✓		
Sufficient seating is provided	✓		
Customers cannot climb on structures or fittings	✓		
<b>Crowding</b>			
The premises are not overcrowded	✓		
The maximum number of patrons for the premises is displayed and complied with	✓		
<b>Lighting</b>			
Internal lighting is suitable	✓		
Lighting allows door staff to check IDs etc.	✓		Light installed at door
Lighting allows staff to monitor patrons inside the premises	✓		
No areas are too dark inside the premises	✓		
Internal lighting can be raised in an emergency or incident and at closing time	✓		Yes
External lighting is suitable	✓		
External security lighting is installed	✓		
<b>Ventilation</b>			
A ventilation system is installed	✓		
The premises are maintained at a suitable temperature	✓		

**CPTED checklist for on- and club-licensed premises (continued)**

	Yes	No	N/A
<b>Outdoor drinking areas</b>			
Outdoor drinking areas are monitored by bar and/or security staff	✓		
Lighting allows staff to monitor patrons	✓		
Customers can move easily around the outdoor drinking areas	✓		
Outdoor drinking areas are well defined from surrounding external environment	✓		
Pavement creep is not evident	✓		
Outdoor drinking areas are not overcrowded	✓		
A street trading licence or equivalent is held and is current			✓
<b>CCTV</b>			
CCTV is installed	✓		
CCTV is positioned to monitor vulnerable areas	✓		
Patrons are aware of the CCTV system	✓		
Staff understand its operation	✓		
<b>Entrances and exits</b>			
Entrances and exits are visible from behind the bar area	✓		
CCTV is installed to monitor blind entrances and exits	✓		
Door staff monitor entrances and exits	✓		
Where queuing occurs outside the premises, there is sufficient space	✓		
<b>Toilets</b>			
Toilet facility entrances are visible from the bar area	✓		
Toilets are inspected regularly	✓		
<b>Staff</b>			
There are sufficient numbers of staff to ensure control of the premises	✓		
Staff are visible to patrons	✓		
Staff monitor the premises for conflict and crime	✓		
Security staff are properly trained and certified	✓		



A street trading licence or equivalent is held and is current

~~Handwritten~~ ✓ CCTV ~~Handwritten~~ ~~Handwritten~~ as CCTV

Chrisp David Number Two Limited  
PO Box 765  
Gisborne 4040

Tel: +64 0800 101 207

Appendix 2

14 October, 2022

Gisborne District Council  
15 Fitzherbert Street  
Whataupoko  
Gisborne 4010

**Reference: Liquor Licence Application – BM Ventures Limited, 33 Gladstone Road**

1. We have been approached by Ben McCann of BM Ventures for Landlord approval for an on license in respect of the premises located at 33 Gladstone Road, Gisborne, to trade as Golden Beer Garden.
2. We can confirm that Ben McCann of BM Ventures Limited is party to an unconditional Agreement to Lease with Chrisp David Number Two Limited and that we consent to the issuing of a liquor licence for the premises.
3. If you have any queries, please do not hesitate to contact me directly.

Yours faithfully

Chrisp David Number Two Limited,



Blair Haynes,  
*Business Manager and Authorised Person.*



# Checklist for Building Approval

Section 100(f), 143 (b) Sale and supply of Alcohol Act 2012

CC Ref: 278

## Applicant's details:

Company: BM Ventures Limited

Contact name: Benjymin Matthew McCann

Address: 33 Kawatiri Road, Makauri, Gisborne

Premises: Anjuna Beer Garden

Premises Address: 33 Gladstone Road, Gisborne

Type of application: On Licence

General nature of business: Restaurant and Bar

For the purposes of Section 100(f), 143 (b) of the Act, this certifies that:

### ✓ Date

- The building is/will be a new building for the intended use and as such the building used for the proposed use meets the requirements of the New Zealand Building Code.
- The building is/will be an existing building that will not have a change of use and as such the building used for the proposed use meets the requirements of the New Zealand Building Code.
- The building is/will be an existing building that will have a change of use and as such the building used for the proposed use meets the requirements of the New Zealand Building Code.
- The building for the proposed use does not meet the requirements of the New Zealand Building Code (if not, please provide further details below).

**Comments:**

TRYS BUILDING WAS DUE FOR STRENGTHENING IN 2016. NO REQUEST FOR AN EXTENSION OR A DEFENSIVE WORK PROGRAM HAS BEEN RECEIVED. NOT TO BE OCCUPIED UNTIL THIS HAS OCCURRED

Signed: \_\_\_\_\_



(Consents Administrator)

Date: \_\_\_\_\_

21/11/22

# Application Declaration of Evacuation Scheme

Sections 100, 127 Sale and Supply of Alcohol Act 2012



Appendix 4

## 1. Evacuation scheme details

Application for the renewal of liquor licence for:

Premises name: **33 Gladstone road, Gisborne**

Located at: **33 Gladstone Road, Gisborne CBD**

I (the applicant),

state that: (delete statements that do not apply)

- i. the owner of the building in which the premises are situated provides and maintains an evacuation scheme as required by Section 75-79 of the Fire and Emergency New Zealand Act 2017; or
- ii. ~~because of the building's current use, its owner is not required to provide and maintain such a scheme, or~~
- iii. ~~because of the nature of the building, its owner is exempt from the requirement to provide and maintain such a scheme.~~

## 2. For premises with an On or Club licence

The maximum occupancy number for the premises is: **208**

(attached supporting information that confirms this number e.g fire design report).

## 4. Signature

Signature of the applicant:

Dated at (place):

this **18** day of **October**

20 **22**

Please contact **Fire and Emergency NZ, Tairāwhiti Area Headquarters on 06 867 9038** if you are unsure of any details in i, ii, or iii above.

Please contact the Gisborne District Council for guidance about occupancy in buildings.



CC ref: 278

9 January 2023

BENJYMIN MCCANN  
30 KAWATIRI ROAD  
RD 1  
GISBORNE 4071

Tena koe,

**Application for Compliance Certificate  
Pursuant to Section 100(f) Sale of Alcohol Act 2012**

**Premises: ANJUNA BEER GARDEN**

**Business Address: 33 GLADSTONE ROAD**

**Days and Hours MONDAY - SUNDAY  
11:00am - 02:00am**

This letter serves as a compliance certificate for the purposes of 100f of the Sale and Supply of Alcohol Act.

**The resource consent officer has advised that:**

For the purposes of section 100(f), 143 (b) of the Act, this certifies that:

The proposed use of the premises is provided for as permitted activity within the zone of the Tairāwhiti Resource Management Plan and therefore meets the requirements of the Resource Management Act 1991.

Relevant rule: DD2.6.1A

**The Building Control Officer has advised:**

The building is an existing building that will not have a change of use and as such the building used for the proposed use meets the requirements of the New Zealand Building Code.

Signed for and on behalf of the Gisborne District Council

**Vincenzo Petrella**

**Team Leader Environmental Health**

Appendix 5



## Public Notice

*Section 101 Sale & Supply of Alcohol Act 2012*



Te Kaunihera o Te Tairāwhiti  
**GISBORNE**  
DISTRICT COUNCIL

Appendix C

### NEW ON LICENCE

**Applicant:** BM Ventures Limited  
**Address:** 33 Gladstone Road, Gisborne  
**Known As:** Anjuna Beer Garden

has made application to the Gisborne District Licensing Committee for the issue of an On Licence in respect of the premises situated at **33 Gladstone Road, Gisborne.**

The general nature of the business to be conducted under the licence is: **Restaurant and Bar.**

The days on which and the hours during which alcohol is intended to be sold under the licence are:

**Monday to Sunday from 11am until 2am the following day.**

The application may be inspected during ordinary office hours at the office of the Gisborne District Licensing Committee at the Gisborne District Council, 15 Fitzherbert Street, Gisborne.

Any person who is entitled to object and who wishes to object to the issue of the licence may, not later than 15 working days after the date of the publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee at Gisborne District Council, PO Box 747, Gisborne 4040.

No objection to the issue of a new licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012.

No objection to the renewal of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012.

Date of Public Notification: – 27 October 2022

**Objections close 5pm, 17 November 2022.**

For information on how to object visit the District Licensing Committee page on Councils Website.

Published 27 October 2022

# Alcohol licensing

[Home](#)
[Council](#)
[Public notices](#)
[Alcohol licence public notices](#)
[Anjuna Beer Garden](#)

## Anjuna Beer Garden



2022 local elections



Published 27 October 2022

Careers



**Description:**

New On Licence

Contact us

**Closing Date: 17  
November 2022**

**Applicant:** EM Ventures Limited

Mayor and councillors



**Address:** 33 Gladstone Road, Gisborne

Meetings



**Known As:** Anjuna Beer Garden

Management team



has made application to the Gisborne District Licensing Committee for the issue of an On Licence in respect of the premises situated at 33 Gladstone Road, Gisborne.

Three waters reform

The general nature of the business to be conducted under the licence is: **Restaurant and Bar**

Have your say



The days on which and the hours during which alcohol is intended to be sold under the licence are: **Monday to Sunday from 11am until 2am the following day.**

Plans, Policies and Bylaws



The application may be inspected during ordinary office hours at the office of the Gisborne District Licensing Committee at the Gisborne District Council, 15 Fitzherbert Street, Gisborne.

News



Any person who is entitled to object and who wishes to object to the issue of the licence may, not later than 15 working days after the date of the publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee at Gisborne District Council, PO Box 747, Gisborne 4040.

Public notices



Road closures for events



No objection to the issue of a new licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012.

Alcohol licence public notices

Council notices



No objection to the renewal of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012.

Funding streams



Date of Public Notification: 27 October 2022



**From:** Alcohol Licensing <Alcohol.Licensing@gdc.govt.nz>  
**Date:** 28 October 2022 at 10:02:20 AM NZDT  
**To:** benjymccann@gmail.com  
**Subject:** Anjuna Beer Garden - Acknowledgement of Application and Public Notice for display

Kia Ora Benjymin,

I acknowledge receipt of your application for a New On Licence – Anjuna Beer Garden.  
I have entered your application into our system and made the necessary agency referrals.  
The application is now with our licensing Inspector for processing.

You will find attached the authorised Public Notice.

Please print the attached public notice and display at your premises viewable to the public, then email Council a photo including some area around the public notice so we can see where it is displayed, for your file.

I have uploaded your public notice to our website and it is viewable via this link <https://www.gdc.govt.nz/council/public-notice/alcohol-licence-public-notice/anjuna-beer-garden>

Nga mihi

**Trindy Scragg** | Environmental Health Coordinator | Gisborne District Council  
**email** [alcohol.licensing@gdc.govt.nz](mailto:alcohol.licensing@gdc.govt.nz) | **ph** +64 6 867 2049  
**address** 15 Fitzherbert Street, PO Box 747, Gisborne 4010 | **url**  
[www.gdc.govt.nz](http://www.gdc.govt.nz)



**Objections Summary**

Date received	Other Party	Section of the Act	Valid Objector	Add1	Add2
15-Nov-22	Russell Wilson -Te Kura Kuapapa Maori o Hawaiki Hou	105(1)(c)	Yes - Education Facility - Principal	39 Gladstone Road	Gisborne
16-Nov-22	TeRina Jostling	105(1)(c)	No - Objector resides in Australia	Chester Hill, NSW	Australia
16-Nov-22	Rosie Wikotu - Te Kura Kuapapa Maori o Hawaiki Hou	105(1)(c)	Yes - Education Facility - Founding member	39 Gladstone Road	Gisborne
16-Nov-22	Mistyann Hauti -Te Kura Kuapapa Maori o Hawaiki Hou	105(1)(c)	Yes - Education Facility - Member of Te Ohu Ngutukura	39 Gladstone Road	Gisborne

# Gisborne District Local Alcohol Policy

28 August 2017



## POLICY REFERENCES

Sponsor	Director Environmental & Regulatory Services
Effective	5 March 2018
Review due	In line with the next review of the Combined Regional Land and District Plan or within 6 years, whichever is first
Legal compliance	Sale and Supply of Alcohol Act 2012
Associated documents	Alcohol in the Gisborne District (A441290)

## 1. INTRODUCTION

- 1.1 The Sale and Supply of Alcohol Act 2012 ("the Act") is the primary legislation regulating the sale and supply of alcohol in New Zealand. The aim of the Act is that:
- The sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
  - The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- 1.2 The Act allows a territorial authority to develop a Local Alcohol Policy ("LAP") in consultation with its community, about the sale and supply of alcohol in its geographical area. Gisborne District Council has decided to develop an LAP for its district and to set different restrictions and conditions for identified areas and licence types within the district.
- 1.3 The LAP must be read in conjunction with the Act and relevant regulations.
- 1.4 The Council's District Licensing Committee ("DLC") and the Alcohol Regulatory Licensing Authority ("ARLA") must have regard to the LAP when deciding licence applications in the District.
- 1.5 A LAP may include policies about the:
- Location and density of licensed premises;
  - Number of licensed premises of different types;
  - Hours of operation of licensed premises;
  - Discretionary conditions that may be imposed on licences including one-way door conditions.

## 2. POLICY OBJECTIVE

- 2.1 The Gisborne District LAP provides guidance for the DLC so that licensing decisions:
- Balance a healthy and safe Tairāwhiti with a vibrant and prosperous Tairāwhiti;
  - Encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm; and
  - Reflect the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities.
- 2.2 Indicators and measures for monitoring the effectiveness of the Policy will be identified at the implementation phase.

### 3. POLICY PROVISIONS

#### 3.1 Location and Density of Licensed Premises

3.1.1 No new licence of any type, except for restaurants or cafes and Special Licences, to be granted for locations within 150 metres of sensitive sites existing at the time of the application for a licence. This clause will not apply to an application for a new licence made because of a change of ownership of the premises, provided the licence type and scope of the new licence are the same as the existing licence for the premises.

3.1.2 Applications for new off-licences are exempt from clause 3.1.1 where the applicant can demonstrate to the DLC that the hours, alcohol-related signage, and/or operation of the premises will have no significant impact on sensitive sites and/or persons using sensitive sites. In relation to that test, provided the Applicant demonstrates how the conditions for off-licences listed in 3.4.3.1 will be achieved, the following shall be considered to have no significant impact:

- The hours of an off-licence where there is no external display of alcohol advertising; and
- The operation of an off-licence where the licensee implements an ID 25 policy.

Nothing in this clause affects the operation of sections 105 (1) (h) and (i) and section 106 of the Act.

3.1.3 For the purpose of clauses 3.1.1 and 3.1.2, sensitive sites are defined as areas, premises or facilities that are either considered more sensitive to alcohol-related harm, or are already experiencing greater levels of alcohol related harm than other areas as determined by the DLC. Such sites are educational institutions<sup>1</sup>, spiritual facilities<sup>2</sup>, marae and recreational facilities<sup>3</sup>.

3.1.4 Applicants should be aware that the DLC will consider whether an area is a high crime area when making decisions on licensing applications.

#### 3.2 Maximum Licensed Operating Hours

OFF-LICENCE			
Off-Licence types	Maximum operating hours	Trading days	Location
Supermarkets, wineries, taverns, bottle stores, grocery stores, clubs	7 am – 9 pm	Monday-Sunday	district-wide
ON-LICENCE			
On-Licence types	Maximum operating hours	Trading days	Location
Restaurants, cafes, wineries, taverns (including night-clubs), BYO, entertainment centres	10 am – 2 am One-way door from 1 am for taverns including night clubs	Monday-Sunday	district-wide

<sup>1</sup> Educational Facilities are defined as early-learning and child-care facilities, primary, secondary and tertiary institutions and institutions delivering educational services for vulnerable groups such as unemployed, youth or disabled groups.

<sup>2</sup> Spiritual Facilities are defined as a building or part of a building used primarily for public and private worship, or for religious purposes, including ceremonies, services, instruction or education, or for meetings or social functions directly related to the work of a religious organisation, and includes all land which is held for any of the foregoing purposes.

<sup>3</sup> Recreational facilities are defined as including parks, reserves, skate parks, youth centres and libraries.

CLUB LICENCE			
Club licence types <sup>4</sup>	Maximum operating hours	Trading days	Location
All Clubs including sports and other (including RSA)	10 am – 11 pm	Sunday-Thursday	district-wide
	10 am – 12 midnight	Friday - Saturday	
	Clubs holding commemorative Anzac celebratory services are permitted to open at 6 am on Anzac Day		

### 3.3 Special Licences

- 3.3.1 Non-licensed premises will not be issued a Special Licence beyond 2 am.
- 3.3.2 Licensed premises applying for a Special Licence will not be permitted to operate beyond 3 am.
- 3.3.3 All Class 1 Special Licences shall be exercised by a person holding a Manager's Certificate under the Act.
- 3.3.4 Any special licence for a series of events should not be for a period exceeding six months.
- 3.3.5 No premises should have more than 20 events under special licence in any 12-month period.

### 3.4 Conditions

- 3.4.1 The DLC may issue any licence subject to any reasonable conditions not inconsistent with the Act.
- 3.4.2 A combination of conditions that are appropriate to the operating context of the licensee (both mandatory conditions as defined by the Act, and discretionary conditions) will add effect to licensing decisions and contribute towards meeting the object of the Act. It is important that conditions are consistent and adhered to across operations with similar scope and type of licence for greatest impact.
- 3.4.3 Where the DLC is satisfied that one or more of the following matters are relevant to an application and is not satisfied that the applicant has adequately addressed that matter (or matters), the DLC may include (among other things) the following discretionary conditions as applicable.

3.4.3.1 Conditions related to the following matters may be appropriate for all licences:

- Display of safe and responsible drinking messages/material.
- Appropriate management: such as certified staff required.
- Application of the principles of Crime Prevention Through Environmental Design where they achieve the following outcomes:

#### Lighting

- Internal lighting inside the premises enables passive surveillance by staff and active surveillance by CCTV.
- Lighting allows customers to be seen as they enter the premises.
- Lighting allows staff to check identification.
- External areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or a District Plan rule

<sup>4</sup> Chartered Clubs are not subject to licensing under the District Licencing Committee, unless they operate outside the rules of their charter, so are exempt from this Policy.



## CCTV

- CCTV is installed in suitable locations to monitor areas which are not easily or not continuously monitored by staff.
- Customers are aware of the CCTV system

3.4.3.2 In addition to the general matters in 3.4.3.1, the following conditions may be appropriate for On-Licences and Special Licences:

- Number of door staff and provision of additional appropriately qualified security staff after a specified time.
- Management of patrons queueing to enter the licensed premises.
- Limit on the type and/or size of drinks and the number of drinks per customer and/or the use of glasses after a specified time.
- Limit on the use of glass drinking receptacles at specified times.
- One-way door restrictions applying earlier than default of 2pm.
- Provision of transport or information about transport options for patrons.
- Restrictions on use of outdoor areas after a specified time.
- Provision of food.
- Adoption of a Host/Social Responsibility Policy.



Te Kura Kaupapa Māori o Hawaiki Hou  
39 Gladstone Road  
Gisborne Central  
Gisborne  
4010

15 Noema 2022

Secretary of the District Licensing Committee  
Gisborne District Council  
PO Box 747  
Gisborne, 4040.

Tēnā koutou e te Kaunihera o Tūranganui a Kiwa,

RE: Objection to the new on license application of **Anjuna beer Garden**.  
% BM Ventures Limited.  
Address: 33 Gladstone Road, Gisborne, 4010.

**I object to the application on the following grounds:**

**Section 105 (1)(c)Any relevant local alcohol policy.**

**Gisborne District Local Alcohol Policy**

*Section 3.1.1 No new licence of any type, except for restaurants or cafes and Special Licences, to be granted for locations within 150 metres of sensitive sites existing at the time of the application for a licence. This clause will not apply to an application for a new licence made because of a change of ownership of the premises, provided the licence type and scope of the new licence are the same as the existing licence for the premises.*

On behalf of the students, staff and wider Whānau of Te Kura Kaupapa Māori o Hawaiki Hou, to support the grounds stated above, i would like to elaborate further on our objection to the new on license application of **Anjuna beer Garden** for the following reasons:

1. **The purpose of our whare - 39 Gladstone Road, Gisborne, 4010:** our building is purposed to educate tamariki/mokopuna (children). It is the primary location where our daily schooling activities take place (Karakia, Mihimihi, Waiata, Whakawhanaungatanga,



Manaaki tangata, overnight wānanga during weekends especially etc.) Above all we are recognised as a kura (school).

2. **Ages of person/s that mainly occupy the space:** Our kura accommodates for tamariki/mokopuna who are aged between 5 and 18 years. These tamariki/mokopuna are under the watchful eyes of teachers.
3. **Hours of operation:** Our kura is operational from the hours of 8.00am and 3.00pm, Monday to Friday within the schooling year. (386 half days at a minimal)
  - a. **Utilisation of whare during weekends:** our whare is purposed for in-house wananga for kura related tikanga for whānau of Te Kura Kaupapa Māori o Hawaiki Hou where most times requires tamariki and whānau to sleep in our building during the night.
4. **How is the surrounding areas of the kura utilised, i.e footpaths, car parks:**
  - a. **footpaths:** tamariki/mokopuna use the surrounding footpaths around the entire block (Gladstone Road | Reads Quay | Lowe Street) as routes for running, to get to schooling activities within walking distance.
  - b. **private car parks:** the private car parks to surrounding buildings are shared, it is proven that many people have mistaken our kura for surrounding buildings and have free-willingly walked in. The garden section of the proposed Anjuna beer 'garden' backs directly and close proximity to our car parks.
5. **Health and Safety hazards to tamariki/mokopuna and staff of Te Kura Kaupapa Māori o Hawaiki Hou:**
  - a. Alcohol served within close proximity of minors.
  - b. extreme loud music and noise
  - c. intoxicated patrons
  - d. shared car parks and a reinforcement of the no parking rule associated with the painted blue lines on road way.
  - e. broken glass, litter, urine in entrance ways

Ngā manaakitanga ki a tātou katoa

Russell Wilson  
 Pou ārahi  
 Te Kura Kaupapa Māori o Hawaiki Hou

**Trindy Scragg**

---

**From:** Russell Wilson <russell@hawaikihou.school.nz>  
**Sent:** Thursday, 17 November 2022 3:03 PM  
**To:** Alcohol Licensing  
**Subject:** RE: Letter of objection to Anjuna Beer Garden alcohol license application  
**Attachments:** Letter of objection\_ Anjuna beer garden.pdf

To Whom this may concern,

I wish to send this letter to express our concern towards an application made for a alcohol license with Anjuna Beer Garden at proposed location, 33 Gladstone road, Gisborne.

I am the Pou ārahi or Principal of Te Kura Kaupapa Māori o Hawaiki Hou situated at 39 gladstone Road, Gisborne. I have concerns for our kura / school as we have just been made aware of this by the wider community and have had no discussions or any communication at all with the company that proposes this venture. I have expressed these concerns in the attached letter of objection for consideration.

Thank you for receiving this letter and i hope to hear soon of future discussions.

Ngā mihi



**Russell Wilson**

Pou ārahi | Te Kura Kaupapa Māori o Hawaiki Hou | 39 Gladstone Road | Gisborne | 4010

**Trindy Scragg**

---

**From:** TeRina Josling <terinajosling@hotmail.com>  
**Sent:** Wednesday, 16 November 2022 1:41 PM  
**To:** Alcohol Licensing  
**Subject:** RE: Attn; The Secretary - Objection to Application - Anjuna Beer Garden by Applicant BM Ventures Limited

Good Morning to Chairperson, Deputy Chairperson and Members of the District Licensing Committee,

*I object to the application on the following grounds:*

*Section 105 (1)(c) Any relevant local alcohol policy.*

*Gisborne District Local Alcohol Policy*

*Section 3.1.1 No new licence of any type, except for restaurants or cafes and Special Licences, to be granted for locations within 150 metres of sensitive sites existing at the time of the application for a licence. This clause will not apply to an application for a new licence made because of a change of ownership of the premises, provided the licence type and scope of the new licence are the same as the existing licence for the premises.*

It has been brought to attention via social media, an application by BM Ventures Limited, for the opening and operation of Anjuna Beer Garden situated at 33 Gladstone Road, Gisborne.

I write this to you all as an objection on basis of the application for the premises to be an all day liquor premises. As you may be aware there are a number of concerning factors around this application listed as follows;

- The premises is situated within close proximity to Te Kura Kaupapa Maori o Hawaiki Hou on Gladstone Road, which would be an inference on the children attending that alcohol consumption at all hours is responsible.
- It doesn't push the narrative of responsible drinking.
- Gisborne is already a town renowned for its alcohol and other illegal activities and this is an invitation to increase the alcohol consumption by locals.

While many locals and ex-pats would agree Gisborne needs new venues and business to help grow the economical functioning of the city and offer employment, it can be done so in a responsible manner with out the need for all day drinking availability. Gisborne is known for many positive things, R&V, First to see the sun, the beautiful weather and landscape and yet it is so tarnished by poor decisions surrounding alcohol.

This is not the first time an alcohol related business has caused major concern amongst locals, recently being a bottle store (I believe Black Bull?) had applied for a premises when there is already a number of liquor outlets plus supermarkets selling liquor in what is such a small town.

The increased activity in Gisborne is much needed as is employment and socio-economic growth but there are better ways to achieve this than to add yet another pub/liquor outlet to the town.

While we appreciate everyone has the right to submit an application and have the opportunity to run a business it doesn't mean that everything should be given approval because they carry out their due-diligence and pay their fees.

I understand this does not fit within the template provided on the council website but hoping that you will see this is more than a generic letter this is a plea that the Licensing Committee take the concerns of the town and the community that they serve, on board when considering applications like this one submitted by BM Ventures Limited.

Nga Mihi,

TeRina Josling

C/- 45 Taruheru Crescent, Gisborne

[terinajosling@hotmail.com](mailto:terinajosling@hotmail.com)

Postal Address: 7 Woodland Road, Chester Hill NSW 2162 Australia

**From:** [TeRina Josling](#)

**Sent:** Wednesday, 16 November 2022 9:26 AM

**To:** [alcohol.licensing@gdc.govt.nz](mailto:alcohol.licensing@gdc.govt.nz)

**Subject:** Attn; The Secretary - Objection to Application - Anjuna Beer Garden by Applicant BM Ventures Limited

16 - 11 - 2022

Secretary of  
Licensing Committee  
Gisborne District Council  
PO Box 747  
Gisborne 4040

BM Ventures Limited  
33 Gladstone Road  
Gisborne  
**Known as:** Anjuna Beer Garden

Rosie Wikotu  
Kokowai / Mema o Te Ohu Ngutukura  
Te Kura Kaupapa Maori O Hawaiki Hou  
39 Gladstone Road, Gisborne

RE: Objection for the New on Licence for Alcohol

I object to the application on the following grounds:

Section 105(1)(c)Any relevant alcohol policy.

Gisborne District Local Alcohol Policy

Section 3.1.1 No new licence of any type, except for restaurants or cafes and Special Licences, to be granted for locations within 150 metres of sensitive sites existing at the time of the application for a licence. This clause will not apply to an application for a new licence made because of a change of ownership of the premises, provided the licence type and scope of the new licence are the same as the existing licence for the premises.

Kia ora

I am writing in regards to the advertisement published on the 27th October 2022 on the website of Gisborne District Council for a licence to open a Beer Garden at the above address.

Our kura, Te Kura Kaupapa Maori o Hawaiki Hou is situated at 39 Gladstone Road, Gisborne. We opened our kura on the 7th February 2019 with Ta Derek Lardelli reciting karakia and opening our beautiful kura. Our kura houses tamariki from ages of 5 years to 18 years old. Our kura is a full Maori immersion setting that has highly skilled kaiako. Our tamariki also use the environment and all its resources around the kura, our kaiako and whanau have built a kura that teaches and enhances our Maori customs and traditions through the guidelines of Te Aho Matua, a living document that nurtures our teachings to be carried on for our tamariki and mokopuna to thrive in their own right as being Maori. This kura has already produced Raukura graduates that have gone on to higher learning with some giving back to the kaupapa as kaiako of Ttkm.

I am a member of the group that help founder the kura that has been situated there for 4 years now and we have overcome many obstacles that have tried to hinder our kaupapa that is not at all good in any respect to our tamariki and their learning, my Kokowai sisters, our whanau and I **can not** and **will not agree at all** in regards to the New Licence that has been applied for by BM Ventures Limited. Education in a Maori setting for our tamariki in the building that we occupy means the utmost everything to us and our kaupapa Maori.

My kura whanau, our kaiako and I have worked tirelessly for our tamariki to have and get the best that this world has to give them. We are a part of the government initiative for healthy breakfasts and lunches in schools. Our older tamariki have built a "Pataka kai" A Food Cupboard which gets put out everyday through the school terms full of kai that our tamariki don't eat, this teaches our tamariki about giving and feeding the multitudes that have nothing and at the moment, Gisborne is experiencing more homeless on the streets, and the kai is free too. This act of kindness from our tamariki teaches us about looking after each other. Manaakitanga at its finest.

Please accept this objection, and I do plead that this licence will not be issued for the gains of alcohol consumption and what situations would come with this setting.



If there are any questions, please don't hesitate to send an email or phone.

Regards

Rosie Wikotu

Kokowai / Ngutukura o Te Kura Kaupapa Maori o Hawaiki Hou

Email: [ngutukura.hawaiki@gmail.com](mailto:ngutukura.hawaiki@gmail.com)

Phone: 0275769880

If there are any questions, please don't hesitate to send an email or phone.

Regards

Rosie Wikotu

Kokowai / Ngutukura o Te Kura Kaupapa Maori o Hawaiki Hou

Email: [ngutukura.hawaiki@gmail.com](mailto:ngutukura.hawaiki@gmail.com)

Phone: 0275769880

16 - 11 - 2022

Secretary of Licensing  
Committee  
Gisborne District Council PO  
Box 747  
Gisborne 4040

BM Ventures Limited 33  
Gladstone Road Gisborne  
**Known as:** Anjuna Beer Garden

Mistyann Hauiti  
Mema o Te Ohu Ngutukura  
Te Kura Kaupapa Maori O Hawaiki Hou 39  
Gladstone Road, Gisborne

RE: Objection for the New on Licence for Alcohol

**Section 105 (1)(c) Any relevant local alcohol policy.**

#### **Gisborne District Local Alcohol Policy**

**Section 3.1.1 No new licence of any type, except for restaurants or cafes and Special Licences, to be granted for locations within 150 metres of sensitive sites existing at the time of the application for a licence. This clause will not apply to an application for a new licence made because of a change of ownership of the premises, provided the licence type and scope of the new licence are the same as the existing licence for the premises.**

Kia ora

I am writing regarding the advertisement published on the 27th of October 2022 on the website of Gisborne District Council for a licence to open a Beer Garden at the above address.

Our kura, Te Kura Kaupapa Māori o Hawaiki Hou is situated at 39 Gladstone Road, Gisborne. We opened our kura on the 7th of February 2019 with Ta Derek Lardelli reciting karakia and opening our beautiful kura. Our kura houses tamariki from ages of 5 years to 18 years old. Our kura is a full Māori immersion setting that has highly skilled kaiako.

Our tamariki also use the environment and all its resources around the kura, our kaiako and whanau have built a kura that teaches and enhances our Māori customs and traditions through the guidelines of Te Ahō Matua, a living document that nurtures our teachings to be carried on for our tamariki and mokopuna to thrive as being Māori. This kura has already produced Raukura graduates that have gone on to higher learning with some giving back to the kaupapa as kaiako of Tkkm.

I am a grandmother of the kura that has been situated there for 4 years now and they have overcome many obstacles that have tried to hinder our kaupapa that is not at all good in any respect to our tamariki and their learning.

**I cannot and will not agree at all** regarding the New Licence that has been applied for by BM Ventures Limited. Education in a Māori setting for our tamariki in the building that we occupy means the utmost everything to us and our kaupapa Maori.

Our kura whanau, our kaiako and I have worked tirelessly for our tamariki to have and get the best that this world must give them. We are a part of the government initiative for healthy breakfasts and lunches in schools.

Our older tamariki have built a "Pataka kai" A Food Cupboard which gets put out every day through the school terms full of kai that our tamariki don't eat, this teaches our tamariki about giving and feeding the multitudes that have nothing and now, Gisborne is experiencing more homeless on the streets, and the kai is free too.

This act of kindness from our tamariki teaches us about looking after each other. Manaakitanga at its finest.

Please accept this objection, and I do plead that this licence will not be issued for the gains of alcohol consumption and what situations would come with this setting.

If there are any questions, please don't hesitate to send an email or phone. Regards

Mistyann Hauiti

Ngutukura o Te Kura Kaupapa Maori o Hawaiki Hou Email:

[ngutukura.hawaiki@gmail.com](mailto:ngutukura.hawaiki@gmail.com)

Phone: 0226993122



## Host responsibility policy

### For BM Ventures Trading as Anjuna beer garden

THE APPLICANT/LICENSEE ADVISES THE DISTRICT LICENSING COMMITTEE THAT THE FOLLOWING STEPS WILL BE TAKEN TO MINIMISE THE HARM FROM ALCOHOL AND PROMOTE A SAFE ENVIRONMENT:

Appendix 11

#### MINORS

- We will ensure that all staff are conversant with the requirements of the Sale and Supply of Alcohol Act 2012 (the Act), which prohibits any sale of alcohol to minors (under 18's). This will include instructing them that:
  - Anyone appearing to be under 25 years will be asked to produce identification before being allowed into the premises unless accompanied by a parent or legal guardian / before being served alcohol.
  - Identification of the prescribed type (New Zealand photo drivers licence, a passport, NZ Access Card, HNZ 18+ card) will be requested if any doubt as to age exists.
- Staff will be required to complete the 'Servewise' training offered at [servewise.alcohol.org.nz](http://servewise.alcohol.org.nz).
- Signage will be displayed at points of service stating that minors will not be served.

#### INTOXICATION

- Staff will be instructed that intoxicated persons must not be allowed entry to the premises or served alcohol and intoxicated persons must not remain on licensed premises.
- Signage will be displayed at points of service stating that intoxicated persons will not be served.
- All staff will be trained how to recognise the signs of intoxication
- Any person displaying two or more signs that their Speech, Coordination, Appearance or Behaviour is affected will not be served any further alcohol and the duty manager will be called to assess that person.
- Any intoxicated person found on the premises will be taken to a place of safety on the premises or if safe to do so will be removed from the premises.
- Alternative drinks and food will be recommended by staff when a person shows signs of being influenced by alcohol.
- Regular checks will be made of the toilets to prevent and detect persons taking drugs or becoming intoxicated.

#### FOOD

- Signage will be displayed advising the range of food available.
- The food available will be as set out in the Menu attached to our application.
- The food available will be promoted throughout the premises and staff will actively encourage the consumption of food to slow the onset of intoxication.
- We will always have meals available, as set out in the menu attached to our application, whenever alcohol is being sold or consumed.



## NON-ALCOHOL AND LOW-ALCOHOL BEVERAGES & WATER

- We will stock a range of non-alcoholic and low alcohol beverages. The options available are set out in the Drinks Menu attached to our application.
- We will ensure that our staff are aware of the options available.
- Tap water will be provided free of charge (*at the bar/on each table*) to all patrons.

## SAFE TRANSPORT OPTIONS

- We will ensure that information on public transport options is available, including an A4 poster displayed in 2 of the following locations - by the main counter or bar, and /or by the principal exit, and / or in the bathrooms. The poster will include an anti-drink driving message and taxi contact details and the location of the nearest taxi rank; and advice that staff are available to give further information.
- A telephone is available should customers wish to call a taxi.
- We will ensure that our staff are instructed to give advice to customers on the transport options available.

## SAFE DRINKING ENVIRONMENT

- We will ensure that empty glasses and bottles are cleared promptly.
- Violent, quarrelsome, insulting, or disorderly customers will not be tolerated on the premises and will be removed regardless of whether they are intoxicated or not.
- We will regularly check to ensure that the toilet facilities are kept clean safe and available.

## AMENITY & GOOD ORDER

- Staff will be instructed to be mindful of the need to manage noise so as to not disturb our neighbours.
- Doors and windows will as much as possible be kept shut to reduce the flow of noise from the premises.
- Customers using external areas will be reminded of the need to be considerate of neighbours.
- Bottles will not be emptied into outside rubbish bins at a time that could annoy neighbours.
- The exterior of our premises will be kept clean and tidy.

## REGULATORY AGENCIES

Members of the police, compliance officers from the Medical Officer of Health, and licensing inspectors visiting the premises will be given every assistance to conduct their business.

## ALCOHOL PROMOTIONS

No promotions that encourage the rapid consumption of alcohol or an excessive volume of alcohol will be initiated or carried out by any staff member.

# The MENU

## PIZZA

Margherita: Our home made tomato sauce topped with mozzarella.

The El Vege: spinach, onion, mushroom, pumpkin, olives, feta with a sprinkling of mozzarella.

Mushroom Pesto Parmesan: spinach, onion, mushrooms, pesto, parmesan, olives, mozzarella.

Supremo: onions, mushroom, capsicum, sausage, pepperoni, olives, mozzarella.

The Butcher: pepperoni, steak, sausage, onions, olives, mozzarella.

Tropicana: champagne ham, pineapple, mozzarella

The Golden: garlic, mascarpone, onion Parmesan thinly sliced rosemary potatoes, topped with fresh mozzarella.

Pollo: chicken, baby spinach, capsican opinion, olives and mozzarella.

Pollo Brie: chicken, cranberry, mozzarella & brie.

anjuna

BEER GARDEN



# The MENU

## BRUSHETTA

1. Fresh diced tomato, basil pesto, avocado crumbled feta, drizzled with extra virgin olive oil.

2. Mozzarella, Parmesan cheese with chilli jam.

3. Chilli black beans, topped with salsa and sour cream.

## NACHO BOWLS

Vege: chilli black beans topped with fresh capsican, tomato mint salsa, sour cream and melted cheese served on toasted corn chips.

Chicken jalapeño: Shredded chicken tossed with avocado baby spinach and jalapeños, black bean chilli, sour cream and melted cheese served on toasted corn chips.

Beef: Beef and bean chilli, fresh tomato red onion salsa, sour cream and melted cheese served on toasted corn chips.

anjuna  
BEER GARDEN

# The MENU

## BREAD & DIPS

The golden plate: A selection of breads served with pesto, olives, hummus, balsamic vinegar & extra virgin olive oil.

Pate: Toasted ciabatta served with pate, feta & caramelised onion

Cheese Plate: a selection of toasted breads & crackers, served with Brie, blue cheese, fig paste, pate and a selection of dips.

These plates can be made to serve two or four.

## GOLDEN GOODNESS

Golden fries with tomatoe sauce or aioli

Hot wedges topped with bacon, melted cheese & sour cream.

Arancini, deep fried mushroom rice balls with our special homemade dipping sauce 8 per plate.

anjuna  
BEER GARDEN

*The*

DRINKS  
MENU

ON TAP

T Zeffer Crisp Apple Cider 5%

Panhead Quickchange XPA 4.6%

Panhead Port Road Pilsner 5.2%

Panhead Sandman Hazy Pale Ale 5.2 %

Emersons Lower Carb Pilsner 4%

BEER

Heieken 0.0%

Garage project Tiny IPA 0.5%

Fugarzi 2.5%

Heineken 5%

Peroni 5.1%

Steinlager 5%

anjuna  
BEER GARDEN

*The*

DRINKS  
MENU

SPRITS

Hendricks Gin

Monkey Shoulder Whiskey

Absolut Vodka

Captain Morgan Rum

WINE LIST

Graham Norton Prosecco NV Italy

Merlot Oyster Bay, Hawkes bay

Cabinet Sauvignon Ringbolt, Margret river

Pinot noir Ata Rangī, Martinborough

anjuna  
BEER GARDEN

*The*  
DRINKS  
MENU

NON ALCOHOLIC

Juices:

Homegrown, Juice Orange, Apple, Pineapple,  
Tomato or Grapefruit

Foxton Fizz :

Kola, Lime, Creaming Soda, Raspberry or  
Lemonade

Soda's:

L&P, Fanta, Sugar-free or Diet Coke, Ginger  
Ale, Lemonade or Coke  
Bundaberg Ginger Beer

Sparkling water:

San Pellegrino Sparkling Water 2 5 0 m l / 1

Free tap water always available .

anjuna

BEER GARDEN

Appendix 13

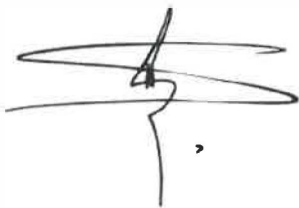
# Certificate of Incorporation

**BM VENTURES LIMITED**

**8157862**

**NZBN: 9429048978576**

This is to certify that BM VENTURES LIMITED was incorporated under the Companies Act 1993 on the 10th day of February 2021.



Registrar of Companies  
10th day of February 2021



# Company Extract

## BM VENTURES LIMITED

### 8157862

### NZBN: 9429048978576

<b>Entity Type:</b>	NZ Limited Company
<b>Incorporated:</b>	10 Feb 2021
<b>Current Status:</b>	Registered
<b>Constitution Filed:</b>	No
<b>Annual Return Filing Month:</b>	February

**Ultimate holding company:** No

#### Company Addresses

##### Registered Office

Blair Haynes, 59 Awapuni Road, Awapuni, Gisborne, 4010, NZ

##### Address for Service

Blair Haynes, 59 Awapuni Road, Awapuni, Gisborne, 4010, NZ

#### Directors

MCCANN, Benjamin Matthew  
59 Awapuni Road, Awapuni, Gisborne, 4010, NZ

#### Shareholdings

**Total Number of Shares:** 100

**Extensive Shareholdings:** No

100	MCCANN, Benjamin Matthew 59 Awapuni Road, Awapuni, Gisborne, 4010, NZ
-----	--

For further details relating to this company, check <http://app.companiesoffice.govt.nz/co/8157862>

Extract generated 10 February 2021 04:23 PM NZDT

**BM VENTURES LIMITED (8157862) Registered** *Last updated on 01 Nov 2022*

To maintain this company [log on here](#)

Company Summary   Addresses   Directors (1)   Shareholdings (1)   Documents (6)   PPSR Search

NZBN

Company number: 8157862

NZBN: 9429048978576

Incorporation Date: 10 Feb 2021

Company Status: Registered

Entity type: NZ Limited Company

Constitution filed: No

AR filing month: February , last filed on [04 Feb 2022](#)

[Ultimate holding company](#) No

[Company addresses:](#) **Registered Office**  
Blair Haynes, 59 Awapuni Road,  
Awapuni, Gisborne, 4010 , New  
Zealand

**Address for service**  
Blair Haynes, 59 Awapuni Road,  
Awapuni, Gisborne, 4010 , New  
Zealand

[View all addresses](#)

[Directors](#) Showing 1 of 1 directors

Benjymin Matthew MCCANN  
59 Awapuni Road, Awapuni,  
Gisborne, 4010 , New Zealand

Company record link: <https://app.companiesoffice.govt.nz/co/8157862>



**Additional NZBN Information**

Trading

Name(s):

Phone

Number(s):

Email

Address(es):

Website(s):

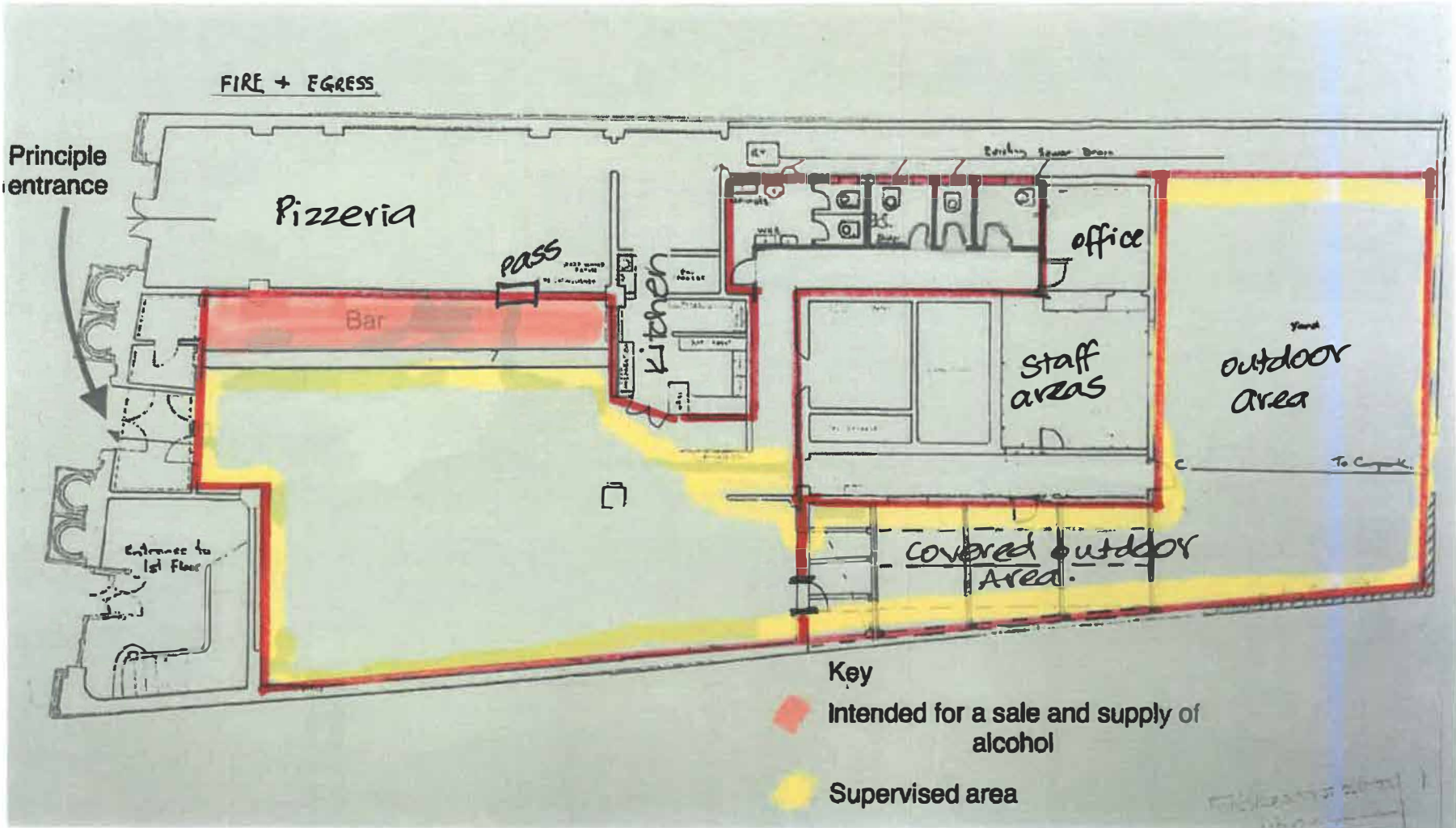
Industry      N731340 Property

Classification(s) maintenance service  
(own account) nec

[View all NZBN details](#)

*Generated on Monday, 09 January 2023 10:01:38 NZDT*

Scale plan of the proposed premises



- Licensed Area

Name	Wednesday	Thursday	Friday	Saturday	Sunday
Bar person 1	3:30pm – Close	3:30pm – Close	3:30pm – Close	3:30pm – Close	11:00- 3:00pm
Bar person 2	4:00pm – Close	4:00pm – Close	4:00pm – Close	4:00pm – Close	10:30- 3:00pm
Bar person 3	4:00pm – Close	4:00pm – Close	4:00pm – Close	4:00pm – Close	10:30- 3:00pm
Bar person 4	-	-	4:00pm – Close	4:00pm – Close	-
Glassey 1	3:30pm – Close	3:30pm – Close	3:30pm – Close	3:30pm – Close	11:00- 3:00pm
Glassey 2	-	-	4:00pm – Close	4:00pm – Close	-
Server	-	-	4:00pm – Close	4:00pm – Close	11:00- 3:00pm
Doorman 1	-	-	8:00pm – Close	8:00pm – Close	-
Doorman 2	-	-	8:00pm – Close	8:00pm – Close	-
Security	-	-	8:00pm – Close	8:00pm – Close	-
Duty manager 1 of 3	2:00pm – Close	2:00pm – Close	2:00pm – Close	2:00pm – Close	10:00 – 3:00pm
Kitchen	3 people	3 people	6 people	6 people	5 people
Diswasher	4:00pm – Close	4:00pm – Close	4:00pm – Close	4:00pm – Close	11:00 – 3:00pm
Total staff	9	9	18	18	13

**Trindy Scragg**

**From:** Goodwin, Derek <Derek.Goodwin@fireandemergency.nz>  
**Sent:** Monday, 31 October 2022 2:28 PM  
**To:** 'Blair Haynes'  
**Cc:** Alcohol Licensing  
**Subject:** 22-36 33 Gladstone Rd Requires an Evacuation Scheme  
**Attachments:** 22-36 33 Gladstone Rd Requires an Evacuation Scheme.docx

Appendix 16

Hi Blair

Please find attached, a letter informing you of your requirement to provide an approved evacuation scheme for 33 Gladstone Road Gisborne (Anjura Beer Garden).

This will need to be provided in order for us to support the liquor license application.

Could you also please provide details of the rear egress from the beer garden. Currently there is a chained and padlocked gate that leads in to a private car park (Emerald Hotel).

Thank you.

Regards

Derek

**Derek Goodwin** Grad IFireE - AdvDip Fire Investigation - Dip Fire & Rescue  
 Senior Advisor Risk Reduction - Specialist Fire Investigator – Inspector

Tairāwhiti Area Headquarters  
 Gisborne Fire Station  
 185 Palmerston Road  
 Gisborne



M: 027 2856060

P: 06 867 9038

[derek.goodwin@fireandemergency.nz](mailto:derek.goodwin@fireandemergency.nz)

[www.fireandemergency.nz](http://www.fireandemergency.nz)



Notice: This email and any attachments may contain information that may be subject to an obligation of confidence or the subject of legal privilege. If you received it in error:

1. Please let us know immediately by return email and then delete the email and your reply.
2. You must not use, copy or disclose any of the information contained in this email.

There is no warranty that this email is error or virus free.

If this is a private communication, it does not represent the views of the organisation.

**Trindy Scragg**

---

**From:** Goodwin, Derek <Derek.Goodwin@fireandemergency.nz>  
**Sent:** Monday, 31 October 2022 1:55 PM  
**To:** Alcohol Licensing  
**Subject:** RE: 2022 Anjuna Beer Garden, 13280 - New On - Email Referrals - Oct

Hi Trindy

The building being used for the anjuna beer garden, is required to apply for and maintain an evacuation scheme. I will write to the building owners representative for compliance.

Cheers

Derek

**Derek Goodwin** Grad I Fire E - Adv Dip Fire Investigation - Dip Fire & Rescue

Senior Advisor Risk Reduction

Specialist Fire Investigator – Inspector

Tairāwhiti Area Headquarters

Gisborne Fire Station

185 Palmerston Road

Gisborne

M: 027 2856060

[derek.goodwin@fireandemergency.nz](mailto:derek.goodwin@fireandemergency.nz)

[www.fireandemergency.nz](http://www.fireandemergency.nz)



-----Original Message-----

**From:** Alcohol Licensing <Alcohol.Licensing@gdc.govt.nz>

**Sent:** Friday, 28 October 2022 9:43 am

**To:** Alcohol.Gisborne <Alcohol.Gisborne@police.govt.nz>; HealthProtection Officer <health.protection@tdh.org.nz>;

Tairāwhiti District - RR Team <TairāwhitiDistrict-RRTeam@fireandemergency.nz>

**Subject:** 2022 Anjuna Beer Garden, 13280 - New On - Email Referrals - Oct

Tēnā kōutou,

Please find attached an application for a New On Licence from Anjuna Beer Garden for reporting at your earliest convenience.

Response due date: 18 November 2022.

Nga mihi

Trindy Scragg | Environmental Health Coordinator | Gisborne District Council  
Email: [Trindy.Scragg@gdc.govt.nz](mailto:Trindy.Scragg@gdc.govt.nz) | Ph +64 6 867 2049 | DDI 06 869 2528  
Address: 15 Fitzherbert Street, PO Box 747, Gisborne 4010 | [www.gdc.govt.nz](http://www.gdc.govt.nz)



---

Notice: This email and any attachments may contain information that may be subject to an obligation of confidence or the subject of legal privilege.  
If you received it in error:

1. Please let us know immediately by return email and then delete the email and your reply.
2. You must not use, copy or disclose any of the information contained in this email.

There is no warranty that this email is error or virus free.

If this is a private communication, it does not represent the views of the organisation.

**Jo Gradwell**

**From:** Goodwin, Derek <Derek.Goodwin@fireandemergency.nz>  
**Sent:** Monday, 19 December 2022 12:37 pm  
**To:** Jo Gradwell  
**Cc:** Blair Haynes; Karen@mccannngroup.co.nz  
**Subject:** RE: 22-36 33 Gladstone Rd Requires an Evacuation Scheme  
**Attachments:** 22-36 33 Gladstone Rd Requires an Evacuation Scheme.docx

Hi Jo

Upon receiving the liquor licensing application, for 33 Gladstone Road Gisborne, I wrote to McCannics (whom own the building), requesting an Evacuation Scheme pursuant to the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018.

I also requested information as to how the rear fire escape for the building would be managed.

Unfortunately, I have not received any communication, with regard to either request.

The letter I sent, gave 30 working days to submit an Evacuation Scheme for approval. The letter was sent on the 31<sup>st</sup> of October 2022. This time frame has now expired.

As a result, Fire and Emergency are unable to support a liquor license, in this building, until these matters have been attended to.

Regards

Derek

**Derek Goodwin** Grad IFireE - AdvDip Fire Investigation - Dip Fire & Rescue

Senior Advisor Risk Reduction

Specialist Fire Investigator – Inspector

Tairāwhiti Area Headquarters

Gisborne Fire Station

185 Palmerston Road

Gisborne

M: 027 2856060

[derek.goodwin@fireandemergency.nz](mailto:derek.goodwin@fireandemergency.nz)

[www.fireandemergency.nz](http://www.fireandemergency.nz)



**From:** Jo Gradwell <Jo.Gradwell@gdc.govt.nz>  
**Sent:** Monday, 19 December 2022 12:14 pm  
**To:** Goodwin, Derek <Derek.Goodwin@fireandemergency.nz>  
**Subject:** FW: 22-36 33 Gladstone Rd Requires an Evacuation Scheme

**From:** Jo Gradwell  
**Sent:** Monday, 19 December 2022 11:03 am  
**To:** Goodwin, Derek <[Derek.Goodwin@fireandemergency.nz](mailto:Derek.Goodwin@fireandemergency.nz)>  
**Subject:** RE: 22-36 33 Gladstone Rd Requires an Evacuation Scheme

Morena Derek,

I am just writing my report for the District Licensing Committee and am wanting to know whether there has been any update regarding the compliance required for this building.

Nga mihi

Jo Gradwell  
Licensing Inspector

**From:** Goodwin, Derek <[Derek.Goodwin@fireandemergency.nz](mailto:Derek.Goodwin@fireandemergency.nz)>  
**Sent:** Monday, 31 October 2022 2:28 pm  
**To:** 'Blair Haynes' <[blair@mccanngroup.co.nz](mailto:blair@mccanngroup.co.nz)>  
**Cc:** Alcohol Licensing <[Alcohol.Licensing@gdc.govt.nz](mailto:Alcohol.Licensing@gdc.govt.nz)>  
**Subject:** 22-36 33 Gladstone Rd Requires an Evacuation Scheme

Hi Blair

Please find attached, a letter informing you of your requirement to provide an approved evacuation scheme for 33 Gladstone Road Gisborne (Anjura Beer Garden).

This will need to be provided in order for us to support the liquor license application.

Could you also please provide details of the rear egress from the beer garden. Currently there is a chained and padlocked gate that leads in to a private car park (Emerald Hotel).

Thank you.

Regards

Derek

**Derek Goodwin** Grad I Fire E - Adv Dip Fire Investigation - Dip Fire & Rescue  
Senior Advisor Risk Reduction - Specialist Fire Investigator – Inspector  
Tairāwhiti Area Headquarters  
Gisborne Fire Station  
185 Palmerston Road  
Gisborne





M: 027 2856060

P: 06 867 9038

[derek.goodwin@fireandemergency.nz](mailto:derek.goodwin@fireandemergency.nz)

[www.fireandemergency.nz](http://www.fireandemergency.nz)



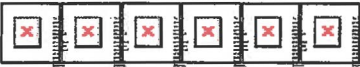
---

Notice: This email and any attachments may contain information that may be subject to an obligation of confidence or the subject of legal privilege. If you received it in error:

1. Please let us know immediately by return email and then delete the email and your reply.
2. You must not use, copy or disclose any of the information contained in this email.

There is no warranty that this email is error or virus free.

If this is a private communication, it does not represent the views of the organisation.



---

Notice: This email and any attachments may contain information that may be subject to an obligation of confidence or the subject of legal privilege. If you received it in error:

1. Please let us know immediately by return email and then delete the email and your reply.
2. You must not use, copy or disclose any of the information contained in this email.

There is no warranty that this email is error or virus free.

If this is a private communication, it does not represent the views of the organisation.