



PAPAIOEA
PALMERSTON
NORTH
CITY

PALMERSTON NORTH CITY COUNCIL

AGENDA

DISTRICT LICENSING COMMITTEE HEARING

10.00AM, THURSDAY 10 APRIL 2025

MISSOULA ROOM | FIRST FLOOR | CIVIC
ADMINISTRATION BUILDING | 32 THE SQUARE |
PALMERSTON NORTH

MEMBERS

Aleisha Rutherford (Chairperson)
Stewart Davies
Vicki Beagley

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

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

Waid Crockett

Chief Executive | PALMERSTON NORTH CITY COUNCIL

DISTRICT LICENSING COMMITTEE

10 April 2025

ORDER OF BUSINESS

1. **Welcome and Introductions**
2. **Declaration of any Conflicts of Interest**
3. **Overview of the Proceedings**

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

4. **Hearing of application by SG 2022 Limited for an On Licence renewal in respect of the premises know as Pendulum Bar & Eatery situated at 522 Main Street, Palmerston North Central, Palmerston North**

Parties:

- i. Applicant
SG 2022 Limited for an On-Licence renewal.
- ii. Palmerston North City Council (No opposition)
Report dated 7 August 2024 and Memorandum dated 13 December 2024, by the Licensing Inspector, Andrew Moss.
- iii. Health New Zealand – Te Whatu Ora (No opposition)
Reports dated 5 December 2023 and 30 January 2024 by the Compliance Officer, Jill Job (for Dr Rob Weir, Medical Officer of Health, National Public Health Service, Central Region, Ta Pae Hauora o Ruahine o Tararua).
- iv. Police (No opposition)
Reports dated 3 January 2024, 5 January 2024, 11 October 2024 and 23 October 2024 by the Alcohol Harm Prevention Officer, Sergeant Andrew Brooke.

- v. Palmerston North City Council – Noise Monitoring Officer
- vi. Any other person given leave by the Chairperson to give evidence
- vii. Right of Reply

5. Exclusion of Public

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

Procedure for hearing applications made under the Sale and Supply of Alcohol Act 2012^[1]

This information is to assist anyone participating in a hearing before the District Licensing Committee. The Hearing is necessary because the application has been opposed by reporting agencies or objections have been received from the community.

1. Public Hearing

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

However, the Committee may hold any part of the Hearing in private and has the power to make an order to protect sensitive information, through a direction to the media at the Hearing.

2. Committee Conducting the Hearing

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

3. Venue for the Hearing

The Hearing will be held at the Palmerston North City Council in the Missoula Room which is on the first floor of the Civic Administration Building, Te Marae o Hine - 32 The Square, Palmerston North. Please note that access is via the automatic doors on the Te Marae o Hine - The Square side of the roadway where our Customer Service Centre is situated. There are stairs and a lift to the first floor on the right as you enter the building.

You may also request remote participation.

4. Evidence

The Committee has the power to require evidence given at the Hearing to be on Oath or Affirmation, however, there is no obligation for evidence to be sworn.

Any evidence given may be oral or in writing. You can elaborate on points already raised in the evidence submitted to support your case.

When speaking to the Committee make a good, strong presentation. Keep statements simple, make key points clear, speak clearly and slowly enough to be understood, and try not to repeat statements. Where it is considered that there is likely to be excessive repetition, the Chairperson may limit the circumstances in which parties having the same interest may speak or present evidence.

It would assist the Committee if you prepare a written brief of any oral evidence you will present on the day. You do not need to bring copies of the original objection itself or any report made to the Committee, as the Committee will already have these.

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

(1) Pre-circulated Evidence

Submit any written evidence to the Committee Administrator by the date in the letter notifying the hearing. On the day you or your representative can read this aloud, unless the Committee says it is not necessary. You will not be obliged to elaborate any further unless asked to.

(2) Tabled Evidence

Alternatively, your evidence can be tabled (i.e. presented for the first time) at the Hearing. In this event your evidence must be read in full at the Hearing by yourself or by your representative. You should also have 10 copies of your evidence available for distribution on the day. If you do not have the copies with you on the day of the hearing, please arrive 30 minutes early and give the document to the Hearing Administrator to organise copies.

5. Cross-Examination

There is a right of cross-examination. This means all Parties with speaking rights at the Hearing will have an opportunity to ask questions of any other Party giving evidence. The Committee may also question any Party concerning their submissions or evidence.

To ensure a respectful and orderly hearing, we kindly ask the Parties to refrain from speaking over one another. Please wait for your turn to speak and allow others to finish their statements before responding.

6. Participants

The following people have the right to speak at the Hearing, personally, or by counsel, and may call, examine, witnesses:

- o The Applicant
- o The Licensing Inspector, a member of the Police and the Medical Officer of Health - to each of whom a copy of the application has been sent
- o Any Objectors

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

As a party to this hearing, we recommend you attend for the complete duration of the Hearing. If you do not appear in person by counsel, the matter may be heard and determined in your absence. If you have any concerns about the timing or location of the Hearing, please inform the Committee Administrator at least 10 days prior to the Hearing.

7. Conduct of the Hearing

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

- (1) The applicant presents his or her case and calls witnesses in support of the application.
- (2) The Licensing Inspector, member of the Police and the Medical Officer of Health, usually in that order, presents their reports and call witnesses in support if they wish.
- (3) Objectors, if any, present their objections and call witnesses in support of their objections.
- (4) Any other person given leave by the Chairperson of the District Licensing Committee to give evidence may speak.
- (5) The Applicant has a right of reply.

The Chair may give the Applicant an opportunity to submit their closing statements in writing or to respond in writing to any proposed conditions.

8. Te reo and tikanga Māori

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

9. Visual Aids

If you wish to use a data projector, video, whiteboard, pin-up board or a similar aid, please contact the Hearing Administrator no later than 2 working days before the Hearing so that arrangements can be made.

10. Adjournment

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

11. Decision of the Hearing

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

Parties will be advised in writing of the decision and reasons for it as soon as possible after the decision has been made. You can expect this within 30 working days.

12. Appeal Rights

Any party has a right of appeal to the Alcohol Regulatory and Licensing Authority. You can appeal against the whole or any part of the decision. If you wish to appeal, you must do so within 10 working days of the date on which the decision was issued. That time may be extended if the licensing authority is satisfied if there was reasonable cause.

Because the appeal process is more involved than the initial hearing, we recommend you consult a solicitor if you are thinking about lodging an appeal.

13. Variation of Procedure

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

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

14. Impartiality

You should not endeavour to contact members of the District Licensing Committee. Please communicate through the Hearing Administrator.

The Committee may choose to visit the site of the application. In this event, do not discuss the case with them. It is important they remain impartial until they have heard all of the evidence for it to be a fair process.