



Hastings District Council

Civic Administration Building
Lyndon Road East, Hastings

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Fax: (06) 871 5100

WWW.hastingsdc.govt.nz

A G E N D A

HASTINGS DISTRICT LICENSING COMMITTEE MEETING Temporary Authority – Events Cinema

Meeting Date: **Thursday, 28 July 2016**

Time: **8.30am**

Venue: **Landmarks Room
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Committee Members	Chair: Councillor Kerr or Rostered on: Councillor Lyons and Mrs Shelly Witchalls Other Members: Mr Wayne Bradshaw, Mr Dave Fellows Mr Norm Speers <i>(Quorum = 3 for contested applications - Chair or Deputy Chair plus two members)</i>
Committee Secretary	Carolyn Hunt (Ext 5634)

Hastings District licensing Committee – Terms of Reference

A statutory Committee under the Sale and Supply of Alcohol Act 2012.

Fields of activity

- to consider and determine applications for licences and manager's certificates; and
- to consider and determine applications for renewal of licences and manager's certificates; and
- to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Sale and Supply of Alcohol Act 2012; and
- to consider and determine applications for the variation, suspension, or cancellation of special licences; and
- to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280 of the Sale and Supply of Alcohol Act 2012; and
- with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and
- to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Sale and Supply of Alcohol Act 2012; and
- any other functions conferred on licensing committees by or under this Act or any other enactment.

Membership

Chairman appointed by the Council

Deputy Chairman appointed by the Council

2 members selected from a list developed and maintained by the Council

Quorum

For uncontested applications only the Chairman, or Deputy Chairman in the Chairman's absence, is required

For contested applications 3 including the Chairman

The Deputy Chairman is a member of the Committee only when the Chairman is absent.

Statutory Powers

A licensing committee has all the powers conferred on it by or under this Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

Committee Secretary

The Chief Executive is the Secretary of the Hastings Licensing Committee

HASTINGS DISTRICT COUNCIL
HASTINGS DISTRICT LICENSING COMMITTEE MEETING
THURSDAY, 28 JULY 2016

VENUE: Landmarks Room
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

TIME: 8.30am - T/A Events Cinema

A G E N D A

1. Apologies

At the close of the agenda no apologies had been received.

At the close of the agenda no requests for leave of absence had been received.

2. Conflict of Interest

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or Executive Advisor: Governance and Emergency Management (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

3. Confirmation of Minutes

Minutes of the Hastings District Licensing Committee Meeting held Thursday 16 June 2016.
(Previously circulated)

4. Temporary Authority - Event Cinemas Limited

5

5. Additional Business Items

REPORT TO: HASTINGS DISTRICT LICENSING COMMITTEE

MEETING DATE: THURSDAY 28 JULY 2016

FROM: LICENSING INSPECTOR
JOHN LOVATT

SUBJECT: TEMPORARY AUTHORITY - EVENT CINEMAS LIMITED

1.0 INTRODUCTION

1.1 An application has been made by **Event Cinemas Limited** for a temporary authority in respect of "Cinema Gold" (**Attachment 1**). The premises operates under an on-licence (number 29/ON/002/04), expiry date 20 January 2017.

2.0 DESCRIPTION OF PREMISES

2.1 The premises are situated at 11 Joll Road, Havelock North.

2.2 The general nature of the business is described as cinema and the sale of alcohol is not the principal purpose of the business.

3.0 GENERAL MATTERS

3.1 Suitability of Applicant

3.1.1 The applicant for the premises is Event Cinemas Limited and Gregory Charles Dean, Mathew Robert Duff and David Christopher Seargeant, all of Australia, are directors of the company. Character references have not been supplied in relation to the directors but the applicant company holds on licences in respect of premises at Tauranga and Mt Maunganui, both of which have recently been renewed for three years. The applicant company, together with its associated companies, is the largest cinema operator in New Zealand. I am satisfied that the applicant is suitable to operate licensed premises.

3.2 Documented evidence of transfer of ownership or lease of the premises

3.2.1 The applicant has not provided a copy of the sale and purchase agreement (SPA). Solicitors for the applicant Simpson Grierson of Auckland write "*Event is of the view that the SPA contains sensitive commercial information and, as such, a copy will not be provided with its application. We would be grateful if you would instead accept this letter as confirmation that, on settlement under the SPA, Event will acquire the business and assets of the businesses listed above.*"

3.2.2 And further: "*The SPA is conditional on a number of matters, including Event obtaining a liquor licence for Cinema Gold in Havelock North. This condition must be satisfied by condition date under the SPA, which is 21 July 2016. Settlement is expected to occur on 28 July 2016.*"

4.0 OTHER MATTERS

4.1 The applicant has provided a copy of a Certificate of Incorporation in respect of the application.

5.0 POLICE REPORT

5.1 No objections have been received to the application from the Police.

6.0 SUMMARY

6.1 Accordingly, as the above application meets with the criteria of the Sale and Supply of Alcohol Act 2012, it is recommended that the application for a temporary authority by **Event Cinemas Limited** be granted.

7.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Licensing Inspector titled "Temporary Authority - Event Cinemas Limited" dated 28/07/2016 be received.**
- B) That the application for a temporary authority by Event Cinemas Limited be granted on the grounds that the application meets the criteria of the Sale and Supply of Alcohol Act 2012.**
- C) That the applicant be advised that it is the expectation of the District Licensing Committee that an application for a substantive licence is to be made within six weeks of the issue of the temporary authority.**
- D) That the temporary authority be issued for a period of three months commencing on 21 July 2016.**
- E) That the temporary authority be issued with the following conditions:**
 - (a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday Christmas Day, or before 1.00 pm on Anzac Day to any person who is not-**
 - (i) residing or lodging on the premises; or**
 - (ii) present on premises to dine.**
 - (b) Alcohol may be sold only on the following days and during the following hours:**
On such days and during such hours as the facilities are being operated as a cinema but not other than on the following days and hours:
Monday to Sunday 8.00 am to 2.00 am the following day
 - (c) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.**

- (d) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.**

- (e) Drinking water is to be freely available and free of charge to customers at the following location while the premises are open for business: From the bar**

Attachments:

- 1 29/TO/002/16 Application for Temporary On Licence for Event Cinemas Ltd 70420#0337
- 2 29/TO/002/16 Application for Temporary On Licence for Event Cinemas Ltd 70420#0338
Supporting Documents

CUSTOMER SERVICES
12 JUL 2016
RECEIVED

PO BOX 34431
Birkenhead
G.S.T. No.56-765-964

9am.

Swain AND ASSOCIATES

Alcohol Licensing Consultants

Email: swainassoc@xtra.co.nz

RECEIVED
11 JUL 2016
HASTINGS DISTRICT COUNCIL

Phone 0-9-480 0815
Fax 0-9-480 0820
Mobile 0274 800 382

7 July 2016

The Secretary
Hastings DLC
Private Bag 9002
HASTINGS 4156

EVENT CINEMAS LIMITED

On behalf of our above client we enclose application for a temporary authority, supporting data and our cheque for \$296.70 being the filing fee,

Please advise what further information, if any you require to determine this application

Regards
SWAIN & ASSOCIATES
PETER SWAIN LL.B



Item 4

Attachment 1

IN THE MATTER of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER of an application by EVENT
CINEMAS LIMITED for a
temporary authority pursuant to s136
of the Act in respect of premises at
11 Joll Road, Havelock North and
known as Cinema Gold

The Secretary
District Licensing Committee
HASTINGS

Application is made for a temporary authority to carry on the sale and supply
of liquor in accordance with the details contained herein:

1. DETAILS OF APPLICANT *22 5350*.
 - A EVENT CINEMAS LIMITED
 - B. Address for service is PO Box 34431 Birkenhead
 - C. Contact is Michael Deslandes 027 4451001
2. DETAILS OF LICENCE
On licence number 029/ON/2/2004
3. DETAILS OF PREMISES *70420*
 - A Address 11 Joll Road, Havelock North
 - B Trading name Cinema Gold
4. FURTHER DETAILS
 - A Applicant purchased the business. Letter from applicant's Solicitor setting out details is attached
 - B The applicant will have a lease of the premises
 - C The applicant intends to carry on the sale and supply of liquor through its managers
 - D There are a number of certificated managers. It is not known Exactly who will transfer to the new operation. Full details of Managers will be advised following settlement

5. COMPANY DETAILS

Attached is a search copy of the Companies Office Records.

The directors are;

GREGORY CHARLES DEAN born Australia 2.7.65

MATHEW ROBERT DUFF born Australia 18.6.69

DAVID CHRISTOPHER SEARGEANT born Australia 18.6.50

6 GENERAL

Associated companies operate a number of cinemas throughout New Zealand

Tentative settlement date is 28 July next

DATED at Auckland this 7th day of July 2016



.....
APPLICANT

THIS application is filed in reliance upon s136 Sale and Supply of Alcohol Act 2012

THIS application is filed by SWAIN & ASSOCIATES the Agents of the Applicant whose address for service is at PO Box 34431 Birkenhead, North Shore City, phone 09 480 0815, fax 09 480 0820

29/ON/002/04

On-licence (premises that are not a conveyance)*Sections 14 to 16, and 64, Sale and Supply of Alcohol Act 2012*

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **DOWNTOWN CINEMAS LIMITED** (the licensee) is authorised to sell and supply alcohol on the premises situated at 11 Joll Road, Havelock North and known as "Cinema Gold", to any person for consumption on the premises and to let people consume alcohol there.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

Conditions

This licence is subject to the following conditions:

- (a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday Christmas Day, or before 1.00 pm on Anzac Day to any person who is not-
 - (i) residing or lodging on the premises; or
 - (ii) present on premises to dine.
- (b) Alcohol may be sold only on the following days and during the following hours:
On such days and during such hours as the facilities are being operated as a Cinema but not other than on the following days and hours:
Monday to Sunday 8.00 am to 2.00 am
- (c) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (d) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- (e) Drinking water is to be freely available and free of charge to customers at the following location while the premises are open for business: **From the bar.**

Duration

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

- (a) either—
 - (i) until the close of the period for which it was last renewed;
 - or
 - (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but
- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—
 - (i) until the close of the period of 3 years after the period for which it was last renewed; or
 - (ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

ORIGINALLY DATED at Hastings on the 20th day of January 2004.

T. Stothart
Tony Stothart
Secretary

Hastings District Licensing Committee



Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, the licence expires on:

The 20th day of January 2017

Note: This licence replaces licence number 029/ON/2/2004 issued by the Hastings District Licensing Agency.



NOTICE OF RENEWAL OF LICENCE
Section 135, Sale and Supply of Alcohol Act 2012

To:

Downtown Cinemas Limited

Licence **29/ON/002/04** replacing licence **029/ON/2/2004**

The on licence in respect of the premises situated at 11 Joll Road, Havelock North and known as "Cinema Gold" is renewed.

The present conditions of the licence continue to apply subject to the following changes:

1. Liquor may be sold only on the following days and during the following hours:

On such days and during such hours as the facilities are being operated as a cinema but not other than that on the following days and hours:
Monday to Sunday 8.00 am to 2.00 am the following day

2. Drinking water is to be freely available and free of charge to customers at the following location while the premises are open for business:

- **From the bar**

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, the licence continues in force—

- until the close of the period for which it is renewed; or
- if an application for the renewal of the licence is duly made before it would otherwise expire, until the close of the period of 3 years after the period for which it is renewed.

The period for which the licence is renewed is three years and 0 months expiring on the **20th day of January 2017**.

Dated at Hastings on the 20th day of March 2014


Tony Stohart
Secretary
Hastings District Licensing Committee

HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Hastings 4156
Phone 06 871 5000
Fax 06 874 5100

Hastingsdc.govt.nz
customerservice@hdc.govt.nz

TE-KAUNIHERA O HERETAUNGA



COMPANIES OFFICE

Certificate of Incorporation

EVENT CINEMAS LIMITED

498212

NZBN: 9429039137197

This is to certify that MANUKAU CINEMAS LIMITED was incorporated under the Companies Act 1955 on the 26th day of February 1991 and changed its name to FORCE CINEMAS LIMITED on the 2nd day of December 1991 and was reregistered to become a company under the Companies Act 1993 on the 16th day of December 1996 and changed its name to SKY CITY CINEMAS LIMITED on the 19th day of September 2002 and changed its name to SKYCITY CINEMAS LIMITED on the 19th day of December 2003 and changed its name to EVENT CINEMAS LIMITED on the 18th day of February 2010.

Mandy McDonald



Registrar of Companies
12th day of July 2016

For further details relating to this company check
<http://www.companies.govt.nz/co/498212>
Certificate generated 12 July 2016 10:48 AM NZST



SCAN TO VIEW
OUR REGISTRATION DETAILS

Directors

Page 1 of 2

EVENT CINEMAS LIMITED (498212) Registered *Last updated on 21 Mar 2016*

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

[View previous names](#)

Names changes prior to 1992 may not be recorded.

Company Summary Addresses Directors (3) Shareholdings (1) Documents (150)
PPSR Search

Where appointments are prior to February 1993 the date shown may relate to when the information was entered on this database.

Full legal name: Gregory Charles DEAN
Residential Address: 74 Liverpool Street, Paddington, Nsw 2021 , Australia
Appointment Date: 18 Feb 2010
Consent: [Link to Consent Form](#)
Australian company directorship
Director of an Australian company: Yes
Australian company details
ACN: 000024439
Company name: THE GREATER UNION ORGANISATION PTY LTD
Registered office address: 478 George Street, Sydney, Nsw, 2000, AU

Full legal name: Mathew Robert DUFF
Residential Address: 10 York Close, Yowie Bay, Nsw 2228 , Australia
Appointment Date: 18 Feb 2010
Consent: [Link to Consent Form](#)
Australian company directorship
Director of an Australian company: Yes
Australian company details
ACN: 009659643
Company name: BIRCH, CARROLL & COYLE LIMITED
Registered office address: 478 George Street, Sydney, Nsw, 2000, AU

Full legal name: David Christopher SEARGEANT
Residential Address: 4/178 Campbell Parade, Bondi Beach, Nsw, 2026 ,
Australia
Appointment Date: 18 Feb 2010

<https://www.business.govt.nz/companies/app/ui/pages/companies/498212/directors>

6/07/2016

Item 4

Attachment 2

Directors

Page 2 of 2

Consent: [Link to Consent Form](#)
Australian company directorship
Director of an Australian company: Yes
Australian company details
ACN: 000005103
Company name: Event Hospitality & Entertainment Limited
Registered office address: 478 George Street, Sydney, Nsw, 2000, AU

Historic data for directors [Show History](#)

Generated on Wednesday, 06 July 2016 14:35:40 NZST

<https://www.business.govt.nz/companies/app/ui/pages/companies/498212/directors>

6/07/2016

Item 4

Attachment 2



6 July 2016

Partner Reference
Andrew Matthews - Auckland

The Secretary

Writer's Details
Direct Dial: +64-9-977-5402
Fax: +64-9-307-0331

District Licensing Committee
Hastings District Council
Private Bag 9002
Hastings 4156

Email: andrew.matthews@simpsongrierson.com

~~Event Cinemas Limited - Confidential~~

~~We act for Event Cinemas Limited (Event). We understand that Event, together with its associates, is the largest cinema operator in New Zealand operating the following cinemas:~~

- ~~• Event Cinemas Albany at Westfield Albany~~
- ~~• Event Cinemas Chartwell at Westfield Chartwell~~
- ~~• Event Cinemas Manukau at Westfield Manukau City~~
- ~~• Event Cinemas Broadway at 77 Broadway, Newmarket~~
- ~~• Event Cinemas Queensgate at Westfield Queensgate~~
- ~~• Event Cinemas St Lukes Westfield, St Lukes~~
- ~~• Event Cinemas Westcity at Westfield Westcity~~
- ~~• Event Cinemas Mt Maunganui at 249 Maunganui Road, Tauranga~~
- ~~• Event Cinemas Tauranga at 45 Elizabeth Street, Tauranga~~
- ~~• Event Cinemas Queen Street at Metro Building, Queen Street, Auckland~~
- ~~• Event Cinemas at The Embassy at 10 Kent Terrace, Wellington~~
- ~~• Event Cinemas Westgate at Westgate Shopping Centre~~
- ~~• Event Cinemas Whangarei at 18 James Street, Whangarei, Northland~~

~~Event has recently entered into an agreement for sale and purchase (SPA) of business and assets of the following businesses:~~

- ~~• Downtown Cinemas in Coastlands, Paraparaumu;~~
- ~~• Cinema Gold in Havelock North; and~~
- ~~• Downtown Cinemas in Palmerston North.~~

~~The SPA is conditional on a number of matters, including Event obtaining a liquor licence for Cinema Gold in Havelock North. This condition must be satisfied by condition date under the SPA, which is 21 July 2016. Settlement is expected to occur on 28 July 2016.~~

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AUCKLAND: Lomley Centre, 88 Shortland Street, Private Bag 92518, Auckland 1141, New Zealand. T +64 9 358 2222
WELLINGTON: HSBC Tower, 195 Lambton Quay, PO Box 2402, Wellington 6140, New Zealand. T +64 4 499 4599
CHRISTCHURCH: 28 Hereford Street, PO Box 374, Christchurch 8140, New Zealand. T +64 3 365 9914
www.simpsongrierson.com



Event is of the view that the SPA contains sensitive commercial information and, as such, a copy will not be provided with its application. We would be grateful if you would instead accept this letter as confirmation that, on settlement under the SPA, Event will acquire the business and assets of the businesses listed above.

Yours faithfully,
SIMPSON GRIERSON

A handwritten signature in black ink, appearing to read 'Andrew Matthews'.

Andrew Matthews
Partner

Page 2

28060250_1.docx

Item 4

Attachment 2

EVENT

HOSPITALITY & ENTERTAINMENT

6 July 2016

Swain & Associates
PO Box 34431
BIRKENHEAD

You are hereby authorised to act for us in pursuing the application for our licence including any negotiations regarding the conditions of the licence and also to apply for the required planning and building certificates.

Event Cinemas Ltd is a subsidiary company of Event Hospitality & Entertainment Ltd.

DATED this 6th day of July 2016



Ben Arnall
Legal Counsel
EVENT CINEMAS LTD



EVENT HOSPITALITY & ENTERTAINMENT LIMITED | ACN 000 005 103
478 GEORGE STREET, SYDNEY NSW 2000 | GPO BOX 1609, SYDNEY NSW 2001
P: +61 2 9373 6600 | WWW.EVT.COM

CINEMAS | EVENT | BCC | GU FILM HOUSE | CINESTAR | MOONLIGHT
HOTELS & RESORTS | RYDGES | QT | ATURA | ART SERIES | THREDBO
STATE THEATRE | EDGE DIGITAL | EDGE SERVICED OFFICES

Item 4

Attachment 2

Sarah Scarfe

From: John Lovatt
Sent: Monday, 18 July 2016 8:32 a.m.
To: John Lovatt
Subject: 29/TO/002/16 Event Cinemas Ltd temporary authority

Hi Julia. For supporting docs please. Regards. John

From: Peter Swain [mailto:swainassoc@xtra.co.nz]
Sent: Thursday, 14 July 2016 1:42 p.m.
To: John Lovatt
Subject: RE: TA EVENT CINEMAS

Thanks for that
Company holds on licences in respect of premises at Tauranga and Mt Maunganui both of which have recently been renewed for 3 years
Associated company holds a number of on licences as set out in the letter attached to application

From: John Lovatt [mailto:johnl@hdc.govt.nz]
Sent: Thursday, 14 July 2016 1:05 p.m.
To: 'Peter Swain'
Subject: RE: TA EVENT CINEMAS

Hi Peter.
Thanks for your email. We have the application ok thanks, and fully intend having our DLC approve it on 28 July. If I need any more info I will get hold of you, but at this stage note:
No copy of any purchase/lease agreement because of commercial sensitivity
No reference for company directors advising they are suitable to hold liquor licence because they are Australians and because the company has a good reputation (or at least I infer that).
Regards. John

From: Peter Swain [mailto:swainassoc@xtra.co.nz]
Sent: Thursday, 14 July 2016 10:36 a.m.
To: John Lovatt
Subject: TA EVENT CINEMAS

Morning
We spoke a week or so ago about filing a TA which we can reveal is for Event Cinemas Ltd
Whilst this may not be on your patch we note that our cheque has been presented so we assume it has been filed.
Please advise whether there is any further information you need to be able to process the application
Thanks

Regards
Peter Swain LLb

SWAIN & ASSOCIATES
Alcohol Licensing Consultants
PO Box 34431
Birkenhead 0746
Phone 09 480 0815

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Item 4

Attachment 2