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3 December 2018

[REDACTED]

[REDACTED]

[REDACTED]

RE Official Information Act request CDHB 9968

I refer to your request sent to Christchurch City Council, and partially transferred to us on 1 November 2018, requesting the following information under the Official Information Act from Canterbury DHB.

Specifically:

- **all documents and reports in relation to the On-licence issued for premises at Unit D4/10 Garlands Road**

Please refer to **Appendix 1** (attached) for a copy of the information requested. The Canterbury DHB has provided copies of documents and reports issued by the Canterbury DHB but not those issued or owned by the Christchurch City Council or New Zealand Police.

Information has also been withheld or redacted that we consider to be 'out of scope' of your request.

If you disagree with our decision to withhold information you may, under section 28(3) of the Official Information Act, seek an investigation and review of our decision from the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz; or Freephone 0800 802 602.

I trust that this satisfies your interest in this matter.

Please note that this response, or an edited version of this response, may be published on the Canterbury DHB website after your receipt of this response.

Yours sincerely



Carolyn Gullery
Executive Director
Planning, Funding & Decision Support

Canterbury

District Health Board

Te Poari Hauora o Waitaha

Officer for Enquiries: Helen Barbour

12th October 2018

The Secretary
District Licensing Committee
Christchurch City Council
PO Box 73013
CHRISTCHURCH 8154

Attention: Alcohol Licensing Team

Dear Sir/Madam

RE: SALE AND SUPPLY OF ALCOHOL ACT 2012 - APPLICATION FOR NEW ON LICENCE
File: Tigga Design Ltd trading as D4

This is a supplementary report following the opposition lodged by the Medical Officer of Health (MOH) dated 18th September 2018. Alcohol Licensing Officer Helen Barbour discussed the matters of opposition with the applicant and the findings have been laid out below.

The Medical Officer of Health opposed the application on the following grounds:

(b) Suitability of the applicant

Following the reports filed in opposition by MOH and Police, the applicant submitted a large portfolio of systems intended to manage the sale, supply and consumption of alcohol in accordance with the requirements of the Sale and Supply of Alcohol Act 2012. After this information was considered, Mrs Barbour enquired whether the applicant would have a duty manager with relevant experience to work the high risk events as identified by the applicant.

The applicant replied *“Following your review of these latest materials, if this one point is sufficient to create an objection from any of the agencies or from the Committee, and if we receive definite guidance to do so by the licensing authorities, we will employ a DM with significant experience in bar or nightclubs, for our current staff to work under in our opening months in the relevant scenarios as per the AMP Appendix A.”*

MOH submits it is preferable that the applicant has a DM with relevant experience for the high risk events, however it is for the Committee to decide if these measures are necessary.

(e) The design and layout of any proposed premises

As requested an updated yard plan was submitted which amassed the plans for lighting, parking and CCTV coverage clearly in one document, largely addressing the concerns raised regarding the environment in which the premises is located. The applicant has also differentiated which systems and areas will be used during day time and night time events.

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(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

The opposition report from the MOH accepted that the damage seen in the locality in previous visits may not be related to other on-licensed premises in the area but submitted that consideration to the current good order and amenity of the locality must be given.

Recent proposals from the applicant describes ways in which they will ensure the amenity and good order is not affected and these are detailed in the Alcohol Management Plans (AMP) and a Noise Management Plan. (NMP)

(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

The applicant has provided further detail to the systems (AMP, NMP etc) they intend to implement as well as information regarding the companies they will be employing to ensure that any deterioration of the good order and amenity is not attributed to by D4.

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

The applicant considered points raised by Police and Health both onsite, in reports and via email to provide an updated Alcohol Management Plan, Noise Management Plan as well as proposing to use October Protection for security matters. MOH submits that should the licence be granted, the AMP, NMP and Host Responsibility Policy are conditions of the licence.

(a) Object of the Act

and

(k) Any matters dealt with in any report from the Police, an Inspector, or a Medical Officer of Health made under section 103

The MOH still maintains that it is for the Committee to decide whether the fluidity of the business, the locality and proposed systems are adequate enough that the applicant will uphold the conditions of the licence and ultimately the object of the Act.

In light of the circumstances outlined above, the opposition by the Medical Officer of Health is lifted.

Yours sincerely



Helen Barbour
Alcohol Licensing Officer
for Dr A R G Humphrey
Medical Officer of Health
COMMUNITY AND PUBLIC HEALTH

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Canterbury

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Te Poari Hauora o Waitaha

Officer for Enquiries: Helen Barbour

18th September 2018

The Secretary
District Licensing Committee
Christchurch City Council
PO Box 73013
CHRISTCHURCH 8154

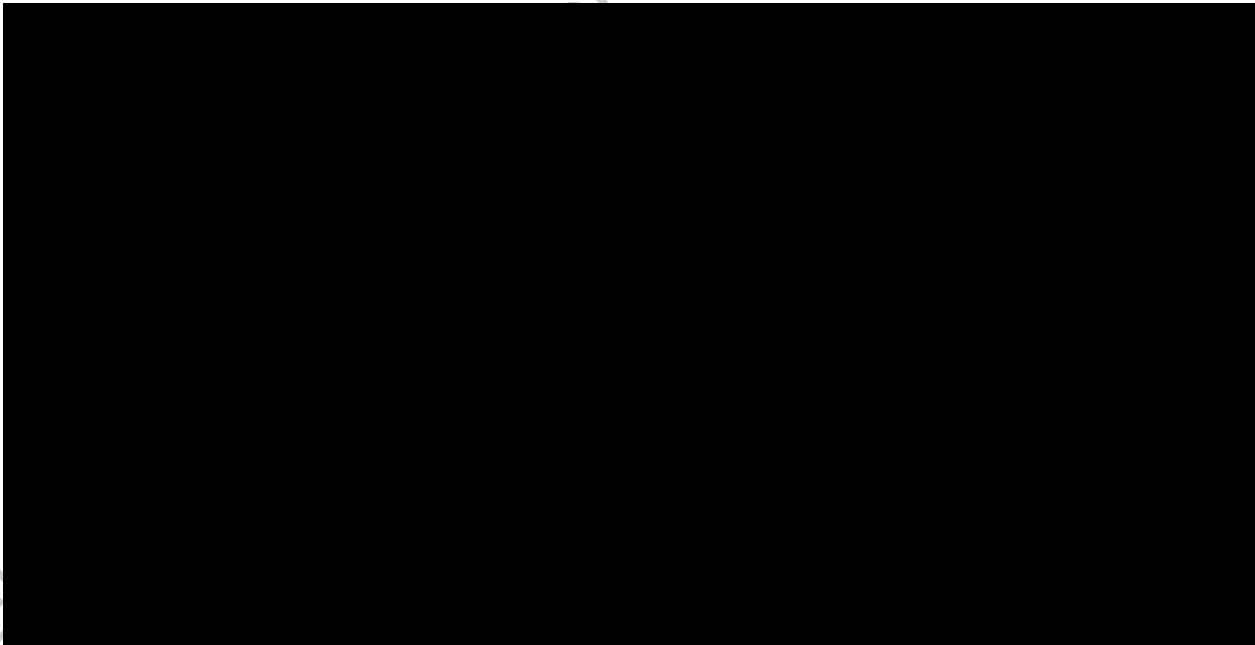
Attention: Alcohol Licensing Team

Dear Sir/Madam

RE: SALE AND SUPPLY OF ALCOHOL ACT 2012 - APPLICATION FOR NEW ON LICENCE
File: Tigga Design Ltd trading as D4

I refer to your request received by our office on 28th August 2018, together with the application for a new On Licence for the above applicant, for the premises situated at 10 Garlands Road, Woolston, Christchurch.

I have considered this application with respect to the public health issues involved and have concerns that require me to report in opposition.



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On Friday 14th September, Helen Barbour from Community and Public Health on behalf of the Medical Officer of Health and Senior Constable Logan Steel from NZ Police visited the above premises, and met with Isabelle Teresa and Mark Tigwell, directors of Tigga Design Ltd.

During the visit the premises was assessed for compliance with the requirements of the Sale and Supply of Alcohol Act 2012, any licence conditions and strategies used to ensure a safe environment for drinking.

The Medical Officer of Health **opposes the application** upon the following grounds:

(a) Object of the Act.

The Medical Officer of Health submits that if any points raised in relation to section 105(b) to (k) then the Object of the Act cannot be upheld and alcohol related harm will not be minimised.

(b) Suitability of the applicant.

Both applicants have extensive experience in hospitality eventing overseas but this seems to lend to a 'behind the scenes' role rather than the sale or supply of alcohol directly.

The applicant held 8 special licenced events on the premises in 2017 however there has been little experience in the sale and/or supply of alcohol since then.

Given the broad spectrum of clients and events that *could* be hosted by Tigga Design Ltd, the Medical Officer of Health submits that an experienced duty manager is crucial in ensuring compliance particularly with the higher risk events.

(e) The design and layout of any proposed premises.

As stated in the 2017 report, D4 is a warehouse located in a working industrial area surrounded by empty buildings and a quiet side street which borders a river. In the centre of the industrial site there is a large communal car park area with multiple gated access. Some businesses within the site have shipping containers, building materials and/or equipment which is laid around the shared space.

The onsite meeting on 14th September 2018 seemed to have a very familiar feel to meetings at D4 last year with materials and rubble laying around, the applicant told us there has been numerous discussions with the landlord regarding its removal however it still remains. I received an email on 18th September that the landlord will remove the rubble and has agreed to some fencing being installed but no timeframe was specified. This email is attached.

To mitigate concerns about lighting levels in this extensive car park area, the applicant proposes the use of inflated illuminated columns which are installed when necessary, the number and placement of which is unknown. In my previous monitoring of D4 at night time, I found that the columns were effective in lighting the immediate area however numerous dark spaces were identified and raised concerns of patron safety and supervision.

The D4 building itself is in the early stages of production nevertheless has more of a permanent feel than mentioned the previous report however there is a long way to go and until it is complete, a full assessment cannot be made. The applicant commented that it would be ready in a couple of weeks.

(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.

During the visit on the 14th September 2018 I observed little difference to the good order and amenity of the locality compared to visits in 2017 and the applicant commented that there are on-going issues with illegally dumped rubbish.

It is accepted that this damage may not be related to other on-licenced premises in the area but consideration to the current good order and amenity of the locality must be given.

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(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

It is also accepted that the amenity and good order of the locality cannot be linked to licensed premises in the area however the Medical Officer of Health submits that the current environment *must* be considered due to its very nature.

The area appears to be purely for industrial use and is set up as such, the applicant does not have complete control over the total yard area. Nothing suggests it is a pleasant or agreeable site to host family events or late night entertainment safely. Even with recent visits rubble, wood and equipment are visible around the car park.

The applicant maintains he currently has a pleasant working agreement with various members of the industrial space however should these relationships 'sour' in time, the current agreement and upkeep of the yard may not endure. The applicant's proposals to mitigate risk may not be viable and so the risks to patrons using this area would remain or increase.

Given the remote location and poorly lit areas after sunset there is also concern for the safety of female patrons using this particular site. Equally it could be argued that violent incidents could rapidly escalate as the numerous materials on site, which were still visible at the last visit, could be used as weapons.

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

The applicant has supplied several documents regarding host responsibility policy, extensive noise management measures, a somewhat limited food menu and several concept plans to assist with reporting. Whilst the security company was onsite to answer questions at the meeting on the 14th September 2018, information regarding the CCTV and lighting is still being awaited.

It is noted from the discussions that one 'greeter' would be positioned in the car park to monitor and advise patrons arriving by car or foot. I raised concerns of one person managing three entrances/exits and numerous areas for parking and that this could increase the risk of pre-loading/ side loading and other unwanted behaviours or harm.

It has not been an easy application to assess as there are few systems which remain constant due to the "fluid" nature of this business -that D4 can be whatever the client wants it to be.

The "black box" space is to be used for many types of functions such as bands and band practice, DJ's of all music genres, all kinds of family events, children parties, student events, adult themed shows, comedy and corporate events.

An Alcohol Management Plan (AMP) was submitted on the 17th September and reviewed although this has not been assessed in its entirety. The Medical Officer of Health submits that the applicant may struggle to carry out any one of the AMP due to the nature of the business and that one plan does not fit all. Furthermore it would be vital that an experienced duty manager is involved to ensure the right AMP is used for the event held.

(k) Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.

The District Licensing Authority have already reported on this premises for special licences, the latter decision 60C [2017] 969 indicates that the committee has already raised concerns similar to that in this report.

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It is recognised that the applicant has made substantial efforts to improve the business plan, the application and the premises. The Medical Officer of Health submits that it is for the Committee to decide whether the fluidity of the business, the locality and proposed systems are adequate enough that the applicant will uphold the conditions of the licence and ultimately the object of the Act.

Yours sincerely



Helen Barbour
Alcohol Licensing Officer
for Dr A R G Humphrey
Medical Officer of Health
COMMUNITY AND PUBLIC HEALTH

RELEASED UNDER THE OFFICIAL INFORMATION ACT

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