

Decision No. 1780/99

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by ORBIT BAR HOLDINGS LIMITED pursuant to s.18 of the Act for renewal of an on-licence in respect of premises situated at 12 Vulcan Lane, Auckland City known as "Equinox"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge J P Gatley

Members: Mr R J S Munro

Mr J W Thompson

DECISION

This is an application by Orbit Bar Holdings Limited for renewal of an on-licence in respect of premises situated at 12 Vulcan Lane, Auckland City, known as "Equinox".

The applicant also seeks a variation to the conditions of the licence to provide for an increase in trading hours.

The trading hours currently authorised are:

In the Interior of the Premises

- (i) Monday to Saturday 7.00 am to 3.00 am the following day (7.00 am to 12.00 midnight on Christmas Eve and on the Thursday before Good Friday) to any person who is present on the premises.
- (ii) Sunday, Good Friday and Christmas Day 7.00 am to 3.00 am the following day to any person who is present on the premises for the purpose of dining.

Outside Footpath Area

- (i) Monday to Friday 9.00 am to 6.00 pm to any person who is present on the premises.



- (ii) Good Friday and Christmas Day (excluding Saturday and Sunday) 9.00 am to 6.00 pm to any person who is present on the premises for the purpose of dining.

The applicant now seeks trading hours as follows:

In the Interior of the Premises

- (i) At any time on any day Monday to Friday and at any time on Saturday until 3.00 am the following day (at any time to 12.00 midnight on Christmas Eve and on the Thursday before Good Friday) to any person who is present on the premises.
- (ii) At any time on a Sunday, Good Friday or Christmas Day to any person who is present on the premises for the purpose of dining.


Outside Footpath Area

- (i) Monday to Friday 9.00 am to 6.00 pm to any person who is present on the premises.
- (ii) Good Friday and Christmas Day (excluding Saturday and Sunday) 9.00 am to 6.00 pm to any person who is present on the premises for the purpose of dining.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly we deal with the matter on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.22 of the Act. We renew the licence until 13 August 2002, that being three years from the first anniversary of the licence, and authorise the issue of a replacement licence and a renewal certificate.

DATED at WELLINGTON this *17th* day of *September* 1999

  
R Barber  
Deputy Secretary



COPY

ON-LICENCE  
Sections 7 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, ORBIT BAR HOLDINGS LIMITED is authorised to sell and supply liquor on the premises situated at 12 Vulcan Lane, Auckland City and known as "Equinox", for consumption on the premises to any person who is present on the premises and to allow the consumption of liquor on the premises by any such person. The authority conferred by this licence shall be exercised by the licensee (if an individual) or through a manager or manager appointed by the licensee in accordance with Part VI of the Act.

CONDITIONS

This licence is subject to the following conditions:

- (a) The licensee shall have available for consumption on the premises, at all times when the premises are open for the sale of liquor, a reasonable range of non-alcoholic refreshments.
- (b) No liquor is to be sold or supplied on a Sunday after 3.00 am; or Good Friday; or Christmas Day to any person other than persons who are present on the premises for the purpose of dining.
- (c) Liquor may be sold only on the following days and during the following hours:
  - In the Interior of the Premises
    - (i) At any time on any day Monday to Friday and at any time on Saturday until 3.00 am the following day (at any time to 12.00 midnight on Christmas Eve and on the Thursday before Good Friday) to any person who is present on the premises.
    - (ii) At any time on a Sunday, Good Friday or Christmas Day to any person who is present on the premises for the purpose of dining.
  - Outside Footpath Area
    - (i) Monday to Friday 9.00 am to 6.00 pm to any person who is present on the premises.
    - (ii) Good Friday and Christmas Day (excluding Saturday and Sunday) 9.00 am to 6.00 pm to any person who is present on the premises for the purpose of dining.
- (d) Food shall be available for consumption on the premises as follows:

At all times when the premises are authorised to be open for the sale of liquor, food of a range and style similar to that shown on any menu submitted or a range of snack foods in the nature of pies, sandwiches, filled rolls, pizzas and the like, shall be conveniently available for all patrons and the availability of those foodstuffs shall be notified to them by appropriate notices throughout the premises.
- (e) The whole of the premises is designated as a supervised area.
- (f) The licensee shall ensure that the provisions of the Act relating to the sale and supply of liquor to prohibited persons are observed and shall:
  - (i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the sale and supply of liquor to minors and the complete prohibition on sales to intoxicated persons; and
  - (ii) Have available for vendor staff forms of the kind anticipated by s.172 of the Act, enabling such staff to require customers to declare in writing that they are of the required age.

THE LICENSED PREMISES

In terms of Regulation 7 of the Sale of Liquor Regulations 1990 the sale, supply or consumption of liquor is authorised in the premises generally including the footpath area adjacent to the premises as granted in the Auckland City Council Street Trading Permit issued on 8 October 1998. The premises located at 12 Vulcan Lane, Auckland are more precisely identified as outlined in a plan date stamped as received by the Liquor Licensing Authority on 26 April 1999.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE


A copy of this licence shall be displayed at the principal entrance to the premises. The entrance from Vulcan Lane is designated as the principal entrance.

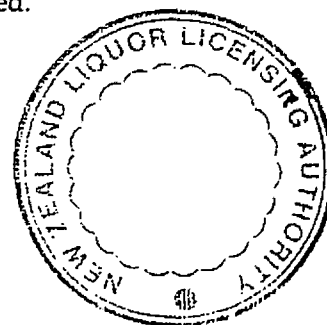
DURATION

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 shall continue in force -

- (a) Until the close of the period of 1 year commencing with the date of its issue; or
- (b) If an application for the renewal of the licence is duly made, until the application is determined; or
- (c) If the licence is renewed, until the close of the period for which it is renewed.

DATED at WELLINGTON this 13th day of August 1998

  
.....  
R Barber  
Deputy Secretary  
LIQUOR LICENSING AUTHORITY



NOTE: This licence replaces licence no. 007/ON/124/99.  
This licence shall expire on the same expiry date (or anniversary) as that of the licence it replaces or, if renewed, of the most recent renewal certificate.

