

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of applications by THE VIC
ENGLISH PUB LIMITED for on
and off-licences pursuant to ss.7
and 29 of the Act in respect of
premises situated at 2 Drake
Street, Freemans Bay, Auckland
known as "The Vic"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge J P Gatley

Members: Mr R J S Munro

Mr J W Thompson

DECISION

The general nature of the business to be undertaken will be that of a tavern.

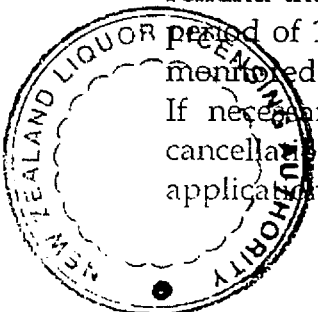
Public notification of the application attracted a number of objections from local residents. The majority of objectors were concerned at the span of trading hours sought. Two of the objections related to the conduct and attitude of two former employees of the applicant company.

A submission on behalf of the applicant has been received indicating that the conditions sought (including the trading hours) are the same as those applicable to the existing on and off-licences. As such, in terms of s.10(4) of the Act, an objection may only be made in relation to the suitability of the applicant. No such challenge has been made.

It was also noted that the premises were the subject of a public hearing in late 1996 (LLA decision 142-143/97) mainly relating to noise issues. As a result of that hearing the closing hour was set at 3.00 am Monday to Saturday.

There is no opposition to the application from any of the reporting agencies and none of the objections question the suitability of the applicant company to hold a licence. The District Licensing Agency confirms that no complaints have been lodged regarding the operation of the premises during the period when the applicant has operated pursuant to temporary authorities.

Accordingly we will deal with the matter on the papers. We take the opportunity to remind the applicant that any licence authorised will be for an initial "probationary" period of 12 months. We would expect the operation of the premises to be closely monitored by the Police and District Licensing Agency Inspectors during that period. If necessary, application could be made pursuant to s.132 of the Act for the cancellation, suspension or variation of the licence or alternatively the renewal application could be opposed when it next falls due.



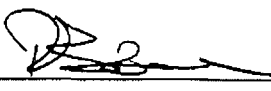
We are satisfied as to the matters to which we must have regard as set out in ss.13 and 35 of the Act, and we grant the applicant the on and off-licences sought. Copies of the licences setting out the conditions to which each is subject are attached to this decision.

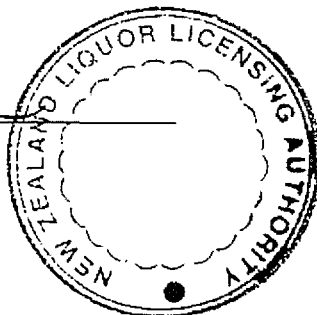
The licences may issue immediately.

The applicant's attention is drawn to ss.25 and 48 of the Act obliging the holder of on and off-licences to display:-

1. A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of liquor AND
2. A copy of each licence, and of the conditions of each licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance.

DATED at WELLINGTON this 22nd day of February 1999


R Barber
Deputy Secretary



TheVic.doc(f9)

COPY

ON-LICENCE

Sections 7 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, THE VIC ENGLISH PUB LIMITED is authorised to sell and supply liquor on the premises situated at 2 Drake Street, Freemans Bay, Auckland and known as "The Vic", 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:
Inside the tavern building:
 - (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;
 - (ii) Sunday, Good Friday and Christmas Day 11.00 am to 1.00 am the following day to any person who is present for the purpose of dining.In the existing garden bar and garden area:
 - (i) Monday to Thursday 7.00 am to 10.00 pm
Friday and Saturday 7.00 am to 11.00 pm
to any person who is present on the premises
 - (ii) On Sundays, Good Friday and Christmas Day 11.00 am to 10.00 pm to any person who is present 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) Each of the following parts of the premises is designated as a supervised area: Every bar
- (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. The premises located at 2 Drake Street, Freemans Bay, Auckland are more precisely identified as outlined in a plan date stamped as received by Tribunals Division on 21 September 1998 and 8 February 1999.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

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

DURATION

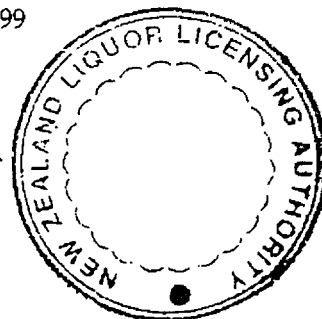
Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence shall continue in force -

- (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 22nd day of February 1999



 R Barber
 Deputy Secretary
 LIQUOR LICENSING AUTHORITY



COPY

007/OFF/3/99

OFF-LICENCE

Sections 29 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, THE VIC ENGLISH PUB LIMITED is authorised to sell or deliver liquor on or from the premises situated at 2 Drake Street, Freemans Bay, Auckland, and known as "The Vic", to any person for consumption off the premises.

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) No liquor shall be sold or delivered on any Sunday or on Good Friday or Christmas Day:
- (b) Liquor may be sold or delivered only on the following days and during the following hours:
 - (i) **From any bottle store:**
Monday to Saturday 7.00 am to 11.00 pm
 - (ii) **Across the bar:**
Inside the tavern building:
Monday to Friday 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)
Saturday 7.00 am to 12.00 midnight
In the existing garden bar and garden area
Monday to Thursday 7.00 am to 10.00 pm
Friday and Saturday 7.00 am to 11.00 pm
- (c) Each of the following parts of the premises is designated as a supervised area: Every bar and any bottle store
- (d) 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 10 of the Sale of Liquor Regulations 1990 the sale or delivery of liquor is authorised in or from the premises generally. The premises located at 2 Drake Street, Freemans Bay, Auckland are more precisely identified as outlined in a plan date stamped as received by Tribunals Division on 21 September 1998 and 8 February 1999.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S


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

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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 -

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- (c) If the licence is renewed, until the close of the period for which it is renewed.

DATED at WELLINGTON this day of 1999


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R Barber
Deputy Secretary
LIQUOR LICENSING AUTHORITY

