

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by MARGARET ELIZABETH SMITH and NAYLAND CURTIS YORK SMITH, trading in partnership, for an off-licence pursuant to s.29 of the Act in respect of premises situated at 18 Main Road, Duvauchelle, Banks Peninsula District known as "Duvauchelle Store and Cafe"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge J P Gatley

Members: Mr R J S Munro

Mr J W Thompson

DECISION

Public notification of the application did not attract any objections or notices of desire to be heard. We deal with the matter on the papers.

The applicant operates a general store and tearooms situated in Duvauchelle, Banks Peninsula. It is the only general store in the township with the nearest licensed outlet located 16 kilometres away in Akaroa.

We accept that the premises are:

- (a) not a shop of a kind commonly known as a dairy, and
- (b) situated in an area where the sale of liquor in premises of a kind described in section 36(1)(c) or (d) would not be economic

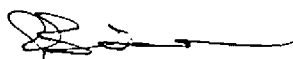
We are satisfied as to the matters to which we must have regard as set out in s.35 of the Act, and we grant the applicant an off-licence. A copy of the licence setting out the conditions to which it is subject is attached to this decision.

The licence may issue immediately.

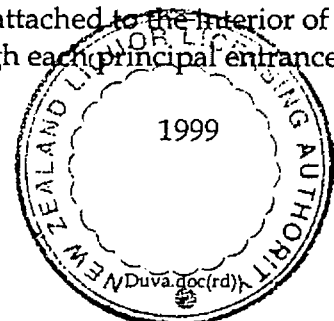
The applicants' attention is drawn to s.48 of the Act obliging the holder of an off-licence to display:-

1. A sign attached to the exterior of the premises, so as to be readily 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 the licence, and of the conditions of the 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 18th day of May



R Barber  
Deputy Secretary



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## OFF-LICENCE

Sections 29 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, the partnership of MARGARET ELIZABETH SMITH and NAYLAND CURTIS YORK SMITH ("the licensee") is authorised to sell or deliver liquor on or from the premises situated at 18 Main Road, Duvauchelle, Banks Peninsula District, and known as "Duvauchelle Store and Cafe", 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:

**Monday to Saturday 8.30 am to 7.30 pm**

(c) 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 18 Main Road, Duvauchelle, Banks Peninsula District are more precisely identified as outlined in a plan date stamped as received by Tribunals Division on 5 March 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 Main Road 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 18th day of May 1999

  
R Barber  
Deputy Secretary  
LIQUOR LICENSING AUTHORITY



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CORRIGENDUM

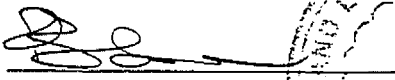
In Decision No. 864/99, dated 18 May 1999, the partnership of Margaret Elizabeth Smith and Nayland Curtis York Smith was granted an off-licence in respect of premises situated at 18 Main Road, Duvauchelle, Banks Peninsula District, known as "Duvauchelle Store and Café".

The decision incorrectly stated *"It is the only general store in the township with the nearest licensed outlet located some 16 kilometres away in Akaroa."*

In fact the Hotel Des Pechuers is situated only a few hundred metres from the general store. Whilst the hotel does have an off-licence, it does not have a bottle store. The decision is amended to read *"with the nearest bottle store located some 16 kilometres away in Akaroa."*

In all other respects the decision remains unchanged.

DATED at WELLINGTON this *16th* day of *November* 1999

  
R Barber  
Deputy Secretary

