

Decision No. PH 178/2001 - PH 180/200

IN THE MATTER of the Sale of Liquor Act 1989

AND

IN THE MATTER of an application by **ASEA (2000) NZ LIMITED** pursuant to ss.7 and 29 of the Act for on and off-licences in respect of premises situated at 39 Dundas Street, Christchurch, known as "The Temple"

AND

IN THE MATTER of an application by **ARTHUR FRANK TOMLINSON** pursuant to s.118 of the Act for a General Manager's Certificate

BEFORE THE LIQUOR LICENSING AUTHORITY

Quorum: Mr R J S Munro
Mr J W Thompson

HEARING at CHRISTCHURCH on 26 and 27 February 2001

APPEARANCES

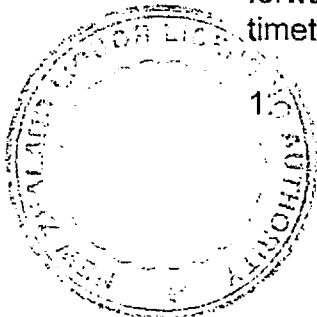
Ms T A Sisson – for Asea (2000) NZ Limited, and Mr Tomlinson
Acting Sergeant J F Armstrong – NZ Police – in opposition
Mr D E Meyer – objector
Mr M Ferguson – Christchurch District Licensing Agency Inspector – to assist

DECISION

[1] These are applications by ASEA (2000) NZ Limited for on and off-licences in respect of premises situated at 39 Dundas Street, Christchurch, known as "The Temple", and an application for a General Manager's Certificate. An objection and a report in opposition from both the Police and a District Licensing Agency Inspector resulted in all matters being set down for public hearing.

[2] During the course of the hearing on 26 and 27 February 2001 it became apparent that further evidence and submissions would be required, and by consent were forwarded to our Secretary in Wellington in accordance with the following timetable.

1. Further submissions from the applicant by 6 March (later extended to 9 March 2001).



2. Police and District Licensing Agency Inspector's reports by 31 March 2001.
 3. Submissions in reply from the applicant by 14 April 2001.
- [3] All that material has now been received.
- [4] Ms T A Sisson for the applicant, said that the premises have been operating under temporary authorities and acknowledged there have been initial difficulties, particularly with regard to noise levels. Trading commenced in October 2000. She acknowledged concern that the premises were being run in the same format as "Danz Nightclub", or simply as a front for a Mr Daniel Hayford, which is denied by the applicant.
- [5] Ms Sisson called Mr R C van der Lem, a shareholder and company director, who is employed by the company as a manager. Mr van der Lem said he had worked in the hospitality industry for 25 years, most recently operating a company which supplies equipment and entertainment for functions and events. He said that there had been teething difficulties on the premises with noise, and as a result structural changes were made to the building to ensure that noise levels were decreased. This included changes to equipment in December 2000.
- [6] The Temple has been open since 21 October 2000 and Mr van der Lem said he had been the hands-on manager since December 2000. The premises includes a restaurant which operates from 11.00 am to 3.00 am the following day where a full menu operates, including a "meal deal" for \$5. This may be fish, meats, sauces, and salads. There is seating for 60 people although tables and chairs are put away at the end of the night.
- [7] In addition a dance floor is used at night for entertainment. Mr van der Lem said that food costs are *"predominantly 30% of revenue ... although January is a quiet month."*
- [8] Mr van der Lem holds a General Manager's Certificate and the company has employed Mr H Baldwin, who also holds a certificate. In addition, Mr R Rawi, a director, works on the premises and two extra staff are employed on Friday and Saturday nights together with two door staff.
- [9] Turning to the question of noise Mr van der Lem said:

" ... Since rectification of the structure to cease excess sound, there has been no noise problem on the premises. After 10.00 pm on a Friday and Saturday night, the entrance to The Temple is through the side door so that noise does not emanate out on to Dundas Street. There has only been a few complaints regarding noise, however when this was investigated by Armourguard (acting on behalf of the Christchurch City Council) there was found to be either no noise, or the noise was not excessive.

My concern is that The Temple is effectively being blamed for noise from young people's car stereos as they drive up and down Colombo Street, and sit in their vehicles with the doors and the boot of the vehicle open, with the vehicles emanating loud base music. Dundas Street is a favourite haunt of young people with their cars as the street is adjacent to Colombo Street



where young people in their vehicles drive up and down. This activity is known as the 'Colombo Street run'"

- [10] Anticipating evidence in opposition, Mr van der Lem pointed out that there are a number of bars in the area including Denny's (which may be open 24 hours), Cokers, The Lone Star, and the LA Bar.

"I do not accept that there are intoxicated patrons at The Temple. The patrons are well behaved. I do not accept that there is yelling and screaming as alleged by the proprietors of The Ambassador"

- [11] Mr van der Lem said that the business is looking to target night shift workers. For this reason it wished to have the licence authorising sale and supply of liquor from Monday to Sunday 11.00 am to 3.00 am the following day. Those hours reduce those contained in the earlier written application.

- [12] Mr van der Lem referred to an affidavit sworn by him on 9 March 2000, in which he confirmed that 65% of the takings of food and alcohol related to sales between 11.30 pm and 3.00 am. He said:

"I believe that business in this location is not viable if there was an earlier closing time."

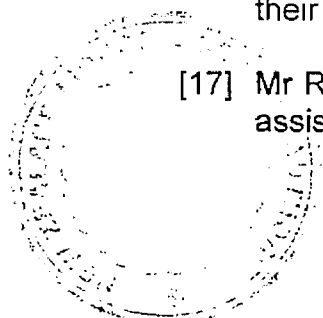
- [13] He produced a till tape which did not specify the precise time of the sale of food and liquor, but by way of example he pointed out that on 3 March 2001 there was an average of 60 to 100 patrons from 12.15 am until 2.30 am. There was no noise complaint that night. A similar pattern exists on Saturday 24 February 2001. Mr van der Lem produced a copy of a logbook which he had kept since 3 January 2001 relating to noise levels. The noise readings that he had taken indicated that the music level was below 75 db. A noise limiter prevented the sound equipment exceeding that level from 6 March 2001.

- [14] Mr D T Hayford appeared and denied any managerial role on the premises. That stance was affirmed under cross-examination by both the Police and a District Licensing Agency Inspector.

- [15] Mr R Rawi (known as Alvin), appeared as a shareholder and director of ASEA (2000) NZ Ltd. He said he had known Mr Tomlinson for 15 years, and is in the process of applying for permanent residence in New Zealand, having first met Mr Tomlinson in Singapore in 1985. Mr Rawi said he has helped out at The Temple and has been employed there since 21 December 2000. He said he collated and paid bills, presented account information, and cashed up nightly. He also serves food and alcohol on the premises.

- [16] Mr Rawi also referred to noise which he did not accept came from patrons of The Temple as alleged. He referred to other licensed premises in the area including the "Lone Star", and pointed to the considerable numbers of young people driving their cars up and down Dundas Street.

- [17] Mr Rawi confirmed that Mr Daniel Hayford had been present on the premises to assist, but he did not have any involvement in the running of the premises.



- [18] Mr A F Tomlinson, told the Authority that he is a company director and shareholder of ASEA (2000) NZ Ltd. Mr Tomlinson told us that he is:

"the person who oversees the operation in terms of finances ... Ronald van der Lem is the hands-on manager, he runs the premises, Rosman Rawi tends to the purchasing of liquor, ordering stock, administration, arranges the payments of accounts, tends to cleaning and operates the bar/kitchen"

- [19] Mr Tomlinson said he had had recurring health difficulties, symptoms of which involved short-term memory loss which he believed to be stress related. He outlined his previous experience over 31 years when he worked at Mount Cook and at The Hermitage, and as a pilot. Between 1997 and 1999 he told the Authority he was involved in the marketing and export of wine, and had worked in a hotel in Thailand.
- [20] Whilst employed by Mount Cook Airlines he was manager of the ski-plane division of Mount Cook, which included negotiating in a non-confrontational style, and resolving incidents as they occurred. He said he had invested over \$170,000 in the business to provide an aesthetic, clean, inviting and warm environment. He believed that the staff employed by the company are professional and competent. Mr Tomlinson acknowledged that he had at an earlier stage, hoped to employ Mr D Hayford as a disc jockey, and acknowledged that he was a friend. However, after discussions with the Police he formally advised the Police that Mr Hayford would not be having involvement in the business at 39 Dundas Street.
- [21] Referring to a burglary claim which had been refused by his insurance company Mr Tomlinson said that his solicitors intended to issue proceedings against the insurance company shortly.
- [22] A number of other witnesses' supporting evidence was accepted by consent in affidavit form.

Objector's Evidence

- [23] Mr D E Meyer, one of the owners of the Ambassador Bed and Breakfast Hotel located directly opposite "The Temple", opposed the applications. He referred to his written objection which stated:

"We are an older establishment (1928) having a total of 39 rooms and can accommodate approximately 54 guests. Being an older building we do not have the sound proofing and double glazing that a newer building offers and subsequently The Temple poses a major threat to the 'quiet enjoyment' of our operation.

Our main function is the supply of sleeping accommodation for overnight visitors. The nature of The Temple's business (service of alcohol and the noise associated with a bar as well as the open all hours application) will see our function unacceptably disrupted with loss of revenue to us a certainty."



District Licensing Agency Inspector Position

[24] Mr M Ferguson, a Christchurch District Licensing Agency Inspector, opposed the applications in a report dated 14 November 2000. He said having met Mr Tomlinson who was at that stage the sole director and shareholder of the applicant company, he had concerns *"as to his suitability both to hold a General Manager's Certificate, and to hold a licence through this company."* He noted that Mr D Hayford appeared to have an unusually high presence and part to play in the set up of the business, but did not oppose a temporary authority order at that stage. Although both he and the Police have not opposed the issue of further temporary authority orders to allow trading to continue up to the date that the Authority issues a decision, concerns remain.

[25] In a supplementary report dated 26 March 2001 Mr Ferguson reported that he had inspected the premises on a number of occasions and has observed no incidents or operational procedures that give any cause for concern. Prior to 20 December 2000 eight noise complaints were received, five of which were listed as excessive and a 72 hour noise direction issued. In one of these cases equipment was seized.

"From 20 December through to 26 February 2001, six noise complaints had been received. The reports on these complaints indicate that either there was no noise on arrival or the noise levels were not excessive."

From 26 February to 26 March, six noise complaints had been received. Four indicate no noise on arrival, one states the noise was reduced at the request of the attending officer, and in the other the noise was reduced at the request of the attending officer and a direction was issued."

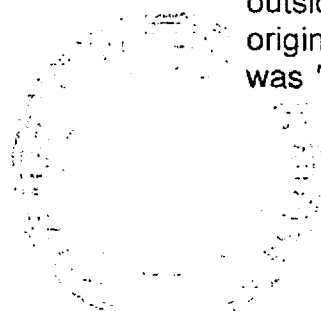
[26] Mr Ferguson concluded that the company structure was such that Mr Tomlinson retained control as the other two directors and shareholders held which were non-voting. He described their involvement as *"dependent on the goodwill of Mr Tomlinson"* and concluded:

"Mr Tomlinson's suitability remains in question because of his stated medical condition, and ongoing investigations by the Police in relation to an insurance claim."

Police Reports

[27] Acting Sergeant J F Armstrong called Sergeant A ten Hove who described a visit to the premises at 3.00 am on 26 November 2000.

[28] At that time he had found that an Armourguard officer had previously issued a noise reduction notice which was effective for 72 hours from 2.44 am on 25 November 2000. As a result of further complaints the noise officer had parked outside the Ambassador Hotel, Manchester Street, where the complaints had originated. He said that in discussing the noise problem with staff the attitude was *"pretty low key i.e. no problem, not aggressive or rude."*



[29] The Police had seized equipment and Sergeant ten Hove said he had advised the manager to contact the Christchurch City Council on Monday concerning the sound equipment which was seized.

[30] Sergeant Armstrong said the Police concerns in these applications related to:

1. Involvement of Mr D T Hayford;
2. The suitability of Mr Tomlinson, noting his inexperience in the industry; and
3. The applicant's management of the application process and the premises.

[31] Although such concerns were expressed during the course of the public hearing on 27 February, the Police position as reported on 26 March 2001 is:

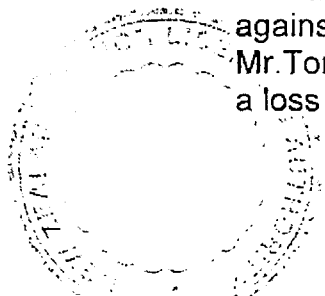
- "1. *There is no evidence of Mr Daniel Hayford's continued involvement in the management of the premises.*
2. *There have been no ongoing problems identified by Mr van der Lem's management of the premises.*
3. *Mr Tomlinson's suitability to be involved in the management of licensed premises is questioned in relation to his stated medical condition, his lack of experience, and the ongoing fraud investigation.*
4. *Mr Tomlinson's control of the company (ASEA (2000) NZ Ltd makes that company's suitability to hold a licence questionable"*

[32] Although the Police earlier believed that Mr Tomlinson may be intending to run the proposed business as a front for Mr Hayford, the Police accept there is no evidence to support that possibility. In LLA decision PH 2330/99 – 2331/99 the Authority determined that Fullmoon Holdings Limited, and Mr D T Hayford were respectively unsuited to hold either an on-licence or a General Manager's Certificate.

Submissions for the Applicant

[33] In view of the incomplete nature of some of the evidence relating to noise, the insurance claim allegations, and the current position on the premises under temporary authority orders, the Authority sought both further evidence and submissions from each party in accordance with the timetable at paragraph 2, before determining the applications.

[34] Ms Sisson submitted that Mr Tomlinson has wide ranging experience in the hospitality industry, and although lacking specific knowledge of New Zealand licensed premises has duly qualified staff. Turning to the question of the declined insurance claim, Ms Sisson said that District Court proceedings have been issued against the insurance company, that there are no criminal convictions related to Mr Tomlinson, and that this is the first insurance claim made by Mr Tomlinson for a loss which occurred when he was out of New Zealand.



[35] Ms Sisson submitted that despite Mr van der Lem's assault on his partner, he was not precluded from being found to be suitable. She pointed out that a s.19 discharge operated as an acquittal and that the admitted difficulties with his partner had been explained.

[36] The third director, Mr R Rawi has been given the *"opportunity of a lifetime."*

[37] Changes in the shareholding had been formally notified to the Authority in terms of s.225 of the Act. The change in shareholding had been a genuine transaction. Ms Sisson noted that the "B" shares held by Mr Rawi and Mr van der Lem had what she described as *"limited voting rights at this time ..."* The change in shareholding was not simply a ploy, but rather a reflection of the practical operation of the company.

"Mr Tomlinson was originally the sole shareholder and director of the company while the company was being established and the capital introduced. Mr Tomlinson is a professional man who is retired. He stated his reason for setting up this business is to earn an income where he could be around people. Potential shareholders were required to be tested so that Mr Tomlinson was satisfied that the high standard of practice and commitment would protect the financial investment and operate within the framework of the law. It is apparent from the changes made and the improvements to the operation of the business that there was a willingness and an ability to implement change where required ..."

[38] Ms Sisson referred to the legal test as to suitability, enunciated by Holland J in *Re Sheard* [1996] 1 NZLR 751 at 758:

"Whether the character of the applicant has been shown to be such that he is not likely to carry out properly the responsibilities that go with the holding of a licence."

[39] Ms Sisson highlighted Mr van der Lem's comment that if the premises were closed between 1.00 am and 3.00 am the premises *"may as well be closed. Most of the trade is undertaken from 11.30 pm to 3.00 am."* A supervised designation is sought. In relation to noise Ms Sisson said that aside from the proprietor of the Ambassador there is little evidence of noise from the premises.

[40] Independent evidence from Armourguard and a Christchurch City Council Noise Inspector, suggests that the noise from The Temple is not excessive:

"Loud music cannot be heard from The Temple bar across the road where the Ambassador is, as from mid-December 2000. This is borne out by no verified noise complaints from Armourguard since the steps were taken to alter the building and replace the larger speakers with a smaller variety ..."

[41] The area itself, as acknowledged by the Inspector and the objector, is littered with young men and women in cars.

"It is submitted that it is unlikely that in the early hours of the morning one can adequately distinguish between noise from patrons, stereo equipment,



cars and patrons from other bars. ... All steps have been taken to alleviate the noise problems."

- [42] Ms Sisson drew our attention to s.10(4) of the Act precluding an objection other than on the suitability of the applicant where an applicant is seeking the same conditions for a new licence as those presently applying to an existing on-licence. Relying on that provision Ms Sisson submitted that noise issues raised by the objector do not come within the framework of suitability of the applicant, and the applicant therefore objects to admission of the evidence, particularly as the independent evidence does not substantiate the evidence of the objector:
- [43] Ms Sisson submitted that Mr Tomlinson's short-term memory loss in high stress situations is not of itself sufficient to prevent ASEA (2000) NZ Limited from being found suitable to hold a liquor licence. There are no ongoing problems identified with Mr van der Lem's management of the premises and no issue with the other director, Mr R Rawi. As to lack of experience, Mr Tomlinson suggested that Mr Tomlinson had arranged for a division of labour within the company which met appropriate standards.
- [44] Turning to the fraud investigation, she reminded the Authority that civil proceedings have been issued and served on Mr Tomlinson's insurers, Sun Alliance. She submitted that the Police report is vague and speculative and should be given no weight.

Authority Conclusion and Reasons

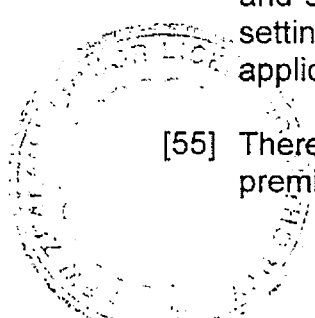
- [45] The Authority, following an approach suggested by Robertson J in Pipe v Jay and H Company [High Court, Auckland, AP-SWOO 9 February 2001], called for further evidence on a timetable basis, together with submissions from all parties.
- [46] It is apparent that some of the concerns raised in the course of the oral hearing have now dissipated.
- [47] In considering any application for an on-licence the Authority is directed by s.13(1) to have regard to the following matters:
- "(a) *The suitability of the applicant.*
 - (b) *The days on which and the hours during which the applicant proposes to sell liquor.*
 - (c) *The areas of the premises or conveyance, if any, that the applicant proposes should be designated as restricted areas or supervised areas.*
 - (d) *The steps proposed to be taken by the applicant to ensure that the requirements of this act in relation to the sale of liquor to prohibited persons are observed.*
 - (e) *The applicant's proposals relating to –*
 - (i) *the sale and supply of non-alcoholic refreshments and food; and*
 - (ii) *the sale and supply of low alcohol beverages, and*
 - (iii) *the provision of assistance with or information about alternative forms of transport from the licensed premises.*

- (f) *Whether the applicant is engaged or proposes to engage in –*
 - (i) *the sale and supply of any other goods besides liquor and food, or*
 - (ii) *the provision of any services other than those directly related to the sale of liquor and food - and, if so, the nature of those goods and services;*
- (g) *Any matters dealt with in any report made under s.11 of this Act."*

- [48] For the off-licence, s.35(1) of the Act lists criteria, the first of which is also the suitability of the applicant.
- [49] Pursuant to ss.13(1)(g) and 35(1)(f), the Authority must have regard to reports from the Police and Agency Inspectors. As a result the issues raised by Mr Meyer as an objector must be considered indirectly despite the effect of ss.10(3) and 33(3) on the ground of formal objections.
- [50] The applicant in this case being a company, it follows that we turn our attention to the shareholders and directors, and as is usual, lift the corporate veil.
- [51] In practical terms Mr A F Tomlinson controls ASEA (2000) NZ Ltd. Ms Sisson referred to what she delicately described as "limited voting rights" for the "B" shares held by two of the company's three directors. In fact, "B" shares carry no voting rights. Thus following a shareholders' meeting Mr Tomlinson has very wide powers over the company as the sole voting shareholder. The personal history and background experience of the other two directors is such as to persuade the Authority that it is Mr Tomlinson alone who calls the shots in financial terms as the ultimate source of authority within the company. It follows that Mr Tomlinson's personal suitability is a major consideration in determining these applications for on and off-licences.
- [52] Despite Mr Tomlinson's ill-health, his business experience, and willingness to appoint other persons to supplement areas of weakness or deficiency within the company, has persuaded us that he is a suitable person to control an on-licence. His medical condition and the ongoing fraud investigation by Police do not preclude this finding. Of course, the mere issuing of proceedings is far from a final determinative step in civil litigation, as proceedings may be withdrawn or settled. There are a variety of possible outcomes in both the proceedings and as a result of further Police investigations.
- [53] There are no other matters of concern other than noise.

Noise

- [54] The allegations of excessive noise and the evidence before us leaves us in some doubt as to the proper exercise of our discretion on hours, pursuant to s.14(7) and s.37(5). Neighbouring land use is a factor to which we may have regard in setting hours. In doing so where there are residential uses, even as in these applications, within a commercial zone, the Authority may reduce hours.
- [55] There is evidence that the surrounding area is generally noisy, that other premises also create noise, and that there are a number of business premises as



opposed to residential premises in the area. Resolution of competing land use issues is in the first instance for the Local Authority, and on appeal or reference, the Environment Court. Site suitability issues are not determined by the Liquor Licensing Authority.

- [56] We have before us a certificate from the Christchurch City Council dated 12 September 2000 certifying that the proposed use fully complies with Council planning instruments on a 24 hours, seven day basis. Its wording is:

" ... The property ... situated at 39 Dundas Street is zoned Business 1 in the Christchurch section of the Christchurch Transitional Plan and Central City (City South) in the proposed City Plan. These zonings allow for taverns/restaurants as a predominant use.

It is hereby certified that the proposed use, which is to sell and supply liquor for consumption on and off the premise, at any time Monday to Sunday, complies with the Christchurch Transitional Plan, the Proposed City Plan and the Resource Management Act 1991. ..." (our emphasis)

- [57] In these circumstances with such an unequivocal Resource Management Certificate and the expressed intention (which may or may not be met in practice), to comply with relevant noise criteria in the area, we are not persuaded to reduce the closing hour to less than 3.00 am, despite Mr Meyer's concern. Competing land use issues should be resolved within the framework of the Resource Management Act 1991. The Christchurch City Council has major responsibility in this area.
- [58] If in twelve months time on renewal, or earlier pursuant to a s.132 application, the company so transgresses the noise provisions of the Resource Management Act as to bring into question its suitability, it can expect little leniency from the Authority. With persons who may have commercial reasons to complain in close vicinity the licensee would be well advised to take precautions to ensure that noise standards are fully met. We are well aware from other applications that others are minded to point the blame elsewhere from time to time. Professional acoustic advice may well be a useful step to assist with ongoing compliance.
- [59] In all other respects 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 applicants on and off-licences pursuant to ss.7 and 29 of the Act. Copies of the licences setting out the conditions to which each is subject are attached to this decision.
- [60] The licences may issue immediately following the expiry of 20 working days from the date of this decision. That is the period provided by s.140 of the Act for the lodging of a notice of appeal.
- [61] After having regard to the criteria in s.121(1) of the Act we also grant a General Manager's Certificate to Arthur Frank Tomlinson.



[62] The applicants' attention is drawn to ss.25 and 48 of the Act obliging the holders of 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 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 31st day of May 2001


R. J. S. Munro
Member

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J. W. Thompson
Member

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ON-LICENCE

Sections 7 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, **ASEA (2000) NZ LIMITED** is authorised to sell and supply liquor on the premises situated at 39 Dundas Street, Christchurch and known as "The Temple", 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 must be exercised through a manager or managers appointed by the licensee in accordance with Part VI of the Act.

CONDITIONS

This licence is subject to the following conditions:

- (a) The licensee must 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 and low-alcohol refreshments.
- (b) No liquor is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on ANZAC 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:
Monday to Sunday 11.00 am to 3.00 am the following day (11.00 am to 12.00 midnight on the Thursday before Good Friday, Easter Saturday, Christmas Eve, and the day before ANZAC Day) to any person who is present on the premises.
- (d) Food must 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, must be conveniently available for all patrons and the availability of those foodstuffs must 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 must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- (g) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of liquor.
- (h) The licensee must ensure that the provisions of the Act relating to the sale and supply of liquor to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

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 situated at 39 Dundas Street, Christchurch are more precisely identified as outlined in a plan date stamped as received by the Liquor Licensing Authority on 16 November 2000.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE

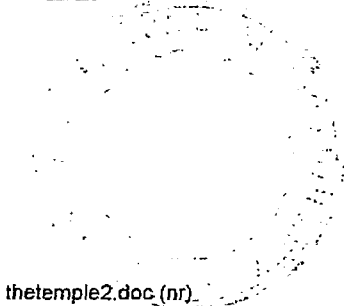
A copy of this licence must be displayed at the principal entrance to the premises. The entrance from Dundas Street is designated as the principal entrance.

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 continues 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 day of 2001



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.....
W Newall
Deputy Secretary
Liquor Licensing Authority

COPY ONLY – NOT TO BE USED
OFF-LICENCE

Sections 29 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, **ASEA (2000) NZ LIMITED** is authorised to sell or deliver liquor on or from the premises situated at 39 Dundas Street, Christchurch, and known as "The Temple", to any person for consumption off the premises and to supply complimentary samples of liquor on the premises.

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

CONDITIONS

This licence is subject to the following conditions:

- (a) No liquor is to be sold or delivered on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on ANZAC 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 Sunday 11.00 am to 11.00 pm
 - (ii) **Across the bar:**
Monday to Sunday 11.00 am to 3.00 am the following day (11.00 am to 12.00 midnight on the Thursday before Good Friday, Easter Saturday, Christmas Eve and the day before ANZAC Day)
- (c) **The whole of the premises is designated as a supervised area.**
- (d) The licensee must ensure that the provisions of the Act relating to the sale and supply of liquor to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

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 situated at 39 Dundas Street, Christchurch are more precisely identified as outlined in a plan date stamped as received by the Liquor Licensing Authority on 16 November 2000.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE

A copy of this licence must be displayed at the principal entrance to the premises. The entrance from Dundas 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 continues 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 day of 2001



COPY ONLY – NOT TO BE USED

.....
W Newall
Deputy Secretary
Liquor Licensing Authority

