

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by **RICHWEAZ LIMITED** pursuant to s.18 of the Act for the renewal of an on-licence in respect of premises situated at 7 Chalmers Street, Christchurch, known as "Snafu Bar and Restaurant"

BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Chairman: District Court Judge J D Hole

Member: Mr D E Major

HEARING at CHRISTCHURCH on 17 July 2014

APPEARANCES

Mr R Dear – for applicant

Mr P J Tweed – for Medical Officer of Health – to assist

Mr P J T Spang – Christchurch District Licensing Inspector – in opposition

Constable S J Joy – NZ Police – to assist

Objectors: Mrs C V Parker
Mr E P Parker
Miss C P Parker
Mrs H J McIlroy
Mrs J Maw

DECISION OF THE AUTHORITY

[1] This decision is in respect of an application by Richweaz Limited for the renewal of an on-licence for premises at 7 Chalmers Street, Christchurch known as "Snafu Bar and Restaurant". The business trades as a tavern with hours authorised for the sale of liquor between 9.00 am and 3.00 am daily. There is a one-way door operating which prevents persons from being admitted or readmitted to the premises after 1.30 a.m.

[2] Neither the Police nor the Medical Officer of Health opposed the application. The Inspector did oppose the application primarily because of complaints by members of the public relating to noise emanating from the premises. The evidence of the Environmental Health Officer called by the Inspector indicated that since the premises have been operating there have been continued complaints from persons living in the neighbourhood, although these complaints have reduced in recent times.

[3] The evidence given by the objectors came as somewhat of a surprise to Mr Dear the director of the applicant. He had thought that the noise problems had dissipated recently and that the applicant had noise issues under control. It was obvious from the objectors' evidence that this was not the case.

[4] As a result Mr Dear provided the Authority with the following undertaking:

"I Richard Anthony William Dear as sole director of Richweaz Limited undertake on behalf of Richweaz Limited that Richweaz Limited will instruct an acoustics engineer (as recommended by the Inspector) to monitor and assess noise emanating from the licensed premises known as "Snafu Bar and Restaurant". This will be done by 20 August 2014. Upon the receipt of the engineer's report, Richweaz Limited will immediately carry out and implement the engineer's reasonable recommendations."

[5] The Authority considers that if this undertaking is adhered to, both in its spirit and letter, then the premises will trade in the future in compliance with the obligations imposed on the applicant pursuant to the Sale and Supply of Alcohol Act 2012. On this basis the Authority is satisfied that the application meets all the criteria set forth in s.131 of the Sale and Supply of Alcohol Act 2012.

[6] The objectors were concerned that noise issues tended to become less evident shortly before this Authority was required to deal with applications made by the applicant. There is some evidence which supports this.

[7] In these circumstances the Authority concludes that, whilst the application should be granted, the renewed term should be for a truncated period. This would enable the applicant to prove that it really does have the noise issues adequately under control.

[8] Accordingly, the application is granted upon the basis that the renewed licence will expire on 31 January 2016.

DATED at WELLINGTON this 30th day of July 2014

A E Cannell
Deputy Secretary