

IN THE MATTER of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER of applications for a Temporary
Authority by **Bar Code Limited**
(*Applicant*) in respect of premises at **7**
Chalmers Street Christchurch (the
premises) to be known as **Snafu**.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE:

Chairperson: P R Rogers with Messrs R Wilson and P Buttell.

[1] This decision relates to an application for a Temporary Authority in respect to an application by Bar Code Limited, known as Snafu, which was heard before the Christchurch District Licensing Committee on 28 July 2016.

[2] At the beginning of the Hearing the parties were asked if there were any preliminary matters. The Inspector with the support of the Police addressed the Committee questioning the tenure of the premises, as there was no lease produced by the applicant.

[3] It was the Inspector's view that as a result the matter should not proceed as tenure had not been established. In support of that view the Inspector referred the Committee to a decision of the Liquor Licensing Authority; DMB Entertainment Limited v Auckland District Licensing Agency PH 173/2001.

[4] The Inspector referred particularly to paragraph [27] of the decision in which the Judge stated the Agency had every right to make the statement that:

"There was not sufficient evidence as to tenure in the property. The Agency does not regard a letter of intent to sign a lease as sufficient evidence of tenure".

[5] The Committee retired to consider the request and study the case law supplied as this was the first the Committee had heard of the issue of lack of tenure.

[6] On returning the public were then excluded from the Hearing and the lack of a lease was put to the applicant's counsel, Ms Eveleigh. After discussions with her client, as it transpired that her client had no knowledge of the circumstances surrounding the lease, counsel advised that she thought the best course of action would be to adjourn the matter.

[7] The Committee understands the applicant wished to obtain a Temporary Authority before signing a lease. It is the view of the Committee that the applicant should sign a lease subject to a condition that it will only come into force once the applicant is granted a Temporary Authority. The Committee can then be satisfied that the applicant has tenure both for the business and the premises, as required by the Sale and Supply of Alcohol Act 2012.

[8] This application is therefore refused and the applicant is invited to submit a new application with all the required documentation.

[9] The Committee wishes to express its displeasure concerning this matter being raised by the Agencies and requesting that the Hearing could not proceed further without the question of tenure being satisfied. There should have been prior warning to the applicant that tenure was going to be raised as a preliminary matter so that it could be properly addressed.

[10] This matter is to be brought to the attention of all parties.

DATED at CHRISTCHURCH this 4 August 2016.

A handwritten signature in blue ink, appearing to read 'P R Rogers', is centered on the page. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

P R Rogers
Chairperson
Christchurch District Licensing Committee