

IN THE MATTER of the Sale of
Liquor Act 1989

AND

IN THE MATTER of an application by
A E & M M KIELY
LIMITED for an on
licence pursuant to
s.7 of the Act, in
respect of premises
situated at the
Clyde Centre, Clyde
Street, Hamilton to
be known as "The
Clyde"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge J P Gatley
Members: Mrs P M Thompson
Mr J W Thompson

HEARING at HAMILTON on 16 August 1993

APPEARANCES

Mr R W Murphy - as agent of the applicant
Senior Sergeant L J Hanna - NZ Police
Mr T P Van Der Heijden
- Hamilton District Licensing Agency Inspector
J Blair and S McClaren - the Medical Officer of Health
Doctor W G Craig - University of Waikato
Mrs A J Donovan)
Mrs G R Hill)
Mr R W Pascoe) in opposition
Mr K E Richards)

DECISION

A E & M M Kiely Limited have made application for an on-licence in respect of new tavern premises situated at the Clyde Centre, Clyde Street, Hamilton to be known as "The Clyde".

Public notification of the application attracted objections and accordingly the matter was set down for public hearing.

Dominion Breweries Limited is currently the licensee of premises situated at the corner of Clyde and Grey Streets, Hamilton trading as "Riverina Hotel". The Riverina is about to close and to some extent will be replaced by "The Clyde", a new premises on an adjacent site. However Mr Kiely emphasised - and we accept - that the type of operation that he proposes will be completely different from that of the Riverina. Much



of the evidence given by objectors related to poor behaviour and acts of vandalism on the part of intoxicated patrons from the Riverina. We also heard accounts of the concerns of residents in the area and the University at the actions of intoxicated students trekking from either the Eastside Tavern or the Hillcrest Tavern to the Riverina, the latter establishment having later trading hours.

Whilst we share the concerns expressed covering the sale of liquor to intoxicated persons and to minors, such problems cannot be in any way attributed to the present applicant company. We do however accept that some of the matters complained of might be alleviated with the Riverina closed and the Eastside Tavern, the Hillcrest Tavern and the new premises all having the same closing time.

The suitability of the applicant is not challenged leaving trading hours as the only matter for our determination. Hours sought are:

Monday to Saturday 7.00 am to 2.00 am the following day
Sunday 12.00 Noon to 11.00 pm (diners)

The Police and the District Licensing Agency both supported a standard closing time for the Hillcrest Tavern, the Eastside Tavern and the subject premises.

After the hearing we inspected the premises; having regard to the site of the premises in relation to neighbouring residential properties we have determined the following trading hours as appropriate:

Monday to Saturday 7.00 am to 12.00 Midnight
Sunday Midday to 10.00 pm for the sale of
liquor to persons present on the
premises for the purpose of dining.

In all other respects we are satisfied as to the matters to which we must have regard as set out in s.13 of the Act and we grant the applicant an on-licence authorising the sale and supply of liquor, for consumption on the premises, to any person who is present on the premises.

The licence may issue when confirmation has been received from the District Licensing Agency that all relevant clearances have been obtained.

The applicant's attention is drawn to s.25 of the Act obliging the holder of an on-licence 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.

The entrance into the main foyer is designated as the principal entrance.

The licence will be 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 shall be sold or supplied on any Sunday or on Good Friday or Christmas Day to any person other than -
 - (i) Any person who is for the time being living on the premises, whether as a lodger or an employee of the licensee, or otherwise, or
 - (ii) Any person who is present on the premises for the purpose of dining:
- (c) Liquor may be sold only on the following days and during the following hours:
 - (i) At any time on any day to any person who is for the time being living on the premises whether as a lodger or an employee of the licensee, or otherwise.
 - (ii) Monday to Saturday 7.00 am to 12.00 midnight to any person who is present on the premises.
 - (iii) On Sundays, Good Friday and Christmas Day 12.00 noon to 10.00 pm to any person who is present on the premises 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

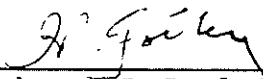


- (f) The licensee shall ensure that the provisions of the Act relating to the sale and supply of liquor to prohibited persons are observed and shall:
- (i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the sale and supply of liquor to minors and the 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.

DEFINITION OF LICENSED PREMISES

In terms of Reg. 7 of the Sale of Liquor Regulations 1990 the sale or supply or consumption of liquor is authorised in the premises generally. The premises located at the Clyde Centre, Clyde Street, Hamilton are more precisely identified in a plan submitted with the application and date stamped as received by Tribunals Division on 22 June 1993.

DATED at WELLINGTON this 27th day of August 1993


 Judge J P Gatley
 Chairman



0277L