

IN THE MATTER of the Sale of Liquor Act 1989

AND

IN THE MATTER of an application by DAVID ALLEN McCABE for an on-licence pursuant to s.7 of the Act in respect of premises situated at Rimu Street, Ohakune Junction, known as "Margaritas Bar and Restaurant"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge J P Gatley

Members: Mr R J S Munro

Mr J W Thompson

DECISION

This is an application by David Allen McCabe for an on-licence in respect of premises situated at Rimu Street, Ohakune Junction, known as "Margaritas Bar and Restaurant".

The general nature of the business to be undertaken will be that of a tavern.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly we deal with the matter on the papers.

Public notification of the application attracted an objection from Mr J Mason, a local resident, however the applicant subsequently amended the application reducing the scope of hours sought and the objection has been withdrawn.

Accordingly we deal with the matter on the papers.

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 immediately.

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 from Rimu Street 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) Monday to Thursday 7.00 am to 11.30 pm  
Friday and Saturday 7.00 am to 12.00 midnight to any person who is present on the premises.
  - (ii) On Sundays, Good Friday and Christmas Day 7.00 am to 11.30 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

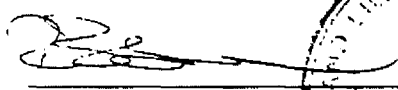
(f) The licensee shall ensure that the provisions of the Act relating to the sale and supply of liquor to prohibited persons are observed and shall:


- (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 Rimu Street, Ohakune Junction are more precisely identified in a plan submitted with the application and date stamped as received by Tribunals Division on 29 June 1994.

DATED at WELLINGTON this *16th* day of *August* 1994

  
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R Barber  
Deputy Secretary



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