

Decision No. 1426/96 ✓

IN THE MATTER of the Sale of Liquor Act 1989

AND

IN THE MATTER of an application by ESCROW HOLDINGS THIRTY LIMITED for an off-licence pursuant to s.29 of the Act in respect of premises situated at State Highway 3, Kai Iwi, Wanganui District known as "Kai Iwi Tavern"

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 Escrow Holdings Thirty Limited for an off-licence in respect of premises situated at State Highway 3, Kai Iwi, Wanganui District, known as "Kai Iwi Tavern".

The licence is sought in respect of premises already the subject of a tavern off-licence. The application results from a change of licensee. The premises are currently operating under a temporary authority granted by the Wanganui District Licensing Agency.

The application was originally made in the name of Rodney Matheson and Josephine Matheson (nee Pennington). A Police report initially raised opposition to the suitability of Rodney Matheson to hold on and off-licences on the basis of his previous convictions.

The application was then amended to seek the licence in the name of Josephine Pennington only. It was however revealed that the premises were in fact operated by Escrow Holdings Thirty Limited of which Rodney Matheson and Josephine Pennington were the sole directors and shareholders.

Following a meeting between the applicants, Police and a District Licensing Agency Inspector, the application was again amended to seek the licences to be held by Escrow Holdings Thirty Limited.



The Police then withdrew their objection against Mr Matheson, supporting the grant of the licence, and will monitor the operation of the premises during the probationary one year period.

We will deal with the matter on the papers.

We are now satisfied as to the matters to which we must have regard as set out in s.35 of the Act and we grant the applicant an off-licence pursuant to s.29.

The licence may issue immediately.

The applicant's attention is drawn to s.48 of the Act obliging the holder of an off-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 State Highway 3 is designated as the principal entrance.

The licence will be subject to the following conditions:

- (a) No liquor shall be sold or delivered on any Sunday or on Good Friday or Christmas 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 Saturday 10.00 am to 11.00 pm
 - (ii) Across the bar:
Monday to Saturday 10.00 am to 3.00 am the following day
- (c) The whole of the premises is designated as a supervised area.
- (d) 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.

The licence will be endorsed as follows:-

"For the purpose of this licence the hours from 12.00 midnight on a Saturday to 3.00 am on a Sunday are considered to be part of Saturday."

DEFINITION OF LICENSED PREMISES

In terms of Reg. 10 of the Sale of Liquor Regulations 1990 the sale or delivery of liquor is authorised in or from the premises generally. The premises, located at State Highway 3, Kai Iwi, Wanganui District are more precisely identified as outlined in a plan date stamped as received by Tribunals Division on 14 November 1995.

DATED at WELLINGTON this *30th* day of *July* 1996



R Barber
Deputy Secretary

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