

IN THE MATTER of the Sale of Liquor Act 1989

AND

IN THE MATTER of an application by PETER JOHN HOUGH for an on-licence pursuant to s.7 of the Act in respect of premises situated at Shop 9, 145 Kitchener Road, Milford, North Shore City known as "Blue Rhythm"

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 Peter John Hough for an on-licence in respect of premises situated at Shop 9, 145 Kitchener Road, Milford, North Shore City, known as "Blue Rhythm".

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

The applicant intends to sell liquor not only to any person who is present for the purpose of dining but also to any other person who is present on the premises. Nevertheless the applicant portrays the main part of the business as being the promotion and sale of food of a range and style detailed in a sample menu submitted. On that basis we accept that the premises will remain within the definition of a restaurant as defined in s.2 of the Act and that the sale of liquor will not be the principal business.

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.

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 -

a) any person who is present on the premises for the purpose of dining; or



- (b) any other person who is present on the premises.

We point out that should the conduct of the business become other than as portrayed in the application, or should the manner of operation bring it to the attention of the enforcement authorities, it will be open to them to lodge an application pursuant to s.132 of the Act for variation, cancellation or suspension of the licence.

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 Kitchener Road 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) Liquor may be sold only on the following days and during the following hours:

On such days and during such hours as the premises are being operated as a restaurant but not other than on the following days and during the following hours:

Monday to Saturday 11.00 am to 1.00 am the following day  
 Sunday 12.00 noon to 11.00 pm

- (c) Food shall be available for consumption on the premises at all times when the premises are open for the sale of liquor in accordance with the menu submitted with the application for a licence or variations of that menu of similar range and standard.

(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 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 Shop 9, 145 Kitchener Road, Milford, North Shore City are more precisely identified in a plan date stamped as received by Tribunals Division on 21 November 1996.

DATED at WELLINGTON this *8th* day of *January* 1997



E Verrity  
Deputy Secretary

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