

Decision No. 2504/78-2505/78

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of applications by TAV CO LIMITED for on and off-licences pursuant to ss.7 and 29 of the Act in respect of premises situated at 174 Bedford Street, Cannons Creek, Porirua, known as "Top Tavern"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge J P Gatley

Members: Mr R J S Munro

Mr J W Thompson

DECISION

Public notification of the applications did not attract any objections or notices of desire to be heard. We deal with the matters on the papers.

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

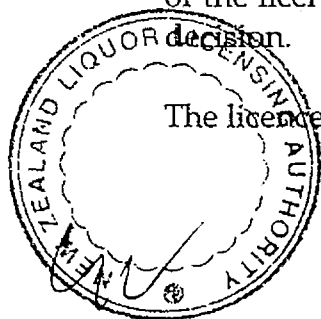
The premises are presently the subject of on-licence held by the Porirua Licensing Trust. The trust has recently been the subject of a competition poll conducted pursuant to s.125 of the Act.

The competition proposal was carried and the trust lost its exclusive rights in respect of hotel, tavern and bottle shop operation within its boundaries.

The business has been purchased by the applicant company which is wholly owned by Brand Hospitality Limited, a company in which the Porirua Licensing Trust has an interest.

We are satisfied as to the matters to which we must have regard as set out in ss.13 and 35 of the Act, and we grant the applicant the on and off-licences sought. Copies of the licences setting out the conditions to which each is subject are attached to this decision.


The licences may issue immediately.




The applicant's attention is drawn to ss.25 and 48 of the Act obliging the holder of on and off-licences 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 each licence, and of the conditions of each licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance.

DATED at WELLINGTON this *14th* day of *December* 1998

  
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~~R Barber~~  
Deputy Secretary



COPY

046/ON/12/98

ON-LICENCE

Sections 7 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, TAV CO LIMITED is authorised to sell and supply liquor on the premises situated at 174 Bedford Street, Cannons Creek, Porirua and known as "Top Tavern", for consumption on the premises to any person who is present on the premises and to allow the consumption of liquor on the premises by any such person.

The authority conferred by this licence shall be exercised by the licensee (if an individual) or through a manager or managers appointed by the licensee in accordance with Part VI of the Act.

CONDITIONS

This licence is 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 is to be sold or supplied on a Sunday after 3.00 am; or Good Friday; or Christmas Day to any person other than persons who are 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 Wednesday 7.00 am to 12.00 midnight, Thursday to Saturday 7.00 am to 3.00 am the following day (3.00 am to 12.00 midnight on Christmas Eve and on the Thursday before Good Friday) to any person who is present on the premises.
  - (ii) Sunday, Good Friday and Christmas Day 9.00 am 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) The whole of the premises is designated as a supervised area.
- (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.

THE LICENSED PREMISES

In terms of Regulation 7 of the Sale of Liquor Regulations 1990 the sale, supply or consumption of liquor is authorised in the premises generally. The premises located at 174 Bedford Street, Cannons Creek, Porirua are more precisely identified as outlined in a plan date stamped as received by Tribunals Division on 29 October 1998.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE

A copy of this licence shall be displayed at the principal entrance to the premises. The entrance from Bedford Street is designated as the principal entrance.

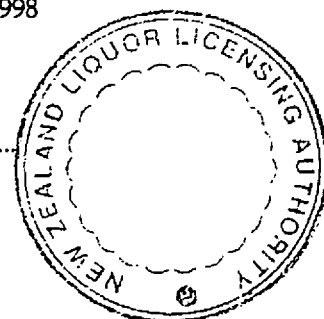
DURATION

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence shall continue in force -

- (a) Until the close of the period of 1 year commencing with the date of its issue; or
- (b) If an application for the renewal of the licence is duly made, until the application is determined; or
- (c) If the licence is renewed, until the close of the period for which it is renewed.

DATED at WELLINGTON this 14th day of December 1998

.....E. VERRITY  
~~R. Barber~~  
Deputy Secretary  
LIQUOR LICENSING AUTHORITY



## OFF-LICENCE

### Sections 29 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, TAV CO LIMITED is authorised to sell or deliver liquor on or from the premises situated at 174 Bedford Street, Cannons Creek, Porirua and known as "Top Tavern Bottle Store", to any person for consumption off the premises.

The authority conferred by this licence shall be exercised by the licensee (if an individual) or through a manager or managers appointed by the licensee in accordance with Part VI of the Act.

### CONDITIONS

**This licence is 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:  
**Monday to Saturday** **8.00 am to 11.00 pm**
- (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 LICENSED PREMISES

In terms of Regulation 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 174 Bedford Street, Cannons Creek, Porirua are more precisely identified as outlined in a plan date stamped as received by Tribunals Division on 7 October 1998.

### DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE

**A copy of this licence shall be displayed at the principal entrance to the premises. The entrance from Bedford Street is designated as the principal entrance.**

### DURATION

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence shall continue in force -

- (a) Until the close of the period of 1 year commencing with the date of its issue; or
- (b) If an application for the renewal of the licence is duly made, until the application is determined; or
- (c) If the licence is renewed, until the close of the period for which it is renewed.

DATED at WELLINGTON this 14th day of December 1998

~~R Barber~~  
Deputy Secretary  
LIQUOR LICENSING AUTHORITY

