

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by DANIEL HONA TOPIA AND LORRAINE PAULA MARSH, trading in partnership for an off-licence pursuant to s.29 of the Act in respect of premises situated at 63 Ridgway Street, Wanganui known as "Provincial 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 Daniel Hona Topia and Lorraine Paula Marsh trading in partnership for an off-licence in respect of premises situated at 63 Ridgway Street, Wanganui, known as "Provincial Tavern".

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.

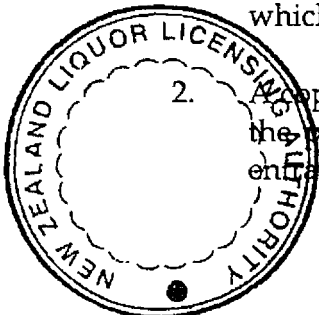
We are satisfied as to the matters to which we must have regard as set out in s.35 of the Act and we grant the applicant an off-licence pursuant to s.29.

The licence will not issue until the Authority has received confirmation from the District Licensing Agency that all relevant clearances have been obtained. The applicant is not entitled to sell liquor until the licence issues. Unlicensed sales can result in imprisonment for up to three months or a fine of \$20,000 (ss.114(2), 151 and 152 of the Act refer).

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 Ridgway Street 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 7.00 am to 11.00 pm
 - (ii) Across the bar:
Monday to Saturday 7.00 am to 3.00 am the following day (7.00 am to 12.00 midnight on Christmas Eve and on the Thursday before Good Friday)
- (c) Each of the following parts of the premises is designated as:
 - (i) A restricted area: The Public bar.
 - (ii) A supervised area: Every other bar and any bottle store.
- (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. 10 of the Sale of Liquor Regulations 1990 the sale or delivery of liquor is authorised in or from the ground floor area only. The premises, located at 36 Ridgway Street, Wanganui are more precisely identified in a plan date stamped as received by the Liquor Licensing Authority on 7 September 1999.

DATED at WELLINGTON this 10th day of September 1999


R Barber
Deputy Secretary

