

IN THE MATTER of the Sale of Liquor Act 1989

AND

IN THE MATTER of an application by
FRANCESCO MANNA and
KAY THERESE MANNA,
trading in partnership for an
on-licence pursuant to s.7 of the
Act in respect of premises
situated at 134-136 Maunganui
Road, Mt Maunganui,
Tauranga known as "La Barca"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge J P Gatley
Members: Mr R J S Munro
Mr J W Thompson

DECISION

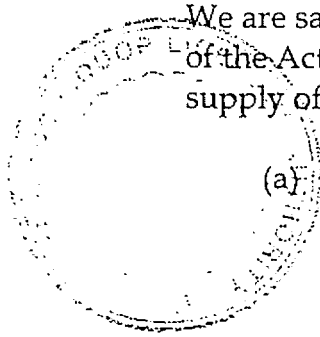
The general nature of the business to be undertaken is that of a restaurant. The application results from a change of licensee. The premises are currently operating under a temporary authority granted by the Tauranga District Licensing Agency.

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.

A copy of the licence setting out the conditions to which it is subject is attached to this decision.

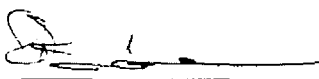
We point out that should the conduct of the business become other than as portrayed in the application, or should the manner of operation bring it to the attention of the enforcement authorities, it will be open to them to lodge an application pursuant to s.132 of the Act for variation, cancellation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

The licence may issue immediately.

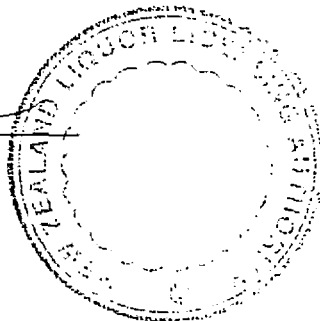
The applicant's attention is drawn to s.25 of the Act obliging the holder of an on-licence to display:-

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.

DATED at WELLINGTON this 19th day of may 1999


R Barber
Deputy Secretary

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COPY

ON-LICENCE

(For Premises)

Sections 7 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, the partnership of FRANCESCO MANNA and KAY THERESE MANNA ("the licensee") is authorised to sell and supply liquor, on the premises situated at 134-136 Maunganui Road, Mt Maunganui, Tauranga and known as "La Barca", 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

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) 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 Sunday 8.00 am to 1.00 am the following day
- (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 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 134-136 Maunganui Road, Mt Maunganui are more precisely identified as outlined in a plan date stamped as received by Tribunals Division on 23 April 1999

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S


A copy of this licence shall be displayed at the principal entrance to the premises. The entrance from Maunganui 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 17th day of May 1999


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R Barber
Deputy Secretary
LIQUOR LICENSING AUTHORITY

