

IN THE MATTER

of the Sale of Liquor Act 1989

AND**IN THE MATTER**

of applications by **BRIAN ROBERT GILBERT** for on and off-licences pursuant to ss.7 and 29 of the Act in respect of premises situated at 1 Omarama-Lindis Pass Road, Omarama, Waitaki District, known as "Clay Cliffs Estate"

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 is that of a winery with a vineyard cafe and associated cellar door sales. The applicant is also seeking a grape wine maker's licence pursuant to the Wine Makers Act 1981.

The applicant proposes to sell liquor, under the on-licence, to persons on the Otago wine trail as well as to those persons who are on the premises for the purpose of having a meal. We are satisfied that the premises do not fall within the definition of a tavern in terms of s.2 of the Act.

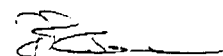
We are satisfied as to the matters to which we must have regard as set out in ss.13 and 35 of the Act, and we grant the applicant the on and off-licences sought. Copies of the licences setting out the conditions to which each is subject are attached to this decision.

The licences may issue immediately.

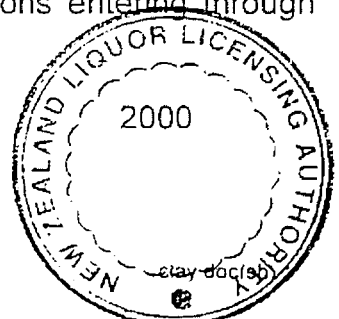
The applicant's attention is drawn to ss.25 and 48 of the Act obliging the holder of on and off-licences to display:-

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 29th day of March



R Barber
Deputy Secretary



COPY

066/ON/4/2000

ON-LICENCE

(For Premises)

Sections 7 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, **BRIAN ROBERT GILBERT** is authorised to sell and supply liquor, on the premises situated at 1 Omarama-Lindis Pass Road, Omarama and known as "Clay Cliffs Estate", 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 manager 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 11.00 am to 12.00 midnight
- (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 display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

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 1 Omarama-Lindis Pass Road, Omarama are more precisely identified as outlined in a plan date stamped as received by the Liquor Licensing Authority on 5 January 2000.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S


A copy of this licence shall be displayed at the principal entrance to the premises. The entrance into the dining area is designated as the principal entrance.

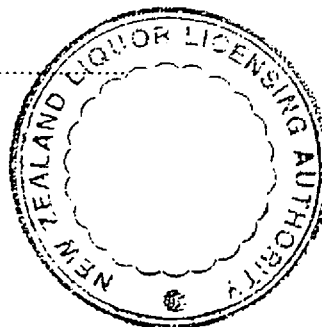
DURATION

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 29th day of March 2000


R Barber
Deputy Secretary
LIQUOR LICENSING AUTHORITY



COPY

066/OFF/3/2000

OFF-LICENCE

Sections 29 and 114, Sale of Liquor Act 1989

PURSUANT to the Sale of Liquor Act 1989, BRIAN ROBERT GILBERT is authorised to sell or deliver liquor on or from the premises situated at 1 Omarama-Lindis Pass Road, Omarama, and known as "Clay Cliffs Estate", 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 on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on ANZAC Day:
- (b) Liquor may be sold or delivered only on the following days and during the following hours:
Monday to Sunday 11.00 am to 10.00 pm
- (c) 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 display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

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 1 Omarama-Lindis Pass Road, Omarama are more precisely identified as outlined in a plan date stamped as received by the Liquor Licensing Authority on 5 January 2000.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S


A copy of this licence shall be displayed at the principal entrance to the premises. The entrance into the retail area 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 29th day of March 2000


R Barber
Deputy Secretary
LIQUOR LICENSING AUTHORITY

