(*c*) That the house is conducted in an improper manner and drunkenness permitted therein; or

(*d*) That any of the conditions upon which the license was granted have not been satisfactorily fulfilled.

86. The usual grounds of objection to renewal are that the premises are not maintained at the required standard or are out of repair. The powers of a Licensing Committee in these matters are not extensive and are even, in important respects, in doubt. They are important principally in connection with publicans' and accommodation licenses.

87. In boroughs the required standard for premises under a publican's license is that prescribed by section 76 of the Act of 1908: *Penney* v. *Wairau Licensing Committee*, (1907) 26 N.Z.L.R. 234, and *English* v. *Bay of Islands Licensing Committee*, [1921] N.Z.L.R. 127, 132. Section 76 provides that a license shall not be granted unless the premises have—

(1) A principal entrance separate from and in addition to the bar;

(2) At least six rooms besides the billiard-room (if any) and the rooms occupied by the applicant's family;

(3) Sufficient doors and facilities for escape from fire;

(4) A place of convenience for the use of the public; and

(5) Where necessary, stabling accommodation for three horses.

88. The standard in relation to fire-escapes has been judically determined. It is a standard of sufficiency, and the Court has held that a new standard for fire-escapes may be fixed from time to time as may be reasonable: *Baker* v. *Johnston and Co.*, 21 N.Z.L.R. 268. It may be that a new standard may be fixed in respect of other matters mentioned in section 76, but, if so, it can only be within the purview of section 76

89. It is clear also that premises are not kept at the required standard or in repair unless they are in a sanitary condition. Section 38 of the Health Act, 1920, requires a Licensing Committee to take into consideration the report of a Health Inspector in relation to premises which are the subject of an application for the grant or renewal of a publican's or accommodation license. Alterations, therefore, to render premises sanitary may be required. But if, for example, it is not established that a hot-water service or additional water-closets are necessary in order to make the premises sanitary, a Licensing Committee has no power to require these amenities to be provided: *Collins* v. *Winter and Another* [1924] N.Z.L.R. 449. As was said by Salmond, J., in *English* v. *The Bay of Islands Licensing Committee*, [1921] N.Z.L.R. 127 at 132:—

> On an application for the renewal of a publican's license the question as to whether the premises are adequate for the public requirements of the district is wholly irrelevant. All that can be demanded by the Committee is that the premises, such as they are, shall be in good repair, and that they shall be maintained at the defined statutory standard.

A Licensing Committee which desires to bring hotels in a borough which do not satisfy public requirements up to the standard of those requirements has no legal power to do so.

90. No particulars of the required standard are laid down for licensed premises outside a borough. It seems that the Licensing Committee has only power to require that the premises, *such as they are*, be kept in a sanitary condition and in repair.

91. It is clear that a Licensing Committee has no power to order the rebuilding of any hotel, not even the oldest, no matter where it is situate, and no matter how profitable it has been to the proprietor unless repairs are impracticable or the state of sanitation is such that rebuilding is the only remedy: *Penney* v. *The Wairau Licensing Committee*, (1907) 26 N.Z.L.R. 234.