

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by **SOUTH SEA LIMITED** pursuant to s.16 of the Act for variation of an on-licence in respect of premises situated at 22 Charles Street, Papatoetoe, Manukau City, known as "Shilton Hotel"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge E W Unwin
Member: Mr J C Crookston

HEARING at AUCKLAND on 12 August 2003

APPEARANCES

Miss R K Gounder – on behalf of applicant
Mr J J S Cosgrave – Manukau District Licensing Agency Inspector – to assist

ORAL DECISION OF THE AUTHORITY

[1] This is an application by South Sea Limited for variation of its on-licence in respect of premises situated at 22 Charles Street, Papatoetoe, Manukau City, known as "Shilton Hotel".

[2] The on-licence was granted to the applicant company in January 2003. The company found that it had difficulty having private functions at its premises because of the limitation on the hours of trading which were to 1.00 am. Accordingly, the company filed an application for a variation. It requested that for the "Charlie's" and "Homestead" bars only, the closing time be 3.00 am on Thursdays, Fridays and Saturdays. The application was duly advertised, and resulted in a number of objections.

[3] The Police objected partly on the grounds of the suitability of the applicant. We were advised at an earlier hearing that that objection had been withdrawn. There were also objections from the Papatoetoe Community Board, and four other members of the public.

[4] The area in question in Papatoetoe has been a source of regular discontent with the residents in the area. The major concern has related to noise associated with later hours of closing. Earlier in the day, we heard an application in respect of the former "Sheepy's" licensed premises. This was an application for a new licence, for which the applicant sought to extend the hours of trading to 3.00 am. That

application was objected to by the same objectors, but they did not appear. The Authority drew the inference that since the application had been filed, the objectors had no further reason to complain. In other words the applicant's conduct of the licensed premises had been satisfactory. The same situation has applied at this hearing. None of the objectors have appeared before the Authority, notwithstanding that the business has been trading for at least seven months. According to a director of the applicant company, the family has been running the business for some time.

[5] The Papatoetoe Community Board referred to the strategy relating to alcohol-related problems in Manukau, which was adopted by the Manukau City Council in November 2002. It seems to us that the Council correctly identified that problems of alcohol abuse can relate much more to the management of premises, rather than to the hours of operation. In effect, the document allowed for licensed premises to open until 3.00 am in the Manukau City Centre. In this case, according to the evidence, the hotel is situated some distance from residential areas. Mr Cosgrave, the District Licensing Agency Inspector, recommended that the variation be granted.

[6] In April of this year, a meeting was held between the applicant and the objectors. This meeting was facilitated by the District Licensing Agency. The objectors were adamant that their opposition to the 3.00 am closing was not negotiable. The applicant company made the suggestion that the extended hours would be for private functions only, but this concession was not agreed to.

[7] Miss Regina Kamal Gounder is a director of South Sea Limited. When she gave evidence, she confirmed that the application for variation is only to enable the business to cater for private functions such as wedding receptions, birthdays and conferences. It is the view of the company that there are a number of clients who would willingly make regular bookings if the licence was extended.

[8] The criteria to which this Authority must have regard are contained in s.16 of the Act. These criteria are the normal criteria which must be taken into account when considering an application for a new on-licence. The application itself is restricted as to certain bars on certain days of the week for private functions only. As there is no further opposition, we have no hesitation in granting the application.

[9] To avoid any misunderstanding we confirm that in relation to "The Homestead" and "Charlie's Bar" the hours of trading will be extended to 3.00 am on the following day of Thursday, Friday and Saturdays, and that the extension will be for private functions only.

DATED at WELLINGTON this 27th day of August 2003

Judge E W Unwin
Chairman

Mr J C Crookston
Member