

Decision No. 1240/93 ✓

IN THE MATTER of s.132 of the Sale  
of Liquor Act 1989

AND

IN THE MATTER of an application  
for cancellation of  
on-licence  
no 048/ON/18/92

BETWEEN ALBERT CRAIG  
TWEEDIE, Sergeant of  
Police of  
Wainuiomata

Applicant

AND ROBERT JOHN MULLINS  
of Wainuiomata

Respondent

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: Judge J P Gatley  
Members: Mrs P M Thompson  
Mr J W Thompson

HEARING at WELLINGTON on 8 July 1993

APPEARANCES

Senior Sergeant R B Ingham for applicant  
Mr M J Prosser for respondent  
Mr I J M Dunn for the Hutt City Council

MINUTE OF ORAL DECISION

The following is a minute of the decision of the  
Authority delivered orally by the Chairman on 8 July  
1993:

"Robert John Mullins is the holder of on-licence  
048/ON/18/92 issued on 2 November 1992 in respect  
of premises situated at 5A Queen Street,  
Wainuiomata, known as 'Black Cat Cafe'.

The Police have made application pursuant to s.132  
of the Act for the licensee to show cause why his  
on-licence should not be cancelled upon the  
grounds:-



1. That the licensed premises have been conducted:
  - (a) In breach of ss.155, 158, 162, 163, 164, 166, 167, 168, 170 and 171 of the Act
  - (b) In breach of conditions (c), (e) and (f) of the licence and
  - (c) Otherwise in an improper manner - and further:
2. That the conduct of the licensee has been such as to show that he is not a suitable person to hold the licence.
3. The licensed premises have been used in a disorderly manner so as to be obnoxious to neighbouring residents and to the public.

For particulars of the alleged breaches the Police application refers to a report of Constable P J Burrell dated 16 June 1993. That report recommended that the Police apply for cancellation of the licence based on the following:-

- (a) Mr MULLINS' current state of mental and physical health.
- (b) His apparent history of paranoid schizophrenia.
- (c) Reports by family members and Police of his heavy drinking whilst operating a licensed premise.
- (d) His inability to recognise and discharge his responsibilities under the Sale of Liquor Act 1989 as demonstrated by the continued need for Police assistance.
- (e) His serving of minors and apparent disregard for the law regarding the serving of minors.
- (f) Numerous complaints of disorder associated with the Black Cat Cafe.
- (g) Numerous complaints of violence, including a homicide, associated with the Black Cat Cafe.
- (h) The serving of obviously heavily intoxicated patrons and the abuse of his opening hours.
- (i) The unsuitability of having such an establishment in a predominantly retail area.
- (j) A request by surviving family members that, for his own sake, the licence to operate the Black Cat be taken from him.



Mr Dunn appeared for the Hutt City Council and confirmed that on the 23rd day of June 1993 the Wainuiomata Community Board had passed a resolution supporting the Police application.


Mr Prosser appearing as Counsel for the licensee, indicated that the application would not be opposed.

Evidence adduced by the Police satisfies us:-

1. That the premises have been conducted in breach of the provisions of the Act and the conditions of the licence and otherwise in an improper manner.
2. That the conduct of the licensee has been such as to show that he is not a suitable person to hold the licence.
3. That the premises have been used in a disorderly manner so as to be obnoxious to neighbouring residents and to the public.

In terms of subs. (6) of s.132 of the Act we are satisfied that the appropriate penalty is cancellation of the licence. On-licence 048/ON/18/92 is hereby cancelled."

DATED at WELLINGTON this 8th day of July 1993

  
Judge J P Gately  
Chairman



