

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by TE KAIRANGI LIMITED pursuant to s.18 of the Act for renewal of an on-licence in respect of premises situated on the Ground Floor, 435 Great South Road, Otahuhu, Auckland, known as "The 28 Brasserie and Bar"

BEFORE THE LIQUOR LICENSING AUTHORITY

Quorum: District Court Judge J P Gatley  
Mr R J S Munro

HEARING at AUCKLAND on 29 May 1997

APPEARANCES

Mr G S MacKay - As agent of applicant  
Mr W J Perring - Auckland District Licensing Agency Inspector  
Sergeant M J H Smith - NZ Police  
Mr G H Mullins on behalf of Otahuhu Businessmen's Association Inc - In opposition  
Mr R J Warner - On behalf of Otahuhu & District Returned Services Association (Incorporated) - In opposition

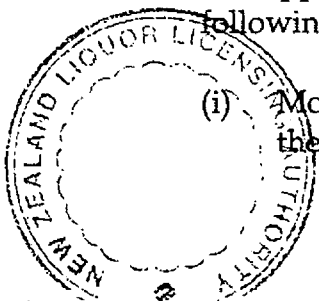
DECISION

This is an application by Te Kairangi Limited for renewal of an on-licence in respect of premises situated on the Ground Floor at 435 Great South Road, Otahuhu, Auckland, known as "The 28 Brasserie and Bar".

Public notification of the application attracted objections resulting in the matter being set down for public hearing.

The applicant holds a tavern style on-licence authorising the sale of liquor on the following days and during the following hours:-

- (i) Monday to Saturday 11.00 am to 11.00 pm to any person who is present on the premises



- (ii) On Sundays, Good Friday and Christmas Day 11.00 am to 8.00 pm to any person who is present on the premises for the purpose of dining.

The applicant seeks renewal of its licence and a variation of hours to extend the closing time to 12.00 midnight Monday to Wednesday and on Sundays and to "3.00 am the following day" Thursday to Saturday. A Resource Consent granted by Auckland City Council on 4 May 1995 includes the following condition:-

- "(ii) The facility shall only operate between the hours of 11.00 am to 11.00pm Monday to Saturday inclusive for the public and on Sundays between the hours of 11.00 am to 8.00 pm for private functions only."

It follows that the application for an extension of hours is refused. Whether or not customers present on a Sunday attend "for private functions only" is a matter for the Local Authority to enforce.

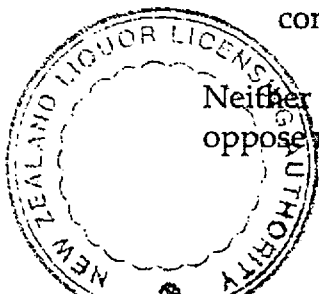
An objection presented by Mr J H Mullins on behalf of the Otahuhu Business Association Incorporated, mainly opposed any extension of hours.

We were informed that the subject premises originally formed part of the RSA premises. The building was sold by the RSA with the RSA leasing back part and the applicant leasing the ground floor. An arrangement for the applicant to provide meals for RSA members at a cheaper rate has not worked out. A kitchen on the first floor no longer forms part of the applicant's leased premises. Mr P R Baker, a director of the applicant company told us that a new kitchen has been installed.

Mr R J Warner on behalf of the Otahuhu and District RSA opposed the renewal being granted for the following reasons:-

1. That during the past 12 months the operation known as Bar 28 have not been providing food to their patrons as they were without the use of a kitchen for several months.
2. Patrons of Bar 28 consume alcohol in the arcade, which is outside licensed premises. They cause fights, urinate in public and are intimidating to RSA members and adjacent shopkeepers.
3. The management of Bar 28 serve alcohol to whoever wants to purchase it no matter what age and are not discretionary about when to stop their patrons consuming alcohol.
4. Smoking marijuana in the arcade, driveway, street or inside Bar 28 is common place.

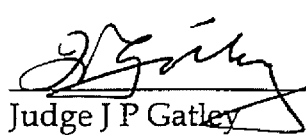
Neither the Police nor Mr W J Perring as District Licensing Agency Inspector oppose renewal but Mr Perring recommended that the licence only be renewed for

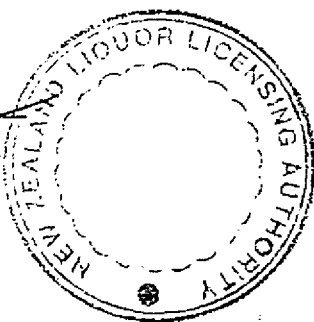


12 months to enable close monitoring of the manner in which the premises are operated.

We accept that recommendation and renew the licence on the existing terms and conditions until 10 July 1998 and authorise the issue of a renewal certificate.

DATED at WELLINGTON this *27th* day of *June* 1997

  
Judge J P Gatley  
Chairman



Sale of Liquor Regulations 1990

Form 16

**NOTICE OF RENEWAL OF LICENCE**  
Section 23, Sale of Liquor Act 1989

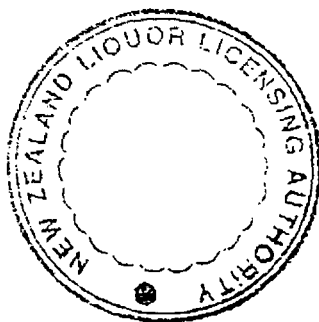
To: **TE KAIRANGI LIMITED**

The on-licence in respect of the premises situated on the Ground Floor, 435 Great South Road, Otahuhu, Auckland and known as "The 28 Brasserie and Bar" is renewed.

The present conditions of the licence shall continue to apply.

Subject to the requirements of the Act relating to the payment of fees and the provisions of the Act relating to the suspension and cancellation of licences, this licence shall expire on the 10th day of July 1998, unless again renewed.

DATED at WELLINGTON this 27th day of June 1997



R Smith  
for Secretary  
LIQUOR LICENSING AUTHORITY