

Decision No.PH 1353/2009

**IN THE MATTER**

of the Sale of Liquor Act 1989

**AND**

**IN THE MATTER**

of an application pursuant to s.132 of the Act for cancellation of on-licence number 007/ON/397/2007 issued to **PALACE CASINO LIMITED (in liquidation)** in respect of premises situated at 75 Victoria Street West, Auckland, known as "The Palace"

**BETWEEN**

**BRYCE ROBERT LAW**

Applicant

**AND**

**PALACE CASINO LIMITED (in liquidation)**

Respondent

**BEFORE THE LIQUOR LICENSING AUTHORITY**

Chairman: District Court Judge E W Unwin  
Member: Ms J D Moorhead

**HEARING** at AUCKLAND on 21 October 2009

**APPEARANCES**

Sergeant B R Law – NZ Police – applicant  
Mr S L Taylor – agent for respondent  
Mr D Thomson – Auckland District Licensing Agency Inspector – to assist

**ORAL DECISION OF THE AUTHORITY**

[1] This is an application brought by the Police for the cancellation of an on-licence issued to Palace Casino Limited (in liquidation). The ground for the application is that the conduct of the licensee has been such as to show a lack of suitability.

[2] The evidence was that the on-licence currently has an expiry date in August 2010. The company was placed in liquidation on 26 August 2009. It has been our policy that any company that is placed in liquidation is not a suitable entity to hold a licence under the Act.

[3] Mr Scott Taylor appeared as agent for a company known as J M Auckland Limited. He explained that following the placement of the previous licensee into liquidation, the landlord was forced to re-enter the premises because of default under the lease. The landlord decided that it would form a new trading company to try to trade its way out of the financial difficulties arising from the lack of rent.

[4] It is common ground that J M Auckland Limited has obtained a temporary authority and is currently operating the premises. The temporary authority is valid until 27 December 2009.

[5] Mr Taylor explained that the second company, J M Auckland Limited, has lodged applications for the relevant building and planning certificates to enable an application for a new on-licence to be filed. An inspection has revealed some issues requiring attention before these certificates can issue.

[6] Sergeant Law on behalf of the Police has asked for an undertaking that a substantive application for an on-licence be filed prior to 27 December 2009. This is to avoid a similar situation with another licensed premises where there were a number of temporary authorities applied for, but no substantive application ever filed. As a result, the Authority was eventually required to cancel the on-licence (see LLA 1146/2009).

[7] Mr Taylor is not in a position to give an undertaking on behalf of J M Auckland Limited. To a large extent, the ability to file the application for the on-licence is affected by the issue of the relevant resource management and building certificates.

[8] The commitment is that a substantive application will be filed prior to the end of the current year. Accordingly the current application to cancel the on-licence is now adjourned until 26 March 2010.

[9] If the substantive application is filed as required before the end of the year, and a new on-licence is granted, then it may be that the application before us can be dealt with on the papers. On the other hand if there is a substantial delay in filing an application, as envisaged by the Sergeant, then a further public hearing may be necessary.

**DATED** at WELLINGTON this 4<sup>TH</sup> day of December 2009

B M Holmes  
Deputy Secretary