

Decision Number: 60G [2025] 21614

IN THE MATTER OF

the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF

an application by **Two Thumb Brewing Co (Redcliffs) Limited** for an **On-Licence** in respect of premises situated at **101 Main Road, Redcliffs, Christchurch**, to be known as **'Two Thumb Brewing Redcliffs'**

BEFORE THE

CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: **Mr D Ivory**

Members: **Mr G Clapp JP**
Mr M Hossain JP

Hearing Manager: **Miss N McDonnell**

HEARING at CHRISTCHURCH on **19th March 2025**

APPEARANCES

Mr M Limber – Director of the Applicant Company

Mr A Annable – Director of the Applicant Company

Mr S. Grant - Objector

Ms B. Stone – (Building Owner and Designer) Witness for the Applicant, Mr Limber

Ms A Lavery – Licensing Inspector, to assist

Ms L Bromley – Medical Officer of Health Representative, to assist

RESERVED DECISION OF THE COMMITTEE

INTRODUCTION

[1] This is an application by **Two Thumb Brewing Co (Redcliffs) Limited** ('the Applicant' or 'Applicant Company') for a new On-Licence pursuant to s100 of the Sale and Supply of Alcohol Act ('the Act'). The premises are situated at 101 Main Road, Redcliffs, Christchurch, known as 'Two Thumb Brewing Redcliffs'. The application was received on 25 November 2024.

[2] The Applicant is a private company; the directors are Mr. Andrew Annable, Mr. Mark Limber, and Mr. Malcolm Stoney.

[3] The application states that the intended nature of the business is that of a **Tavern**. The Applicant has sought the following trading hours:

Monday to Sunday, between the hours of 10.00 am to 11.00 pm.

[4] One public objection was received within the required timeframe. The objection was received from Mr. Stephen Grant.

[5] No legal counsel attended the hearing, and both parties elected to represent themselves. The District Licensing Committee (**'the Committee'**) noted a large interest in the matter, with supporters of the Applicant and residents attending the hearing.

[6] The application drew no opposition from the reporting agencies.

[7] The Committee members individually visited the locality of the premises to assess the surroundings prior to the hearing or the Committee's decision-making. The Committee decided not to conduct a site visit of the premises.

[8] At the beginning of the Hearing, the Inspector provided all parties with emails of support for the Applicant, which the Alcohol Inspectorate of the Christchurch City Council received. The Committee acknowledges receipt of these documents, which were considered part of the decision-making process.

[9] The Committee explained to all parties, with input from the Inspector, that any licence granted would be for a probationary period of only 12 months.

The Premises

[10] The premises are situated in the suburb of Redcliffs. The premises is a single-story building located towards the Sumner side of the Redcliffs village shopping centre. A florist shop was the previous tenant of the premises.

[11] The Committee's overall impression of the surroundings of the premises was a pleasant area surrounded by a mix of single-level commercial and residential buildings.

[12] The Committee understands the necessary Resource Management Act (**'RMA'**) consents have been approved for the proposed activity.

[13] No opening submissions were received nor provided at the Hearing. After an introduction to the process was provided, along with time frames, the Committee heard the evidence of both parties, asked questions, and sought clarification when required.

THE APPLICANT

Mr. Limber, the Applicant

Applicant's Evidence

[14] Mr. Mark Limber presented his brief of evidence for Two Thumb Brewing Redcliffs. He explained the founding of the Two Thumb Brewing Company, which now operates on several sites.

[15] The Committee learned that Two Thumb Brewing Company was a premium craft beer brewer, and partner products are all locally sourced. Mr. Limber stated, "*Customers are typically affluent, middle-aged, and from all walks of life.*"

[16] Mr. Limber noted that "our venues are a place for local communities to come together and socialise in a safe and welcoming environment." He then focused on the proposed Redcliffs site, where he wanted to establish a "*community venue*" that would mirror their other existing venues.

[17] In response to the objection received, Mr. Limber addressed each concern: the premises have been a commercial property for some time and mirrored other local in-place businesses. He questioned if the noise was a concern. He asked why the Objector purchased his property. He asserted hospitality venues generate less traffic than other retail outlets due to a shorter average length of stay being longer and a large proportion of customers walking to the venues. For the Redcliffs venue, speakers have not been installed on the exterior of the building. Mr. Limber also noted the site had been vacant for several years and was "*openly*" advertised as a hospitality venue before the Objectors purchased his property.

[18] Regarding parking at the rear of the property, Mr. Limber noted that: "no parking is being created at the rear of the property." The Committee was offered copies of many supportive emails from neighbours adjacent to the property (these emails were provided to the Committee with the consent of Mr. Grant, who undertook to pursue them during a break).

[19] Concerning the concern around the foreseen intoxication of patrons at the venue, Mr. Limber referred again to his business model. The in-place systems were explained along with the skills and experience of staff. The design concerns raised of the existing building were addressed as a compliance issue addressed by building consent *“and outside the scope of this hearing.”*

[20] In response to the objector’s concern about scale and type of activity, Mr. Limber said the core business would operate as a successful community venue and explained that the peak times had been around 6.00 pm, with the bulk of trading finished by 9.00 pm. Plans for waste management were presented along with *“low lumen festoon lighting”* in the rear courtyard.

[21] Mr. Limber completed his evidence by stating: *“Our application has been fully assessed by council, police, and public health and has received consent from all parties. We do not have any similar issues at any of our other venues.”*

Committee Questions

[22] The Committee asked questions about other sites operated, and no noise concerns were reported. In Mr. Limber's view, this was due to no outdoor speakers, generally not running events past 9:00 p.m., demographics of customers—generally respectful of neighbours—and no music played outside. With respect to parking, no issues were reported at other venues.

[23] **Mr. Andrew Annable (Director)** assisted the Committee in responding to questions. He reported that 87 persons could be present on the premises, which was allowed by the consent. He reported having spoken to neighbours on various matters, including the Objector.

[24] Mr. Limber reported that many patrons would walk to the venue (the Applicant’s preferred option), and other car parking options were discussed. He stated the brewery was in Colombo Street; solo musicians performed on Sunday afternoons between 3.00 pm and 6.00 pm at different venues – a decision was yet to be made for Redcliffs. Five cameras were installed on the site, and no security guards were required, courtesy of the coach. The placement of signs was discussed, and the *“soft”* lighting of the venue was explained to the Committee. Mr. Limber once again outlined the experience of staff who would work at the premises and explained the systems in place.

[25] The Committee sought further explanation on the community venue concept. The model was described as having a focus that included price points, family—and dog-friendly environments, and *“our operations are embedded in the community, and we support community causes.”*

[26] **Mr. Annable** described the sensitive sites close to the premises. No other on-licences were present in the surrounding area.

Ms. Stone – Witness

[27] Ms. Bonny Stone, owner and interior designer of the premises, described the work undertaken on the interior of the property. Sound installation, fire-resistant materials, and other RMA compliance measures were described. The Committee was assured that these considerable upgrades would mitigate excessive noise. Ms. Stone described landscaping work and the buffers between the premises and other properties. Further questions were asked on the light issue, with communication and possible accommodation being offered if this were to remain a post-opening concern for Mr. Grant or other neighbours.

Mr. Grant, the Objector

Objector's Evidence

[28] Mr. Grant did not have a copy of his brief of evidence but was provided with a copy. He proceeded to read his brief but was struggling on occasion, and the Committee, with the consent of the Applicant, agreed that the brief should be taken as read.

[29] Mr. Grant provided some insight for the Committee as to his background and experience and overreaching view: *"From over 30 years' experience in project managing many commercial developments including bars and restaurants regardless of limited trading hours, sound barriers and set decibel limits, the noise generated by these businesses significantly reduces the amenity value all homeowners have a right to expect"*. He stated the expected sources of noise and then addressed the issues of increase traffic as *"a major concern"*.

[30] The issue of the adequacy of car parking at the rear of the premises was identified, *"whether any parking is used by staff or patrons, this parking reduces the amenity value the adjoining properties currently enjoy."*

[31] Mr. Grant also referred to "intoxicated" and "bad" behaviours which may occur at the premises and relied on reported instances "as is seen across the city." He noted these behaviours were not acceptable within residential areas. Further, the design of the existing building was, in the view of Mr. Grant, below current standards for sound, fire, or thermal measures. He suggested the building was not fit for the intended purpose.

[32] Mr. Grant also addressed the scope and type of activity. He suggested that the venue be financially viable, but this directly conflicted with the model described by the Applicant of the premises, which was a “nice quiet neighbourhood facility.”

[33] Mr. Grant shared his predictions with the Committee: “I predict this activity in this location will be a bane for council noise and parking control and for the police regarding disorderly behaviour.”

Committee Questions

[34] During questioning, the Applicant’s offer of communication was acknowledged by Mr. Grant, as well as the offer of a no parking sign. Questions were asked about the potential issue of direct lighting.

[35] The Committee asked about Mr. Grant’s current address; he will not live on the property for at least two years. Previous traffic flows and those associated with the former supermarket across the road were discussed. The Committee questioned assertions made by Mr. Grant and his underlying assumptions. It was agreed that no party was able to know the future impacts of noise, traffic flows, and bad behaviour (no specific data or evidence was able to be provided by either party).

FINAL SUBMISSIONS

[36] With the agreement of both parties, there were no final submissions, just a reflection on the proceedings.

Mr. Limber:

[37] Mr Limber said he welcomed the opportunity to speak with Mr. Grant. He stated that his business survived on getting along with communities and being a positive asset rather than a detriment: “We are willing to work with the community for a positive impact, and this conversation was an expression of that position.”

Mr. Grant:

[38] On arrival at this hearing, Mr. Grant expressed his anxiousness and strong affinity with the Redcliffs site. He felt threatened by the application; it threatened his dream. Mr. Grant spoke of

coming to the proposed compromise or agreement with a “willing heart,” and he was convinced by the character of the people who presented (Applicants) and the environment of “good faith.”

EVALUATION AND FINDINGS UNDER SECTION 105 AND SECTION 106 OF THE ACT

[39] Having considered the Application with the Agency Reports and the Objection placed before it, and with the oral evidence and submissions received at the hearing, the Committee must now stand back and determine whether the application for a new On-Licence should be granted.

[40] The role of section 105 of the Act and how it is to be approached about applications has received plenty of judicial attention¹. When considering the licence application, the approach is succinctly summarised as follows.²:

“Is the decision-maker satisfied, having regard to all the relevant factors set out in s 105(1)(b)–(k) that the grant of the licence is consistent with the object of the Act?”

[41] The duty to “*have regard to*” requires we turn our minds to the listed criteria. We are required to give them “*genuine attention and thought*.” The weight to be attached to each is a matter for us to decide³. In *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123, Clark J summarised the applicable principles regarding licence renewal. However, they apply equally to a new licence.

[42] Further, the evaluative function is an assessment of risk. In the *Lion Liquor* decision, Clark J said:

“The factors to be considered in the course of assessing an application for a licence or for renewal, as the appellants submitted, stand to be assessed in terms of their potential impact upon the prospective risk of alcohol-related harm.”⁴

The Object of the Act

[43] The Object of the Act is set out in section 4(1) and states that –

- *The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*

¹ [Re Venus NZ Ltd](#) [2015] NZHC 1377, [2015] NZAR 1315 per Heath J; [Auckland Medical Officer of Health v Birthcare Auckland Ltd](#) [2015] NZHC 2689 per Moore J; and [Christchurch Medical Officer of Health v J & G Vaudrey Ltd](#) [2015] NZHC 2749, [2016] 2 NZLR 382 per Gendall J.

² *Re Venus NZ Limited* at [20] and *Auckland Medical Officer of Health* at [60] see Westlaw NZ, SA 105.02

³ *Foodstuffs (South Island) Ltd v Christchurch City Council* (1999) 5 ELRNZ 308, [1999] NZRMA 481 (HC).

⁴ *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123 at para [43].

- *The harm caused by the excessive or inappropriate consumption of alcohol should be minimized.*

[44] Section 4(2) of the Act further states that, for section 4(1) above, the harm caused by the excessive or inappropriate consumption of alcohol includes –

- *Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
- *Any harm to society generally or the community directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury described in a) above.*

[45] We keep those objects at the forefront of our minds when considering the application.

[46] There are two arms to the Object of the Act, and both must be met. Regarding the first arm, we must be satisfied that the sale and supply of alcohol by the Applicant should be undertaken safely and responsibly. The second arm requires that harm caused by excessive or inappropriate consumption of alcohol should be minimised. ‘*Minimised*’ means reduced to the smallest amount, extent, or degree. It does not mean eliminating it altogether⁵. In the *Lion Liquor* case, Clark J held that:

“The legislative framework enacted by the 2012 Act was intended to restrict rather than relax drinking laws. The legislative measure proceeded based on clear evidence showing a link between availability of alcohol and alcohol-related harm.”⁶

[47] Our role is an evaluative one, and we need to have regard to the extent to which granting a licence with conditions should minimise alcohol-related harm⁷. There is a presumption built into the Object of the Act that excessive and inappropriate consumption of alcohol causes harm, i.e., harm caused by *excessive or inappropriate* consumption of alcohol.

[48] ‘*Harm caused by excessive and inappropriate consumption*’ is defined broadly in section 4(2) of the Act to include harm in the form of crime, damage, disorderly behaviour, illness, or

⁵ See Shorter Oxford Dictionary; *Re Peony Spirits Limited* [2014] NZARLA 696 at [19]; *Linwood Food Bar Ltd v Davison* [2014] NZHC 2980 at [18] and *Auckland Medical Officer of Health v Birthcare Auckland Limited* [2015] NZHC 2689 at [115]

⁶ *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123 at para [72]

⁷ The definition of alcohol-related harm in s5 of the Act mirrors that in s4(2) of the Act

injury to individuals and society generally and includes direct and indirect cause or contribution to harm.

[49] Based on the evidence before us and the various reports received, we now make assessments on each of the criteria contained in section 105 of the Act.

The suitability of the applicant

[50] Mr Limber and his fellow Director all hold a manager's certificate and have considerable experience in alcohol sales, supply, and consumption.

[51] The agencies neither opposed the application nor raised concerns regarding Mr Limber or his fellow Directors. The Committee was impressed with Mr. Limber, who talked about his community focus, which is reflected in the smooth operations of the Applicant's other premises.

[52] The objector presented no evidence regarding Mr Limber, other Directors, or listed duty managers to create any concerns for the Committee.

Any relevant local alcohol policy

[53] The Committee notes there is currently no local alcohol policy active in Christchurch.

The days and the hours during which the applicant proposes to sell alcohol

[54] The Applicant has applied for hours within the default maximum trading hours.

The design and layout of any proposed premises

[55] The proposed activity of Two Thumbs Brewing Redcliffs has been approved for the activities intended through the RMA process.

[56] The Committee notes the evidence provided by Ms. Stone, landlord and interior designer of the premises. It was clear considerable thought had occurred concerning both internal alterations and outdoor landscaping. Also, attention had been paid to lighting and noise issues, which would impact neighbors of the premises.

Whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:

[57] Amenity and good order is defined in section 5 of the Act as:

“In relation to an application for or for the renewal of a licence, means the extent to which, and ways in which, the locality in which the premises concerned are situated is (or, in the case of a conveyance, the localities where the conveyance is likely to travel are) pleasant and agreeable.”

[58] Section 106 of the Act requires that when the Committee is considering whether the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of this licence, it must have regard to the following matters (as they relate to the locality):

- (i) current and possible future noise levels.
- (ii) current and possible future levels of nuisance and vandalism.

[59] The Committee has carefully considered (i) and (ii) above concerning a proposed alcohol licence. The suggested usage of the premises has been consented to through the RMA process. With the experience and attitude of Mr. Limber and fellow Directors, the Committee is satisfied that the Applicant can manage both excessive external light and noise levels.

[60] The Committee also accepts a well-managed operation will create minimal or no nuisance or vandalism within the neighborhood. The Applicant appears to have the experience and skills to manage this area of their operation adequately.

[61] We have carefully considered whether the amenity and good order of the locality should an alcohol licence be granted. We believe that the amenity and good order of the locality would not likely be reduced by more than a minor amount by issuing an alcohol licence.

Whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—

(i) They would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence, but

(ii) it is nevertheless desirable not to issue any further licences

[62] We do not find this to be the case. On the contrary, the universal view is that the area is of high amenity

Whether the applicant has appropriate systems, staff, and training to comply with the law:

[63] The Applicant has supplied a host responsibility plan which, when complied with, should ensure they meet the requirements under the Act. The Committee also notes the Licensing Inspector has raised no issues in this area.

Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103

[64] The agencies were not opposed and raised no matters of concern.

[65] Based on the reports received and the explanations given at the hearing, the Committee is satisfied that all three agencies have thoroughly investigated the proposed operation and reported accordingly. Ms Bromley repeated at the Hearing that no issues or excessive risks were attached to this application; the Inspector, Ms Lavery, reflected this view.

The authority or committee must not consider any prejudicial effect that the licence issue may have on the business conducted under any other licence.

[66] We have not done so.

Object of the Act

[67] It is accepted that excessive or inappropriate consumption of alcohol can cause harm. With that in mind, the Act was put in place to provide for reasonable regulation of the sale, supply, and consumption of alcohol for the benefit of the community. The sale of alcohol is not prohibited, but it must be undertaken safely and responsibly and minimise alcohol-related harms. Therefore, we must carefully evaluate this application against the matters identified in sections 105 and 106 of the Act. This includes having regard to the Object of the Act in section 4. We are then required to stand back and make a judgment, informed by the evidence before us, as to whether the grant of this licence in this location should be undertaken safely and responsibly and minimise alcohol-related harm. The Act contemplates that even if alcohol can be sold safely and responsibly, harm may result from excessive or inappropriate consumption. The requirement is that alcohol-related harm is minimised, not eliminated.

[68] We find that the experience of the Applicant and the proposed systems, training and undertakings given are such that alcohol can be sold safely and responsibly.

[69] Standing back and considering the matters in section 105 of the Act, we are satisfied that any alcohol-related harm from the excessive and inappropriate alcohol consumption that may be attributed to the introduction of this licensed premises will be minimised.

AGREEMENT

[70] During a break during the Hearing, an agreement was made between the Applicant and Mr. Grant, which appears to cover the outstanding matters of concern raised, but not traffic flows and noise on the main road. The Applicant agreed to provide sign(s) advising the public/patrons that there was no parking at the back of the premises and that plantings or a barrier would be erected between the premises and the Objector property. The Applicant expressed a willingness they would be open to discuss and, if necessary, reduce excessive light from the premises post-opening.

COMMENTS OF THE COMMITTEE

[71] We note the goodwill, openness, and generosity of spirit between the Applicant and Objector to communicate and resolve some of the concerns or differences raised in this matter. Both parties faced different challenges, and their willingness to agree was impressive.

[72] The Committee wishes to acknowledge the quality of the objection received and the response of the Applicant.

DECISION

[73] Accordingly, having regard to the matters in sections 105 and 106 of the Act together with the evidence and submissions of the Applicant, the Agencies, and the Objectors, the Committee is satisfied that the grant of an on-licence for 12 months subject to the following conditions is consistent with the object of the Act.

The Licensed Premises

- (a) The premises are identified on the plan provided with the application for a licence.

Section 110 (1) Discretionary Conditions

- (b) The following steps must be taken to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:

- (i) Display of appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons.
- (c) The following steps must be taken to ensure that the provisions of the Act relating to the management of the premises are concerned:
 - (i) Alcohol must only be sold, supplied, and consumed in the area marked on the plan submitted with the application.

Section 110(2) Compulsory Conditions

- (d) No alcohol will be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
- (e) Alcohol may only be sold and supplied on the following days and during the following hours when the premises are being operated as a **Tavern**:

Monday to Sunday - 10.00 am to 11.00 pm.

- (f) Water must always be freely available to customers while the premises are open for business.

Section 117 Other discretionary conditions

- (g) The following steps must be taken to promote the reasonable consumption of alcohol:
 - (i) The licensee must implement and maintain the steps proposed in its Host Responsibility Policy⁸ Aimed at promoting the reasonable consumption of alcohol.

Other restrictions and requirements to be noted on the licence

- (h) Section 51 – Non-alcoholic drinks are to be available.
- (i) Section 52 – Low alcohol drinks to be available.
- (j) Section 53 – Food to be available.

⁸ As attached to the application.

(k) Section 54 – Help with information about transport to be available.

(l) Section 56 - Display of signs.

(m) Section 57 – Display of licenses.

(n) Section 214 –A Duty Manager must always be on duty and responsible for compliance.

[74] **The premises are subject to supervised designation.**

[75] The licence shall be issued for twelve months.

[76] The Applicant’s attention is drawn to section 259 of the Act which makes it an offence not to comply with certain requirements and restrictions imposed by or under the Act. Specifically, sections 46 to 63 and 231(1). The Applicant must comply with all conditions specified on the licence.

DATED at CHRISTCHURCH this 24th day of March 2025

A handwritten signature in black ink, appearing to read 'D.I. Ivory', with a horizontal line underneath the name.

David Ivory

Chairperson

Christchurch District Licensing Committee