

Decision Number: 60E [2022] 10407

IN THE MATTER OF the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF an application by **CHRISTCHURCH LIQUOR LIMITED** for an **Off-Licence** pursuant to s 99 of the Act in respect of premises situated at **62 Riccarton Road, Christchurch** to be known as **‘Riccarton Beer, Wine & Spirits’**

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Hearing: 23 and 31 March 2022 (at Christchurch)

Committee

Chairperson: Mr D L Blackwell, QSM

Members: Mrs M Redstone, JP
Ms A Keir

Appearances: Mr P Egden, Counsel for the Applicant
Mr J Singh, Director of the Applicant
Mr P Bucher, Witness for the applicant
Mr M Ferguson, Licensing Inspector, to assist
Sergeant Robertson, New Zealand Police, to assist
Dr G Hewison, Counsel for Riccarton Bush Kilmarnock Residents Association (RBKRA) & Ms R Thompson
Mr A Simons, Representing the RBKRA (Objector)
Dr R Hawarden, Objector
Ms K Clegg, Objector. Ms Clegg initially attended the hearing but advised the Hearings Advisor she no longer wished to present her evidence.
Ms R Thompson, Objector
Ms B Fowler, Witness for RBKRA
Mr M Johnson, Witness for RBKRA
Mr M Peters, Witness for RBKRA
Dr E Gordon, Witness for Ms R. Thompson
Mrs H Broughton, Community Board Delegate (leave to appear under s 204(2)(b))

Decision: 5th May 2022

RESERVED DECISION OF THE COMMITTEE

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Introduction

[1] The Committee has before it an application for an Off-Licence by Christchurch Liquor Limited ('the applicant') for premises is situated at 62 Riccarton Road, Christchurch ('the premises'), known as 'Riccarton Beer, Wine & Spirits'.

[2] The proposed location is in a vacant shop on the ground floor of a modern commercial building. In the front of the building, between the building and the footpath, are a good number of parking spaces. Riccarton Road is approximately three kilometres long and is one of Christchurch's busiest roads. It runs from Hagley Park in the East to what is known as Church Corner in the West. The proposed site is towards the Hagley Park end of the road on the corner of Harakeke Street.

[3] On the first part of Riccarton Road before the railway line, travelling from Hagley Park, there are a number of near new modern townhouses. With just a few exceptions, the rest of Riccarton Road has shops, offices, motels, restaurants, bars, some health service providers and other commercial activities.

[4] On the ground floor of the building is a Post Office Box store, The Vape Shop, Domino's, Small Business Accounting, Hanafins Chemist and High Street Health Centre. The site for the proposed Off-Licence is vacant. On the first floor there appears to be an insurance agent and WK Advisors and Accountants. There is also a large vacant area currently for lease.

[5] There are approximately 35 carparks at the front of the building next to Riccarton Road and about the same number at the rear. Across the road in Harakeke Street is a Buddhist Temple while next door on Riccarton Road is Oil Changers then a Caltex Service Station.

[6] Directly across Riccarton Road is a fenced-off church that has a 'For Lease' sign on it.

[7] The application was not opposed by the District Licensing Inspector¹, the New Zealand Police² or the Medical Officer of Health (MOH)³

Summary of result

[8] Having had regard to the matters in sections 105 and 106 of the Sale and Supply of Alcohol Act 2012 ('the Act'), and for the reasons set out in this document, the Committee grants the applicant an Off-Licence for a period of 12 months, subject to conditions and undertakings as detailed in this decision, being satisfied this is consistent with the object of the Act.

Preliminary matters

Potential conflict of interest

[9] The Chair noted that Mr Peters was down as a witness for RBKRA and as one of the nominated persons to deliver the Community Board submission. Dr Hewison believed it did not create a conflict. To avoid doubt the Chair asked that the other Community Board nominated representative, Mrs Broughton, deliver the submission and disclosed a prior contact with Mrs Broughton.

[10] Mr Egden raised two issues. Firstly, the attachment of two objectors' objections to the RBKRA brief of evidence and secondly, his concern with objector Ms Thompson calling Dr Gordon as an expert witness.

[11] The Chair stated that he had considered the attachment of the objectors' objection submissions to Mr Simons' brief of evidence (BOE) and he felt Mr Simons was just noting to the Committee that those objections had been filed. He stated the Committee would be treating them as objections.

[12] Mr Egden submitted that Dr Gordon should not be an 'expert witness' and questioned any connection between the research and whether an Off-Licence should be granted on

¹ Inspector's report 10 January 2022.

² Police notification of non-opposition 20 October 2021 & Memo 9 March 2022.

³ MoH report 2 December 2021

Riccarton Road. The Chair stated that the Committee is an inquisitorial body and would like to hear Dr Gordon's evidence. If necessary, it could be accepted under section 207. The Chair said the weight the Committee gives the evidence can be determined in the Committee's deliberations. As to relevance of the evidence, the Committee will consider that along with the weight it gives all the other evidence in its deliberations.

[13] Dr Hewison raised an issue about the seating for the hearing with the two objectors sitting behind the agencies. The Chair said he agreed the room was not ideal, but the Committee had to contend with available facilities and the desire to meet health and safety/Covid protocols.

Potential incorrect date for objections

[14] Prior to the hearing issues were raised regarding the date for objections on the notice on the door/window of the proposed premises. The discussion was along the lines of – was the handwritten date the 6th or the 26th.

[15] The Chair said he would not want to exclude any objectors at this stage. As was noted in a previous minute there was no ability to extend the deadline for objections in the Act but as the difference was minor, and could be called a typo even though it was handwritten, a waiver is granted under section 208.

The hearing

Opening submissions Mr Egden

[16] Mr Egden's opening submissions had previously been circulated. He noted Mr Burcher was available to give evidence but Mr Sayer, a sole operator pharmacist, was unable to leave his pharmacy to attend the hearing in person or via audio visual link.

[17] Mr Egden spoke briefly to his written opening submissions and noted the application was not opposed by the Licensing Inspector, the Medical Officer of Health or the New Zealand Police.

[18] Mr Egden said that Mr Singh has had many years' experience in both owning and managing licenced premises and his track record had proved him to be a responsible operator. He also noted that none of the agencies had raised matters of suitability. He said with the applicant's record alcohol will be sold safely.

[19] Mr Egden then outlined several other matters related to section 105.

[20] Mr Egden finished his opening submission by saying that after standing back and considering all the matters it is required to consider, the Committee will be satisfied on the evidence produced that the amenity and good order of the locality will not be adversely affected by the grant of the licence and the grant will not offend against the object of the Act.

Evidence of Mr Singh

[21] Mr Singh read his brief of evidence that had been pre-circulated prior to the hearing.

[22] Mr Singh said he had emigrated to New Zealand in 2009 before obtaining a National Diploma of Business and also a Manager's Certificate under the Act. He was employed in a liquor store in 2011 and promoted to store manager in 2014. He applied for and was granted an Off-Licence at 495 Papanui Road in 2016. He noted that while there were objections from the community there have now been two applications to renew the licence and neither were opposed by the reporting agencies, nor were there any public objections.

[23] In 2019, Mr Singh applied for, and was granted, an Off-Licence at 1/87 Main Road, Redcliffs. He said there were public objections but after a lengthy hearing the application was granted. In 2021 he had applied for an Off-Licence in Creyke Road, Fendalton and a number of objections were received. After careful consideration, due to the proximity to the university, he decided to withdraw the application.

[24] Mr Singh said he had a good relationship with the Papanui and Redcliffs communities, both residents and businesses owners.

Suitability and experience

[25] Mr Singh noted that none of the agencies raised any concern as to his suitability. He stated that he and his wife both hold Manager's Certificates and they intend to run the business together with Mr Kumar, who is also a qualified manager. He would also employ other staff as needed.

[26] Mr Singh noted he had one blemish on his record when in 2011 he failed a controlled purchase operation. He learnt a lot from that experience and it has reinforced in him the need to have good systems in place.

[27] Mr Singh noted the proposed premises are situated in an area zoned 'Commercial Core' in the Christchurch District Plan. He noted the Licensing Inspector, in his report, said Riccarton Road could be considered as a commercial corridor surrounded by residential properties. Mr Singh said Riccarton Road carries around 25,600 vehicles each weekday.

Proposed hours of operation

[28] Mr Singh said he was seeking trading hours of Monday to Sunday 9.00 am to 10.00 pm which are less than the default maximum hours. He said the hours applied for would allow him some flexibility but it was unlikely he would use the full extent of those hours on a regular basis.

Design and layout of the premises

[29] Mr Singh said the store would be laid out as per the plan submitted with the application but he was still flexible if the agencies or the Committee wanted reasonable changes.

[30] Mr Singh stated that the outside signage would be restricted to signs describing the type of business. There would be no liquor advertising in the windows facing outwards and the glass windows would be frosted to a height of 1.5 metres. He would have security cameras inside and outside.

[31] Mr Singh said he would provide a full range of alcohol drinks including beers, wine and spirits. He noted he would not be able to compete with supermarkets on price for beer and

wine. He said he would stock more upmarket wines and spirits as well as having an emphasis on craft beers.

Amenity and Good Order

[32] Mr Singh said he was aware of his responsibilities relating to good order and amenity. He said he was familiar with the area as several years ago he worked at the Caltex service station and McDonald's over a period of two years. He also lives near Riccarton and frequently visits the Mall and food outlets as well as the temple on Kilmarnock Street.

[33] Mr Singh said from his observations and enquiries there are no significant issues in the area from noise, nuisance or vandalism. He said his understanding is that alcohol related harm is not unduly prevalent in the locality and he would not expect that to change should a licence be granted. He noted that neither of his other two stores had created adverse effects in their communities.

[34] Mr Singh said that his other two stores were both on busy roads and there had been no impact on traffic in the area and he did not expect any issues from the proposed store.

[35] Mr Singh said there were eight premises that hold Off-Licences within 1 kilometre of the proposed site, all except one were supermarkets, grocery stores or breweries that sell their own product. The only store similar to the proposed store was an existing Liquorland store about 200 metres away on the other side of Riccarton Road. He believed that store would continue to cater for West bound traffic, while his proposed store would cater for East bound traffic. He accepts there is a possibility of a price war but thinks it is unlikely. He said while he would offer specials from time to time, as does Liquorland, he would not engage in a price war and he has not done so at his other stores.

[36] Mr Singh said he was aware Christchurch Girls High School was just under 1 kilometre away and Christchurch Boys High School around 2 kilometres away. He also said there is a kindergarten at 19 Harakeke Street. He considered these schools would not be adversely affected by the bottle store.

Systems, staff and training

[37] Mr Singh stated that he intends to use the same systems and training regime that have proved successful in his other stores. He said the high standards he had achieved at his other stores would continue in Riccarton. He said he has a hands-on approach to management of his business and he will be very much involved with the Riccarton store. He said the persons whom he will employ would have considerable experience, meet his high standards, and uphold the requirements of the Act.

[38] Mr Singh said he will ensure his staff are fully conversant with his Host Responsibility Policy and in particular, the steps to take to ensure alcohol is not sold to underage or intoxicated persons. He will have ongoing training to ensure his standards are adhered to at all times. He said any person who looks under 25 will be asked for identification and refused entry if they are underage or refuse to produce identification. Identification will also be asked for at point of sale.

[39] Mr Singh said he will have a group sales policy so that should a group enter the store and any one of the group look under 25 they will be asked for identification. Should they be under age or not produce identification none of the group will be served alcohol. He also said his staff will be fully aware of the signs of intoxication to ensure intoxicated persons will not be served.

[40] Mr Singh said he was fully aware of his responsibilities under the Act and he will ensure the sale and supply of alcohol is conducted safely and responsibly. He said the steps he has taken at his other stores, including Riccarton should a licence be granted, will minimise, as far as possible, harm caused by excessive or inappropriate consumption of alcohol.

[41] Mr Singh said his lawyer would address the issues raised by the objectors but he noted they were the same issues raised with the Papanui and Redcliffs applications and those objections were proved unfounded. Both those licences have been renewed without opposition from the community. He attached a letter of support from Mr Sayer, the Pharmacist at the pharmacy close to the Redcliffs store.

[42] Mr Singh asked the Committee to accept that he is an experienced, responsible business owner who takes his responsibilities seriously. He said he is aware that should a licence be granted, the licence will issue initially for 12 months which would give the reporting agencies and the community the opportunity to make informed observations on his suitability, and the effects of the new licence within the community.

[43] Mr Egden sought clarification from Mr Singh relating to matters raised in the circulated briefs of evidence of the objectors and their witnesses.

[44] Mr Singh said both he and his wife held Manager's Certificates. He proposed to hire one full-time and one part-time staff member, both of whom would be experienced and he was not aware of any black marks against them. He intended to have no access from the rear door other than deliveries of supplies and he would have some sort of shutter for security which he has already talked to the landlord about. Mr Singh said he would not have such security at the front as the visibility from the road lessened the security risks.

[45] Mr Singh explained the security camera system he is intending to install. He said there will be a total of 16 – 17 cameras with three at the front of the building and one at the rear. He said one of the front cameras would cover the reserve across the road and one of the cameras would have face recognition to enable them to immediately identify anyone who had previously caused issues.

[46] Mr Singh confirmed that there would be no alcohol advertising visible to people walking past on Riccarton Road. The storefront will be frosted to a height of 1.5 metres.

[47] Relating to litter, Mr Singh said he would instruct his staff to pick up litter, not just alcohol type litter, each morning before they open, to a radius of approximately 100 metres of the store. This would include Mandeville Reserve and the Jane Deans Close pergola. Mr Singh noted that he did this with his Papanui store. He said he had checked Mandeville Reserve each day for a two-week period and on two or three occasions he saw a beer can and once a bottle of cider. Upon checking the bins he noted they were empty.

[48] In relation to parking, Mr Singh said, based on his other stores, each customer would on average be in the store for about five minutes and at busy times, 5.00 pm to 8.00 pm, the maximum number of persons in the store would likely be up to four. The rest of the day there would be one or two persons in the store.

Cross examination Mr Singh

Questions from the Committee

[49] Mrs Redstone asked if the security cameras would benefit the nearby pharmacy and medical centre. He said they would assist nearby businesses, as many do not spend money on security systems.

[50] Mr Singh said he will spend considerable time at the Riccarton store, although each of his stores has a store manager who report to his wife, who is the group operations manager.

[51] He said he chose the proposed site as it was on a main road just like his other two stores and he specialised in higher margined products. He said he would not sell single RTDs.

[52] Asked if he needed to sell cigarettes, he said they were for customer convenience and he would have minimal stock kept out of sight below the counter and only available when someone asked for them. He noted he did not sell cigarettes at his Redcliffs store as he had had a meeting with the community who expressed concern, so he listened to them. This was not a District Licencing Committee requirement.

[53] Mr Singh said as an independent store he expected about 10-20% of his sales would be RTDs although it might be slightly higher in Riccarton. On staff training he said his system is run weekly and he emails staff with messages weekly.

[54] The Chair then asked a number of questions. Mr Singh clarified that he would not sell single RTDs or single mainstream beers. He said he would sell some single craft beers. The Chair also clarified that staff would pick up litter in Mandeville Reserve even if it was not alcohol related litter. He confirmed he will direct that all litter will be picked up.

[55] The Chair noted at least two objectors in their BOE did not want the store open after 9.00 pm. He said he needed to be open to 10.00 pm as the Liquorland store 200 metres away was open until 11.00 pm, but noted he only expected to be open for the requested hours at busy times such as Christmas.

[56] Mr Singh clarified what he considered high-end products. He said the majority of wines they sell were in the \$20 to \$30 range and anything over \$30 is considered high-end. He said at Redcliffs he had around 150 bottles of gin and a high-end bottle was in the \$75 - \$90 range. He thought around 30% of his sales would be high end.

[57] Mr Singh was questioned on matters relating to staff breaks. He said he had been randomly investigated by the Labour Inspectorate of the Ministry of Business Innovation and Employment, who declared they were happy with his procedures. He noted his staff contracts include a clause allowing staff to close the store for breaks if necessary.

[58] Mr Singh confirmed he would not serve pupils in school uniform even if they were over 18 years of age.

[59] Mr Singh said he would not join a franchise and noted he had not changed Redcliffs.

[60] Ms Keir asked how he was going to attract wealthier higher-end customers. Mr Singh said he would advertise and rely on word of mouth. He would use the same stock base as Redcliffs.

Questions from the agencies

[61] Mr Ferguson asked what assurances the community will have that he will not target students and low-cost alcohol. Mr Singh said he has proved by his operation in Redcliffs that his model can work. He would not change the Riccarton store to orange colours.

Questions from the objectors

[62] On behalf of two (RBKRA & Ms Thompson) of the three objectors who appeared at the hearing, Dr Hewison then asked a number of questions of Mr Singh. He asked if he

accepted Riccarton was lower socio-economically than Papanui. Mr Singh said no as he thought it was about the same as Papanui but lower than Redcliffs. He said there were pockets of highly deprived communities to the North but not the entire community. He did not accept that people from higher deprivation areas had a greater risk of alcohol harm.

[63] Asked why he thought most of his customers would come from the North/North West of the proposed location, Mr Singh noted that his store was on the North side of Riccarton Road and his store would have a nice layout. Mr Singh accepted that people from the South could still go to his store.

[64] Mr Singh said he thought about 15% of his sales would be lower cost products such as a four pack of vodka RTD. He said he would sell singles of craft beer but not mainstream beers. He thought that perhaps 15% of his wine sales would be lower cost wines.

[65] Asked what hours he himself would work, Mr Singh thought 30 – 40 but some weeks it would be 60. It would depend on the availability of staff. Dr Hewison referred to the cash flow statement and said it only equated to 58 hours per week for staff. Mr Singh was a little unsure as the figures were prepared by his accountant.

[66] Dr Hewison question Mr Singh on his interpretation of what a “special” was. He said it was a lower priced product but he always maintained his margin. Mr Singh said the cheapest craft beer currently was \$8.99 for 355ml and \$5.99 for 330 ml cans. He said there were more than 90 craft beers.

[67] Dr Hewison noted that Mr Singh was quoted in the media some time ago saying that he had no plans to open a new liquor store. Mr Singh said that things change and they had opened a restaurant and then sold it. Mr Singh said he lives about 4 – 5 kilometres from the proposed store. He outlined where he had previously worked, including for 1 year at the Caltex Service Station next to the proposed site.

[68] Dr Hewison then asked about the error on the notification on the proposed site door. Mr Singh explained this as an error. (This is covered in preliminary matters).

[69] Mr Singh explained that he did not intend to have remote sales from the store as this would be done from the Papanui store.

[70] Dr Hewison then referred Mr Singh to Mr Simon's evidence in response to his evidence that there will be no impact on traffic. Mr Singh said there were about 40 parks out the front and he noted that most of the other businesses, except Domino's, closed about 5.00 pm. Dr Hewison then asked why he has not mentioned Ball & Cue as a licence holder in his evidence. (Mr Ferguson clarified that it was no longer there).

[71] Asked how he would manage alcohol harm. Mr Singh said he operated within the law stating there are some people who are sick. He said he does not put pressure on the Police and they have once called the Police to remove someone who would not leave his store. Asked what he would do if he saw someone drinking in Mandeville Reserve, he said he would go and talk to them and if they did not stop he would blacklist them. They had had an instance just last week at his Redcliffs store of a customer who opened a can outside the store and they told him he could not do that. He used the opportunity to talk to all his staff after that issue.

[72] Asked what he would do if Liquorland Riccarton were found to be offering specials on a particular product. Mr Singh said the proposed store would not be part of a franchise and he would maintain his margins and not engage in a price war. He said every store has their loyal customers. Mr Singh said if people come into the store looking for specials he encouraged his staff to draw people to good quality products.

[73] Dr Hewison noted he mentioned Christchurch Girls High School (CGHS) and Christchurch Boys High School (CBHS) being within 2 kilometres. Mr Singh said his staff know what a school uniform looks like.

[74] Dr Hewison said Mr Simons mentions in his evidence concern about methadone and other drugs. Mr Singh said he had not observed people getting methadone from the pharmacy but if people on drugs entered his store they would not sell to them. Mr Singh acknowledged he had not approached the medical centre nor had they approached him. He

noted only the pharmacy had objected and he had tried to arrange a meeting but no one contacted him.

[75] Dr Hewison then asked Mr Singh about nuisance and vandalism generally and noted Mr Singh's view was that there was none. Mr Singh said he had not seen any graffiti in the area. Asked about Brockworth Walkway and some rubbish noted there by one of the objectors, Mr Singh said this walkway was a very long way from the store and he did not believe litter there would come from his proposed store or Liquorland Riccarton.

[76] Asked about Dr Gordon's evidence Mr Singh said he had read it but did not place much weight on it. He said sexual harassment is a bad thing but it happens all over the world and he did not believe it was related to alcohol all the time. Mr Singh, when asked if sexual harassment fell under the category of nuisance, said the Act does not refer to sexual harassment. He noted CGHS did not object to the application.

[77] When put to him, Mr Singh accepted that when some men are intoxicated they may sexually harass other people. Dr Hewison then asked about his responsibilities under section 237 and asked for an example. Mr Singh said an example would be to promote 25% off with signs outside the store.

[78] Dr Hewison asked the Chair to allow his clients to ask some questions directly as it was very difficult with him on audio visual to communicate with his clients. The Chair granted this request.

[79] Ms Thompson asked if he expected the security cameras to show if people were drinking in cars. Mr Singh said the cameras would be able to cover the car park and his staff would be able to view the live feed. He said if they did see drinking in a car they would note the licence number and not serve those people next time they came to his store. He agreed he could not stop people behaving in that way outside his camera coverage.

[80] To further questioning Mr Singh reiterated that they would not sell to persons in school uniform.

[81] Ms Thompson then asked if his cameras will see the reserve and Mr Singh said they would. She also asked for confirmation that he would pick up litter to the pergola at Jane Deans Close and he confirmed he would.

[82] Mr Simons sought further clarification on the number of cameras and Mr Singh said 16 or 17 (six outside; three at the back and three out front). Asked about privacy concerns he said he had talked to the technician. Mr Singh did not think there would be a privacy issue for Mandeville Reserve as it was a public space and there were many cameras around. Mr Singh said they had two options to either watch or record. Asked if he would put signs in the store and he said he could although people do not read signs.

[83] Mr Simons asked if he had spoken to anyone else in the premises and Mr Singh said Domino's and the landlord. Mr Simons also asked if he thought he would take customers away from Liquorland and Mr Singh said people always try new stores.

[84] Mr Egden asked Mr Singh to clarify that the cameras would cost about \$16,000 and he confirmed this. Mr Egden also sought clarification from Mr Singh noting that the notes to the cash flow statement say the wages are based on one full-time employee and one part-time. Mr Singh agreed. Mr Singh said he would be working at the new store and he may need to employ an additional part-time employee.

[85] Mr Egden asked Mr Singh if he goes to Riccarton very often. He said his daughter goes to a preschool in the area, his family shops at the mall, and as his wife likes coffee, they go with her to Coffee Culture. He often goes to the Sikh Temple on a Sunday. He said part of the Sikh Temple's service is a food bank and he pays for a skip for them to dispose of rubbish from the food bank.

[86] Mr Egden asked about a discussion with the Inspector and advice he had received from his lawyer regarding approaching objectors. He has been advised there is a risk he will be accused of trying to influence their objections.

[87] Mr Egden asked Mr Singh about the suggested sensitive site of CGHS. Mr Singh said it was a sensitive site because it was a school but it was a long way away. He noted that in Redcliffs there was a school about 500 metres away.

Evidence of the Police - Sergeant Robertson

[88] This evidence was taken prior to the cross examination of Mr Singh as Sergeant Roberson needed to leave the hearing to attend a funeral.

[89] A memorandum from the Police was pre-circulated. In that memorandum the Police stated they did not oppose the application and Sergeant Robertson noted that a strong flavour of the public objections for this application and recent similar applications is that there are too many alcohol outlets in the city. Sergeant Robertson noted as there was no Local Alcohol Policy (LAP) the proliferation of licenced premises in Christchurch is not currently a ground under which the Committee can rely upon in determining whether to decline to issue a further licence.

[90] Sergeant Robertson said the Committee however should have regard to section 106(1)(a)(iii).

[91] Sergeant Robertson said in his experience people purchasing from an off-licence do not generally drink alcohol as they step outside the store. He said generally, they purchase and take the alcohol to an address. He said his memorandum records there were two breaches of the liquor ban in the last 12 months. He acknowledged he made submissions to the Christchurch City Council on liquor ban zones and he said Mr Simons' BOE includes excerpts from that report. Sergeant Robertson said the primary consideration in Riccarton is the proximity to the university and a park on Ilam Road.

[92] Ms Keir asked if he considered any link to the proximity premises and that of the health centre. Sergeant Robertson said he saw no link that he could recall.

[93] Mr Egden asked what Sergeant Robertson saw as the boundaries between the three zones. Sergeant Robertson said there was student accommodation West of Matipo Street,

the rest of Riccarton Road is largely commercial. The area to the North was more affluent and in the South a mix of commercial and high-density housing.

[94] Mr Egden asked why he used 300 metres to record calls for service. Sergeant Robertson said this aligns with earlier decisions in other applications. He thought if it were wider, there would be inflated calls for service that are not related to alcohol.

[95] Asked if the liquor ban resulted from the earthquakes, Sergeant Robertson said a lot of bars in Riccarton were used when the central city was closed. He said the majority of Riccarton was a student area and a business area. He said the student area provides a constant challenge for the Police. The Business area provides less alcohol related call outs, more disorderly conduct, theft etc.

[96] Dr Hewison asked Sergeant Robertson about the evidence he gave to the Christchurch City Council in terms of the liquor ban and asked if he stood by that evidence. Sergeant Robertson said he had made submissions to the Council based on an existing alcohol ban area. He said most of the issues in the area were centred around student activities and primarily around areas where student accommodation was most dense.

[97] Sergeant Robertson said in assessing section 105 he had gone for calls for service within the 300-metre area.

[98] Asked if there was any question in his mind as to locality. Sergeant Robertson said there was not really a question. If there is a question then that is for the Committee.

[99] Dr Hewison then asked if Sergeant Robertson would say that existing alcohol related harm was so great that this application should be declined. Sergeant Robertson said no.

[100] Dr Hewison then asked if he thought the catchment area of the bottle store was only 300 metres. Sergeant Robertson said in his view most people stop at a bottle store for convenience or a purchase destination and they have already made a decision they wish to purchase alcohol. He did not think only residents in the proximity to the store will be patrons.

[101] Dr Hewison asked why the absence of a LAP was a concern about density. Sergeant Robertson said if there was a LAP in place it may dictate how many outlets should be in an area or impose a sinking lid requirement. He said Police share community frustration over the lack of a LAP.

[102] Dr Hewison noted section 106 requires evaluation of local premises so why could the Police not assess the premises in this locality. Sergeant Robertson said if the Police cannot establish a position that the issue of a licence will further degrade amenity of the area, they cannot make a determination.

[103] Dr Hewison then asked about the Liquorland store about 200 meters away and did Sergeant Robertson have any concerns that competition between the two stores might result in a price war. He said he had not seen any evidence of this happening in the past. Dr Hewison asked if he had seen Mr Johnstone's evidence and does he accept his statements are accurate. Sergeant Robertson said that was a subjective view that he did not agree with.

[104] Asked if he had any concerns with the sale of cigarettes, Sergeant Robertson said Police have seen an escalation of incidents with the increase in the cost of cigarettes however, Police deal with this through prevention.

[105] Dr Hewison noted in the Police memorandum that there were significant pockets of deprivation on the South side of Riccarton Road and did Sergeant Robertson see those as areas where there were higher risks of alcohol-related harm. Sergeant Robertson said studies show areas of higher deprivation to the South. He thought there were multi-storey tilt slab buildings for flatting and he has identified this as high-density housing but it is harder to say if this will result in high level of alcohol harm. He said higher density housing is likely to be younger people who may be more likely to consume alcohol, possibly irresponsibly. He accepted a deprivation index of eight or nine for these areas and he accepted that communities in high levels of deprivation, alcohol harm is more likely.

[106] Dr Hewison then asked Sergeant Robertson about the crime data in the BOE of Ms Fowler. Sergeant Robertson said he did not understand how this was measured and said as a

Police Officer he looked at crime statistics the Police hold and it is difficult to comment on data for which he is not entirely clear how it was collected.

[107] Sergeant Robertson said crime data does not necessarily reflect the level of offending in the area, as some offences are not reported to Police. He said the means Police currently use is calls for service or criminal offending related to alcohol. They do not have clear data whether offending does or does not have alcohol involved. He believed because of that it is important for the Committee to hear from the community. Sergeant Robertson noted that in an application for premises in Ferry Road there were about 400 calls for service in a year. He said where agencies do not oppose an application there can be a feeling that the Police are letting down the community. Police use reasonably narrow guidelines in section 105 assessments and this is not a case of the Police not supporting a community. He said he did not think the community views need to be linked to the Police view.

[108] Dr Hawarden asked Sergeant Robertson if the Police held any data relating to pharmacies. Sergeant Robertson said there was no code in their system because a targeted burglary of a pharmacy was unlikely to involve alcohol. She also asked if the absence of calls for service was because Riccarton Road was closed down due to Covid and was it correct they had no data as to whether to support or oppose this application. He said there is data but it is not remarkable. He agreed there would be a drop in calls for service during lockdown.

[109] Mr Simons asked Sergeant Robertson about Mr Egden's submission distinguishing commercial, student and business localities. Sergeant Robertson said he thought they were reasonably accurate. Mr Simons suggested locality is about movement of people rather than where they reside. Sergeant Robertson said he did not think he could make that link but he agreed Riccarton Road was a main public transport link.

[110] Asked who visits Riccarton Mall, Sergeant Robertson said a diverse group of people from two socio-economic backgrounds.

[111] Asked by Mr Simons about competing franchises Sergeant Robertson said he had not seen competing franchises revert to a price war.

[112] Mr Ferguson asked Sergeant Robertson if the area was a corridor for student movement. He said he thinks it is still a corridor but not between Off-licence premises. He said issues relating to students and alcohol peak after 11.00 pm and close to 1.00 am on Thursday to Saturday. Sergeant Robertson said he thought density contributes to alcohol harm.

[113] Mr Egden asked Sergeant Robertson if there was any evidence of a price war in Sumner, Redcliffs or Papanui since Mr Singh had been there. He answered that there was no evidence but it was not something the Police collect. Sergeant Robertson also clarified that customers could get to the store without using Riccarton Road.

[114] Mrs Redstone asked Sergeant Robertson if, in his opinion, adding another store increased the amount of alcohol available. Sergeant Robertson said it was a subjective answer. If people want to buy alcohol they can do it. He said he could not say that adding another outlet increases the amount of alcohol sold.

Evidence of Mr Bucher

[115] Mr Bucher's evidence was taken just before Mr Singh was cross-examined, as he needed to return to his business.

[116] Mr Bucher presented his brief of evidence, which was taken as read. He said his restaurant business had been a near neighbour of Mr Singh's Papanui store for 4 years and during that time they had never had any issues with vandalism or misbehaviour from any of his customers. He said Mr Singh is well known in the Papanui business community and he runs a good business.

[117] Mr Bucher said he would see Mr Singh one to three times a week. Dr Hewison asked if he was saying he saw Mr Singh for six to seven hours three times a week. Mr Bucher said no but when he has entered the store, Mr Singh was there. Asked if he purchased liquor from the store he said occasionally when he had made a miscalculation in his ordering from his supplier. He confirmed his restaurant was fully licenced.

[118] Dr Hewison asked Mr Bucher what he thought the socio-economic status of the area was. He thought it was lower-mid class. Mr Bucher said there were a few train track issues from time to time and that area was a place where issues may arise. Questioned further he said it was a dark place where people who were up to mischief are likely to hide in the bushes.

[119] Dr Hewison asked if he thought having the premises barred up reduced the pleasant nature off the area. Mr Bucher said no it was a matter of safety first and foremost.

Evidence of Martin Ferguson – Liquor Licensing Inspector

[120] Mr Feguson's report had been pre-circulated.

[121] Mr Ferguson said the Committee needed to look at section 105 as there was no LAP.

[122] Mr Ferguson then went through some of the issues raised by the objectors. He said he had no comments regarding store layout and things like bollards and security screens are just the store taking reasonable steps to protect itself. He also said selling cigarettes was a management decision and not required to be considered under the Act.

[123] Mr Ferguson sought advice from the Christchurch City Council Parks team around rubbish in Mandeville Reserve and they had only ever had one report of rubbish in the park.

[124] Mr Ferguson said based on his 20 years' experience he did not think the granting of this licence would cause additional problems. There is fear from the objectors that things will happen but in reality they will not happen. If incidents did happen a good operator would encourage any loitering person to move on. He said his comments are supported by the fact that most renewals are successful.

[125] Mr Ferguson said Riccarton Road is a busy road and most customers would pull into the carpark. He said parking is a resource management issue.

[126] Mr Ferguson said the potential for graffiti and vandalism is predominately focussed at on-licence venues. He said his observation is that people purchase alcohol with intent to take it to another venue, they rarely loiter in the area the alcohol is purchased.

[127] Mr Ferguson noted there were other premises in the locality but you needed to look at what they were. There is one large supermarket, two small supermarkets, three breweries, and one bottle store down the road. He believed because the two bottle stores were on different sides of the road those travelling West would go to Liquorland and those travelling East would go to the applicant's store.

[128] Mr Ferguson said there were some issues affecting amenity, but he suspected those issues were less today than previously. The student population is concentrated to the West. He said in 2010 a bar at the bottom of Riccarton Road was very busy but this premises has changed and the migration of students does not happen the same.

[129] Mr Ferguson was then asked would the objects of the Act be met. He thought they would be.

[130] The Chair asked if there was a sense of frustration at the lack of a LAP. Mr Ferguson said yes, as it was the only way to hear what communities want through a local alcohol policy.

[131] Mr Ferguson confirmed the three breweries in the locality only sold their own products. He also confirmed that an alcohol ban area only covered opened cans and bottles.

[132] Mr Egden asked Mr Ferguson if he knew the hours of the Liquorland store down the road. Mr Ferguson thought that as it was an older licence it was probably 7.00 am to 11.00 pm. He said there had not been any objections to its renewal. He also said he had never seen any evidence of a price war. Asked by Mr Egden about on-licences in the area he said there was the Craic Irish Bar and a number of restaurants in the area.

[133] Mr Egden asked if he agreed with Sergeant Robertson taking 300 metres for service data. Mr Ferguson said he agreed in general terms that Riccarton Road can be divided into three distinct areas. He also said he agreed with Sergeant Robertson that alcohol is purchased and taken to an event.

[134] Dr Hewison then asked Mr Ferguson a number of questions around his understanding of section 4(2) and in particular any damage, any disorder and any harm. Mr Ferguson said he

believed the Act cannot be used to cure all ills in society. He said alcohol harm needs to be minimised.

[135] Dr Hewison then asked a number of questions which Mr Ferguson answered “yes” to. Would consumption of alcohol in an alcohol ban area be inappropriate, would consumption of alcohol in Mandeville Reserve be inappropriate, would the consumption of a box of RTDs at home be excessive, would drinking alcohol resulting in excess breath alcohol be excessive?

[136] Dr Hewison asked Mr Ferguson what else in his experience as an inspector may fall into section 4(1) (a) & (b). Mr Ferguson said the main one would be excessive. He said drinking in Mandeville Reserve would be inappropriate and the appropriate response would be to call the Police. Mr Ferguson said there must be an element of personal responsibility as a bottle store manager does not know how a person intends to use the alcohol they have purchased.

[137] Mr Ferguson agreed employment issues had been given more weight by recent Authority decisions.

[138] Mr Ferguson agreed that 1 kilometre is helpful when assessing an application and said in a rural area the distance might be longer. He said the area to the North is less deprived and there are pockets of high deprivation to the South where he believed it housed younger flatters. He agreed research suggested a likely higher consumption of alcohol in more highly deprived areas. He also agreed the bar is higher for an applicant in a highly deprived area.

[139] Dr Hewison then asked a number of questions around LAP and in particular the statement by the then Minister, when the Act was passed in Parliament, that licences should be harder to get through communities having a LAP. Mr Ferguson agreed.

[140] Mr Ferguson was asked if he agreed bollards and security screens would reduce the amenity of the area. He said yes but we would not be worried if a dairy installed the same security features. He said we must be careful not to introduce things not meant to reduce alcohol harm.

[141] Mr Ferguson was asked if his earlier comments about people consuming alcohol in Mandeville Park is a consideration for section 105(h). He agreed it would be. Dr Hewison also asked Mr Ferguson to comment on Mr Johnstone's evidence that he sees litter and people consuming alcohol in Mandeville Park. Mr Ferguson said the Police should be called if this behaviour is observed.

[142] Dr Hewison asked Mr Ferguson about his view on section 106 and 105(h). He agreed he had to know the current levels of nuisance and vandalism. He agreed there were some problems but did not think they were at a level where a licence should not be granted.

[143] Questioned about the alcohol ban Mr Ferguson said he was familiar with the area and felt if the alcohol ban was challenged today he did not believe it would go through. He agreed there had been some improvement in the area although not a significant improvement.

[144] Dr Hewison then said he believed off-licences allowed people to preload before going to on-licences and should the Committee be worried about this. Mr Ferguson said no he did not think so, if people want to pre-load/side-load they will.

[145] Dr Hewison then asked Mr Ferguson about the potential effect on current premises. Mr Ferguson said that was more speculative. Mr Ferguson said he did not visit the pharmacy. Answering a question from Dr Hawarden about the number of objections, Mr Ferguson said a large number would perhaps be 50 plus. Asked if the proposed frosted glass and no visible outside advertising of alcohol and the not serving of intoxicated persons would ameliorate any concerns he had, Mr Ferguson said yes and in his experience the fears people have do not eventuate. He said if a licence is granted it is only for one year.

[146] Mr Ferguson produced a photograph showing grills at the pharmacy.

[147] Mr Egden then asked Mr Ferguson about the proposed cash flow budget and agreed it was only for staff.

[148] Dr Hewison then asked questions of Mr Ferguson from the Riccarton Ward deprivation study. Showing pockets of nine and ten and pockets of one and two. Mr Ferguson said in the one kilometre area the average deprivation was probably five or six.

Opening submissions Dr Hewison

[149] Dr Hewison said his submissions were pre-circulated. He said the objectors have focussed on deprivation and vulnerability and that there was a higher threshold when even pockets of deprivation exist. He said the objectors believe the location of the pharmacy is not compatible with the use of the premises.

[150] Dr Hewison said suitability becomes an issue if there is any doubt these are not being well managed and the Committee should look at this. He also submitted that the Committee can only assess prospective risk of alcohol harm as none of us know what it will be and as there was no LAP in place these matters need to be considered on a case-by-case basis.

Evidence of Mr Simons

[151] Mr Simons' BOE had been pre-circulated.

[152] Mr Simons said he represented RBKRA and feedback from his members was that the site is unsuitable. They believe there are traffic issues particularly leaving the site and they also believe adding a liquor store will not make things better. He said his evidence talks about graffiti and general observations of bad behaviour.

[153] Mr Simons said the doctor's surgery and pharmacist cater for vulnerable people and the proximity to these premises is not compatible with current land use. He said he had visited the pharmacy and they confirmed they are a provider of methadone.

[154] Mr Simons then asked to introduce a video that had been taken by another person who was not present. This was declined by the Committee.

[155] Mr Egden then had a number of questions for Mr Simons around how potential customers would access and exit the site depending on which direction they were heading. Mr Simons agreed there were many options available.

[156] Mr Egden then asked Mr Simons about his calculation that the site was 360m² which was incorrect. Mr Simons explained that he compared the size with the Liquorland store by just stepping out the distance and while the size might be wrong the two sites were comparable as he used the same method to measure both.

[157] The Chair sought clarification about the proposed premises and was advised that there are two front doors but it was all one unit.

[158] Mr Egden asked Mr Simons if he thought the applicant was unsuitable to hold a licence even though he holds licences for two other stores which have both been renewed. Mr Simons said yes.

[159] Dr Hewison sought clarification from Mr Simons that it was his concern the proximity of Liquorland to the proposed premises would promote competition. Mr Simons agreed.

Evidence of Ms Fowler

[160] Ms Fowler's BOE had been pre-circulated.

[161] Ms Fowler said she was giving evidence in support of RBKRA and she worked for Communities Against Alcohol Harm. She said she was not an expert witness but was just presenting statistics from the 2018 New Zealand Index of Multiple Deprivation.

[162] Ms Fowler said she understood areas with deprivation indices of 1 – 3 are usually described as having a low deprivation score, while areas with deprivation indices of 8 and 9 are usually described as highly deprived.

[163] Mr Egden asked if she agreed that income and employment were two of the main criteria in the index. Ms Fowler agreed. She also agreed the crime statistics do not

differentiate between those crimes committed because of alcohol and those that were not. Ms Fowler also agreed that crime weighted 5% on the index.

[164] Ms Fowler noted that Christchurch CBD was the worst place for crime in New Zealand.

Evidence of Mr Johnson

[165] Mr Johnson's BOE had been pre-circulated.

[166] Mr Johnson said he was a Police Officer for 35 years before retiring 7 years ago. He said for a period of time he attended a weekly meeting in Mandeville Street, and has probably done that on 40 -50 occasions, and his dog accompanied him to those meetings. He also said he would to take his dog to the Mandeville Reserve for it to have a run around.

[167] Mr Johnston said he observed cans and bottles in the reserve and it was obvious to him that persons were frequenting the park to drink alcohol. He said he had observed a small group of men, often in late morning, drinking alcohol who appeared to be in good spirits. He thought that if they became intoxicated there could be problems.

[168] Mrs Redstone asked Mr Johnson what was his response when he saw people drinking in the reserve. He said he had presumed the alcohol ban had expired. Asked if he was concerned enough to call the Police he said no. He confirmed there was no sign of disorder associated with consumption.

[169] Ms Keir asked when he last observed these people in the reserve. Mr Johnson said December. He said he observed the group in the reserve in the afternoon perhaps every two months.

[170] Asked by Mr Egden if he had heard Mr Singh's evidence that he (Mr Singh) had visited the reserve every day for two weeks and only observed one or two items of liquor related debris. Mr Johnson said he had not been there since December. He also said he had not seen any persons intoxicated.

[171] Dr Hawarden asked if he thought the proposed new store will make things worse. He said he thought the constant specials and cheaper alcohol options would be detrimental.

[172] Mr Simons asked what evidence the Council required before an alcohol ban could be imposed. He said a high bar, statistics of criminal events.

[173] Dr Hewison asked Mr Johnson why he had the impression the people drinking in the reserve were homeless. He said because of their dress, they looked unkempt.

Evidence of Mr Mark Peters

[174] Mr Peters' BOE had been pre-circulated.

[175] Mr Peters said he was a member of the Halswell-Hornby-Riccarton Community Board.

[176] Mr Peters' evidence outlined in great detail the history of the Alcohol Ban area and the reports to the hearing panel. His BOE concluded quoting a supplementary report by Sergeant Robertson that said the Riccarton Ilam area was a high-risk area in terms of alcohol related harm and he (Mr Peters) thought that those comments were very relevant to the application for a new off-licence at 62 Riccarton Road.

[177] Mr Egden sought clarification from Mr Peters that he had information from 2018. He agreed. Mr Egden asked Mr Peters if he heard the Police evidence refer to three distinct areas. Mr Peters said he did but did not agree with them.

[178] In questioning from Mr Egden, Mr Peters agreed there was an influx of bars and restaurants in Riccarton following the earthquakes and the area for the alcohol ban was very broad. Mr Peters also agreed a significant part of the report relates to student behaviour.

[179] Mr Egden referred to the graph of calls for service in Riccarton West showing there was a significant drop in wilful damage, nuisance and other noise complaints. Mr Peters said it showed the liquor ban was working.

[180] Mr Egden also put it to Mr Peters that the majority of students live closer to the university than the proposed premises. Mr Peters said you could say that but there were still students close to the proposed site.

Evidence of Dr Hawarden

[181] Dr Hawarden's BOE had been pre-circulated.

[182] Dr Hawarden said she lived about two minutes' walk from the proposed store and had lived there for about 25 years. She also said she ran a software business from 35a Riccarton Road before retiring. Dr Hawarden pointed to crime in the area within 2 kilometres of the proposed site and in particular violence and drug dealing at the bus exchange.

[183] Dr Hawarden noted the office of WINZ about 200 metres away and a kindergarten in Harakeke Street. She raised questions about suitability of the applicant and she stated that good order and amenity is likely to be substantially reduced. She also stated there was a risk of patrons gathering and drinking in the carpark behind the premises. Dr Hawarden also attached some photos of litter to her BOE showing litter in several places nearby.

[184] Mr Egden put it to Dr Hawarden that Mr Singh had said he would give an undertaking that his staff would clear litter daily to about 100 metres of the store including Jane Deans Pergola. Dr Hawarden said you could not guarantee that will happen.

[185] Mr Egden also put it to Dr Hawarden that if it were a major concern for WINZ or the kindergarten they would have provided an objection. Dr Hawarden said she would be making sure they object in 12 months' time.

[186] Dr Hawarden said if there are more liquor stores there will be more litter. She said her concern is the pergola in Jane Dean Close. Mr Edgen asked if she asserted that people will collect alcohol, collect methadone and use it in the pergola. She said yes.

[187] Asked if she walks past Mandeville Reserve she said yes, twice a week. She said she observed people that look disreputable, but she agreed she had not seen them drinking alcohol.

The Evidence of Ms Thomson

[188] Ms Thomson's BOE had been pre-circulated.

[189] Ms Thomson said she lived within 100 metres of the proposed store in Harakeke Street and she had been in the community for over 40 years. Ms Thomson noted the alcohol ban area and listed a number of sites within 1 kilometre. She said she believed there is a positive link between alcohol outlet density and alcohol harm in the communities.

[190] Mr Egden asked Ms Thomson about her concern with the pharmacy and medical centre and she would be aware neither had lodged submissions. Ms Thomson said they did not have time to oppose the application and go through the time consuming and at times intimidating process.

[191] Mr Egden suggested to Ms Thomson that she would have heard Mr Singh state that there would be no alcohol advertising visible from outside the store and the front would be frosted to a height of 1.5 metres. He asked if with these measures it would not stand out as a bottle store. She said she had observed the proposed store signage and she believes it does have quite an impact across the front of the store.

[192] Ms Thomson said from her job at a medical centre she was aware about managing methadone patients if there are signs of intoxication. She said it was a delicate balance.

[193] Ms Thomson then talked about a number of issues she had experienced in the area. Her shed had been burgled, her car stolen, a window broken to steal a car stereo. In March a near neighbour was burgled and possessions including the contents of their alcohol cupboard were stolen. She said there was definitely alcohol harm in their community. Ms Thomson also noted the assault of two men in Riccarton.

[194] Mrs Redstone asked if Ms Thomson could link the instances she outlined to the purchase of alcohol in the area. Ms Thomson said she could not as that would be hard to prove.

The Evidence of Dr Gordon

[195] Dr Gordon's BOE was pre-circulated.

[196] Mr Egden renewed his objection to hear Dr Gordon's evidence as an expert. The Chair reiterated that as the Committee wanted to hear Dr Gordon's evidence it could be accepted under section 207.

[197] Dr Gordon outlined her credentials and also outlined the procedures she undertook to undertake her study on sexual harassment experienced by students at Christchurch Girls High School.⁴ She said many of the events happened out on the streets around the school with Riccarton Road a focus due to bus routes, shopping, places to gather and eat and so on.

[198] Dr Gordon outlined several instances recorded in her report.

[199] Dr Hawarden asked if her only involvement was with Christchurch Girls High School. Dr Gordon said since 2018 she had been working with communities who want to oppose alcohol licences.

Submissions of the Waipuna/Halswell-Hornby –Riccarton Community Board

[200] This submission had been pre-circulated.

[201] Mrs Broughton spoke as a representative of the Community Board and outlined the area. She noted the area to the North of the proposed site as being an area with high levels of home ownership and residents who placed a high value on the amenity of their surroundings. Mrs Broughton said the South side of Riccarton had a much higher level of deprivation with nearly 40% of the housing being rental accommodation.

[202] Mrs Broughton said in the Board's experience anti-social behaviour can be more prevalent in low-income areas where there are higher rates of social and low cost housing. She noted that Christchurch Girls High School and Christchurch Boys High School were within

⁴ Survey of sexual harassment Christchurch Girls High School. June 2021.

1 kilometre and there were three centres of worship. She also said Riccarton Road is one of Christchurch's busiest transport corridors.

[203] In the submission was listed a number of items that needed to be considered under section 105. These included the liquor ban, the location next to a pharmacy and medical centre, concerns regarding traffic, a likely increase in anti-social behaviour, an increase in litter, vulnerable people in the area, the number of liquor outlets in the area, and the normalisation of alcohol to vulnerable people.

[204] Mrs Broughton said the Community Board supports the objectors.

The objectors granted status who did not appear

[205] A number of objectors did not appear at the hearing to present a submission or to have their submissions tested.

[206] These include Mr Hawarden, Mr & Mrs Peacock, Mr Ram, Mr Samuels, Mr Cassidy, Ms Anderson, Ms Kelman, Ms Buchenham.

[207] The Committee read all of those submissions, however as these objectors were not available to be cross examined at the hearing, minimal weight could be given to those objections.

[208] Mr Sayer, a pharmacist near one of Mr Singh's other stores, wrote a letter supporting Mr Singh but he did not appear at the hearing. Again, minimal weight was able to be given to Mr Sayer's letter.

Closing submissions

Mr Ferguson – the Licensing Inspector

[209] Mr Ferguson pointed the Committee to *Police v Absolute Caterers*⁵ – it reinforces a previous decision that controls should not be oppressive or excessive. He said the Act acknowledges a certain degree of harm will eventuate; the Committee needs to decide

⁵ New Zealand Police v Absolute Caterers Ltd [2013] NZARLA 946.

whether that harm will be more than minor. There must be evidence to support a precautionary approach.

Dr Hewison – Counsel for Objectors (RBKRA & Ms R Thompson)

[210] Dr Hewison said the Authority has allowed the Committee to take into consideration deprivation and the application must be declined if found to meet just one criteria.

[211] Dr Hewison said under amenity and good order where there are pockets of high levels of deprivation the standard of suitability goes up. The objectors say that this high standard has not been met for this applicant at this location at this time. He noted the Mandeville Reserve and Mr Johnson’s evidence.

[212] Dr Hewison said the Liquorland premises within 200 metres presents problems with price competition. On compatibility Dr Hewison pointed the Committee to *St Joseph’s School v Bottle O*.⁶ Dr Hewison said the Police evidence was for a reduced radius and the Committee should rely on the objectors’ evidence.

[213] On suitability, Dr Hewison said employment issues are live and there have been licences refused for failure to meet employment obligations. He suggested the applicant was not forthcoming on how many staff he would employ with a wage bill that adds up to \$55k. He said the applicant admitted his accountant may have made an error.

[214] Dr Hewison also questioned the suitability of undertakings particularly around mainstream beers and craft beer. Dr Hewison said it would be more appropriate for no single sales of a drink under \$6.

Mr Egden – Counsel for the Applicant

[215] Mr Egden said consented conditions for Mr Singh’s store at Redcliffs included no sandwich boards or flag signs, signage restricted to the name of the store, the front area screened with frosted glass to 1.5 metres high and CCTV installed, staff to check for litter daily

⁶ St Joseph’s School Pleasant Point v Singh Trading Ltd [2021].

and collect and dispose of it. The same conditions can be imposed on this application. The applicant would also leave an undertaking for no singles sales of mainstream beers or RTDs.

[216] Mr Egden said Dr Hewison attempted to cast doubts on suitability due to employment issues. He said the \$55k in the cashflow document did not include the applicant or his wife.

[217] Mr Egden reminded the Committee that representatives of the agencies, all experienced in their field, did not oppose the application. He said there were 12 objectors and only three appeared at the hearing. He would have thought with the size of Riccarton it would be reasonable to assume that if there were serious issues related to alcohol there would be a large number of objectors. He submitted that fears and concerns raised in other applications have proved to be unfounded.

[218] Mr Egden said the main area of concern in Riccarton was the commercial middle area with the bus station and the mall and the student area. He said Police took a 300-metre radius because the middle zone would create a false impression.

[219] Mr Egden said the Authority has said parking and traffic congestion are not matters that go to amenity. On current and future levels of vandalism there was not a lot of evidence. Mr Simons did produce some photos that mainly related to litter. There were some people drinking in Mandeville Reserve but no evidence of intoxication. On sensitive sites, Mr Egden submitted if there were real concerns they would have objected. Mr Egden also submitted that the proposed store is not an in-your-face bottle store and with the applicant's responsible management of the store a person under the influence of alcohol or drugs would not be served.

[220] Mr Egden submitted that the sale and supply of alcohol will be done appropriately and in an orderly fashion. While there is some evidence of crime in the area there is little/no evidence that this is caused by excessive consumption of alcohol. The issues raised by objectors fall into the category of fears and concerns.

[221] Mr Egden said the Act seeks a balance between s105 and any future harm and this ought to be dealt with at renewal. He said the Act looks to minimise alcohol related harm.

Site visit

[222] The Committee all visited the site individually and the Chair visited the site and surrounding streets twice.

[223] We/Chair visited the Mandeville Reserve and also walked past the Liquorland store and looked at the whole of Riccarton Road to get an understanding of the suggested three distinct areas. We also noted the car parking at the front and the rear of the building and drove into Jane Deans Close.

Evaluation and findings under s 105 and s 106 of the Act

[224] The role of s 105 and how it is to be approached in relation to applications has received plenty of judicial attention⁷. The approach, when considering the licence application, is succinctly summarised as follows:⁸

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?

[225] The duty to “have regard to” requires that we turn our mind 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 decide.⁹ In *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123, Clark J summarised the applicable principles in respect of the renewal of a licence, however, they apply equally to a new licence:

(a) There is no presumption that an application will be granted.¹⁰

(b) The DLC, and the Authority, after having regard to the criteria in the Act, is then to step back and consider whether there is any evidence indicating that granting the application will be contrary to the object in s4 of the Act. The test is as articulated in *Re Venus NZ Limited* above.

⁷ *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.

⁸ *Re Venus NZ Limited* at [20] and *Auckland Medical Officer of Health* at [60] see Westlaw NZ, SA 105.02.

⁹ *Foodstuffs (South Island) Ltd v Christchurch City Council* (1999) 5 ELRNZ 308, [1999] NZRMA 481 (HC)

¹⁰ *Christchurch Medical Officer of Health v G and J Vaudry Limited* [2016] 2 NZLR 382 at [54].

(c) The application of rules involving onus of proof may be inappropriate,¹¹ and similarly, there is no onus on the reporting agencies to prove the application should not be granted;

(d) The criteria for the issue of licences, and for renewal, are not to be interpreted in any narrow or exhaustive sense. The Authority (and DLC) may take into account anything, which from the terms of the statute as a whole, appears to be regarded by the legislature as relevant to conditions and the terms on which they should be granted;

(e) The Authority is not required to be sure that particular conditions will reduce alcohol abuse. We are entitled to apply the equivalent of the precautionary principle in environmental law. If there is a possibility of meeting the statutory objective, then we are entitled to test whether that possibility is a reality.¹²

[226] Further, the evaluative function is an assessment of risk.¹³ Clark J said at [43]

“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”.

The Type of Premises

[227] Before dealing with the s105 factors we have considered the question of whether we are authorised to issue an Off-licence for the type of retail premises proposed. An Off-licence may only be issued to specified types of premises.¹⁴ One of those is for a “retail premises” where in the opinion of the licencing committee at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for the consumption elsewhere.

[228] The applicant has said they will sell, other than alcohol, chips, chocolates, nibbles, peanuts soft drinks and cigarettes. He said he is aware of s32 and he will ensure that at least 85% of his sales revenue is to be from the sale of alcohol for consumption elsewhere.¹⁵ He said he meets this criteria at his other stores and will meet it at Riccarton.

¹¹ And see *Lower Hutt Liquormart Limited v Shady Lady Lighting Limited* [2018] NZHC 3100 at [39].

¹² *My Noodle Ltd v Queenstown Lakes DC*. [2009] NZCA 564.

¹³ *Lion Liquor*.

¹⁴ SSAA, s32(a)-(f), which includes hotels, taverns, retail premises, supermarkets, grocery stores and manufacturers of alcohol.

¹⁵ SSAA, s32(b).

[229] Mr Singh has advised us that he does not intend for this store to join a franchise and for it to be an independent store, similar to his Redcliffs store. He said he would not be able to compete with the supermarkets and he intended to stock a more up market range of products. Asked to explain upmarket he gave examples of wine over \$30 per bottle and Gin in the \$75 - \$90 range. He thought about 30% of turnover would be higher end. He expected 10% to 20% of his turnover would be RTDs. We have relied on the applicant's undertaking not to sell single cans or bottles of mainstream beers or single cans of RTDs.

Section 105 evaluation

Section 105(1)(a) - the object of the Act

The Object of the Act is as follows:

Object

(1) The object of this Act is that—

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and**
- (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.**

(2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—

- (a) 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**
- (b) 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 of a kind described in paragraph (a).**

[230] There are two arms to the Object of the Act and both must be met. In terms of the first arm we need to 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 eliminate altogether.¹⁶ In *Lion Liquor Retail Limited*, 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 on the basis of clear evidence showing a link between availability of alcohol and alcohol related harm”.

¹⁶ 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].

[231] 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 harm.¹⁷ ‘Harm caused by excessive or inappropriate consumption’ is defined broadly in s4(2) to include harm in the form of crime, damage, disorderly behaviour, illness or injury to individuals and to society generally and includes direct and indirect cause or contribution to harm.

[232] Counsel for the applicant accepted that alcohol can cause harm and that this is the reason why the legislation is in place. We return to the Object of the Act after having regard to the other s105 factors.

Section 105(1)(b) - suitability of the applicant

[233] There is no opposition from the Agencies regarding Mr Singh’s suitability. It is acknowledged that in those circumstances it is difficult for Objectors to mount a successful case against an applicant’s suitability.¹⁸ It is of course not impossible but the evidential threshold is high.

[234] Ms Thomson and Dr Hawarden list suitability of the applicant in their initial objections, which were almost identical. Both said Mr Singh did not know the area well and had not contacted local residents. Dr Hewison also raised employment issues mainly due to some confusion over the cash flow document produced by Mr Singh.

[235] We accept that Ms Thomson’s and Dr Hawarden’s knowledge of the area, after living there for 40 years and 25 years respectively, will be superior to most people however we feel Mr Singh does have at least some connection to the area. He had previously worked in the area, including at the service station next to the proposed site, he attends a Sikh Temple in the area most Sundays, and he shops in the mall and eats at the food court. After prompting from Mr Egden, Mr Singh said he was advised by his lawyer not to contact the objectors as it can often be seen as trying to influence the objectors.

¹⁷ Alcohol related harm is defined in s5 to mirror that in s4(2) of the Act.

¹⁸ British Isles Inn Limited NZ LLA PH406/2006.

[236] We accept Mr Singh has considerable experience in the industry, initially as an employee, and from 2016 as an owner/operator of his Papanui store, later adding his Redcliffs store. Mr Singh advised us that the licence at his Papanui store has been renewed twice without any public objections and his Redcliffs store has been renewed once without public objections.

[237] We were also impressed with Mr Singh's offer to have himself or one of his staff to check for litter within approximately 100 metres of the store each day, including the Mandeville Reserve and the Jane Deans Pergola. He has given an undertaking that he/they will pick any litter on a daily basis within approximately 100 meters of the store including Mandeville Reserve and the Jane Deans Close Pergola.

[238] Mr Singh advised us that he had had a spot check by MBIE of his employment records and was advised he has everything in order. We accept the matter raised by Dr Hewison regarding the cash flow statement was more of a misunderstanding as the fine print at the bottom of the document stated it was to cover one full-time and one part-time employee. Mr Egden clarified that Mr Singh and his wife were not included in those figures.

[239] In our opinion Mr Singh is suitable to hold an Off-licence for this premises in this location.

Section 105(1)(c) - any relevant Local Alcohol Policy

[240] There is no relevant Local Alcohol Policy (LAP).

Section 105(1)(d) - the days on which and the hours during which the applicant proposes to sell alcohol

[241] The applicant proposes the hours of 9am to 10pm, which is less than the statutory default hours. Mr Singh noted in his evidence that while these would be the maximum hours he believed it is likely that the full extent of these hours would not be utilised on a regular basis.

[242] Mr Ferguson advised the hearing the hours for the nearby Liquorland store were 7.00 am to 11.00 pm.

[243] We have reflected on the proposed trading hours and have formed an opinion that the impact on good order and amenity would be no more than minor.

Section 105(1)(e) - the design and layout of any proposed premises

[244] Mr Singh provided a copy of a plan of the premises with his application. Also included was an artist's impression of the proposed outside advertising to be placed on the building above the entranceway to the store.

[245] Mr Singh also advised us that the window area would be frosted to a height of 1.5 metres, there would be no product advertising from the outside of the store and there would not be any external sandwich boards or flags. He said the only outside advertising would be the name of the store.

[246] The issues raised by the objectors were not related to the internal layout but centred around potential for unsightly bollards and screens and signage. There was also some discussion on privacy issues with Mr Singh's proposed security camera.

[247] We have relied on Mr Singh's assurance that he did not see the need for bollards and screens at the front of the building due to the amount of traffic that uses Riccarton Road. Some issue was made at the hearing on the possible privacy issues related to the 16 security cameras that Mr Singh intends to install including face recognition cameras. We note Mr Singh's advice that he had discussed the cameras with the technician. No evidence was produced on breach of privacy issues. The Committee is not skilled in this area but expects Mr Singh to take advice in this area and meet the appropriate laws as set by Parliament.

[248] We also note Mr Singh's advice that the rear doors will not allow public access.

[249] We are satisfied that the proposed configuration is safe and allows for visibility of customers entering the store and the proposed screening will limit external exposure of alcohol to passers-by, particularly children. We have had regard to the undertakings given about security and also about the frosting of windows, no exterior advertising of product and

signage. We find that these matters ought to be conditions of the licence under s117 of the Act rather than simply recorded as undertakings.

[250] In terms of the extent of screening and exterior advertising, we require the condition to be expressed so that the stock within the store is not displayed in a manner so as to be visible on the Riccarton Road façade. That means that alcohol can be displayed against the Riccarton Road façade behind frosted glass, up to a height of 1.5 metres, but not above the frosting.

Section 105(1)(f) – whether the applicant is engaged in the sale of goods other than alcohol, low alcohol refreshments, non-alcoholic refreshments and food, and if so, which goods:

[251] As retail premises the applicant is limited to selling 15% of non-alcohol product. In our evaluations, we accept Mr Singh’s assertions that he will meet this requirement just as he says he does at his other two stores.

[252] Section 105(1)(g) – whether the applicant is engaged in, or proposes on the premises to engage in, the provision the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food , and if so which services.

[253] We are satisfied that Mr Singh will not be providing any services other than the products as per section 105(1)(f) above.

Section 105(1)(h) - 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

[254] 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.

[255]] Section 106 of the Act sets out the matters we are to have regard to when forming an opinion that the amenity and good order of the locality would likely be reduced, by more than a minor extent, by the effects of the issue of the licence.

S106 Considering effects of issue or renewal of licence on amenity and good order of locality

(1) In forming for the purposes of section 105(1)(h) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to—

(a) 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:**
- (iii) the number of premises for which licences of the kind concerned are already held; and**

(b) the extent to which the following purposes are compatible:

- (i) the purposes for which land near the premises concerned is used:**
- (ii) the purposes for which those premises will be used if the licence is issued.**

[256] In *Progressive Enterprises Ltd v North Shore City Council* (2005) 11 ELRNZ 421, [2006] NZRMA 72 (HC), the Court considered the meaning of “minor” in the context of the Resource Management Act 1991 and concluded that it must bear a meaning consistent with the general policy of participation which lies at the heart of the Resource Management Act. The Court considered that the dictionary senses of “petty”, “comparatively unimportant”, “relatively small or unimportant ... of little significance or consequence” captured the legislative purpose. In *Re Wino NZ Ltd* [2014] NZARLA 227 the word was considered in the context of this Act. The application related to a proposed Off-licence to be situated opposite a church. The Authority said at [12] that:

“...the fact that St Matthew’s Church is across the road from the proposed premises needs to be taken into account and the Authority recognises that already the church grounds and adjacent alleyway are used by undesirable persons for unacceptable activities. Nevertheless, it seems unlikely that if this application is granted there will be any significant increase in the problems experienced by the church authorities”.
[emphasis added]

[257] Some Objectors raised concerns about the increase in parking and traffic generated by the premises. We note that the premises is zoned for commercial activity and a bottle store

is permitted in the zone. Parking and traffic congestion issues are not of themselves relevant to our inquiry.¹⁹

[258] We do have some concerns regarding the drinking in Mandeville Reserve, however we do note it is already a liquor ban area and from the evidence presented to us the number of persons drinking appears to be about four. Both Mr Johnson and Dr Hawarden said they had not witnessed intoxication there. The Committee is surprised that authorities have not been contacted to ask those drinking in the Reserve to move on.

[259] We also see the offer of the applicant to collect rubbish on the Reserve and within 100 metres of the proposed site, if a licence is granted, as reducing the risk of an increase in litter.

[260] We have carefully considered the general locality of the area firstly taking the Police's view that an area of 300 meters from the proposed store would be more appropriate due to the very different nature of Riccarton Road as it heads west and we have considered the area up to around 1 kilometre of the site. We were mindful of the so-called pockets of high deprivation on the South side of Riccarton Road although we were not presented with any evidence of alcohol harm except for Dr Gordon's evidence. We do presume that where there is high deprivation levels there will be alcohol harm. We accept that Dr Gordon's evidence/report for CGHS is concerning however it is related more to alcohol harm generally rather than specifically to this store²⁰.

[261] We have taken the view that Riccarton Road is one of the main arterial roads in Christchurch carrying over 25,000 vehicles each weekday and as such acts as a significant buffer from the proposed store to those living on the South side of Riccarton Road. We have therefore decided 300 metres is a suitable distance to consider.

[262] The area to the North of the proposed store is an area of low deprivation and is therefore a less vulnerable community in terms of harm.

¹⁹ *PKNG Limited v Fluger and Horowhenua District Council* [2019] NZARLA 38 [72] – [81]. Parking and Traffic Congestion are not matters relevant to amenity and good order under s106 of the Act. Traffic safety issues may be relevant considerations under s4 see PKNG at [69].

²⁰ *Townmill Ltd v Alcohol Wise Hurunui Inc* [2021] NZARLA

[263] We believe the area along Riccarton Road to the West is a commercial area with the mall and the bus exchange approximately a kilometre away. We also accept the Police evidence that their calls for service are heavily weighted to the mall and the bus exchange.

[264] We have therefore considered the amenity and good order of the proposed site to a radius of about 300 metres.

[265] Our deliberations have involved consideration of sensitive sites and in particular the medical centre and the pharmacy in the same building as the proposed store, the place of worship immediately across the road in Harakeke Street and the pre-school. We can only presume that the medical centre, the places of worship and the pre-school had no major concerns as they did not file an objection.

[266] The location of the pharmacy required more thought. The pharmacist, Mr Ram, did file an objection but did not attend the hearing. His untested objection advised us his client base included a disproportionate high number of Afghan families and mental health patients. We are satisfied that the measures Mr Singh intends to take with the frosting of the windows of his proposed store, there being no visible product advertising together with his proposed policies not to serve intoxicated persons (alcohol or drugs) and to strictly enforce his policy of not to sell to under age persons or those in school uniforms even if they are over 18 years of age, the amenity and good order of the locality is not likely to be reduced by more than a minor extent.

Section 105(1)(i) - 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.

[267] We do not find this to be the case. As expressed earlier the main arterial road acts as a significant buffer to those living to the South of Riccarton Road and the area to the north is of a very low deprivation level.

Section 105(1)(j) - whether the applicant has appropriate systems, staff, and training to comply with the law

[268] The agencies have raised no issues in this area and we are satisfied with the plans Mr Singh has for the proposed store.

Section 105(1)(k) – any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103

[269] The application was not opposed by the District Licensing Inspector, the New Zealand Police or the Medical Officer of Health.

[270] The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence

[271] We have not done so.

Object of the Act

[272] 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 as a whole. The sale of alcohol is not prohibited, but it must be undertaken safely and responsibly and minimise alcohol related harms. For that reason, we must undertake a careful evaluation of this application against the matters identified in s105 and 106 of the Act. This includes having regard to the Object of the Act in s4. 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. It is not our role to find that because alcohol causes harm in society there should be no more liquor outlets. The Act contemplates that even if alcohol can be sold safely and responsibly, harm may result from excessive or inappropriate consumption.²¹ The requirement is that alcohol related harm is minimised, not eliminated.

²¹ Dr Alistair Humphrey v Cathedral Grammar Friends Group and Martin Ferguson [2019] NZARLA 9 at [67].

[273] We find that the experience of the applicant and his proposed systems and training and undertakings given are such that alcohol would be sold safely and responsibly.

[274] In our assessment of the risk of alcohol related harm in this community we have had regard to all the evidence presented to us and in particular the so-called pockets of high deprivation to the South of Riccarton Road and the sensitive sites identified by the objectors. We have, however, formed the view that the risk profile of this part of Riccarton is not so vulnerable that it cannot sustain the introduction of a premises of the kind proposed by the applicant. We are satisfied that the proposed screening and limitation on advertising will minimise their exposure to the sale of alcohol.

[275]] Standing back and considering the matters in s105 of the Act, we are satisfied that any alcohol related harm from the excessive and inappropriate consumption of alcohol that may be attributed to the introduction of this licenced premises will be minimal.

Conditions and undertakings

[276] We have in our summary of evidence recorded various undertakings given by Mr Singh in relation to how he intends to conduct his business. We accept those undertakings and have factored them into our evaluation. Some matters are also capable of being conditions under s117 of the Act and we have included these as conditions where reasonable and not inconsistent with the object of the Act.

[277] We have relied on the description of how Mr Singh intends to operate his business and his explanations in his evidence. In particular, we note that he intends to target higher end customers and that he will always maintain his margins and thus avoid any chance of a price war.

[278] We note that this licence is issued for a 12-month period in the first instance and this is generally considered as a probationary period. Upon renewal the applicant can expect that all aspects of the operation of the store will be reviewed by the Agencies and the DLC. We expect the Inspector on renewal to comment on compliance with each of the conditions and undertakings given.

Decision

[279] Accordingly, having had regard to the matters in section 105 and 106 of the Act and for the reasons above we grant the application as we are satisfied that the grant of an off-licence for a period of 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.

Discretionary conditions – section 116 (1)

- (b) The following steps must be taken to ensure that the provisions of the Act relating to the sale 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 on 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 concerned are observed:
 - (i) Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application.

Compulsory conditions – section 116 (2)

- (d) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day.
- (e) Alcohol may only be sold or delivered on the following days and during the following hours:
 - (i) Monday to Sunday 9am to 10pm.

- (f) Water will be freely available to customers on the premises while alcohol is being supplied free as a sample on the premises.

Section 117 – Other Discretionary conditions

- (g) The licensee must implement and maintain the steps proposed in the Host Responsibility Policy attached to the application aimed at promoting the responsible consumption of alcohol.
- (h) There shall be no advertising of alcohol attached to the exterior of, or visible from outside, the premises.
- (i) No flags or sandwich boards shall be used to advertise alcohol product or the business.
- (j) Signage is restricted to the Riccarton Beer, Wine and Spirits business name.
- (k) The licensee shall ensure that the glass frontage facing Riccarton Road and rear entrance facades are screened with frosted glass to a minimum height of 1.5 metres measured from the ground area in front of the building, front and rear.
- (l) No alcohol product shall be stored or displayed against the front or rear interior glazed façade in a manner that is visible from those walking or driving past the store.
- (m) The licensee shall install CCTV security to operate inside and outside the store and any such CCTV security measurers shall meet New Zealand's privacy laws.
- (n) Staff will check for litter daily in the general area or 100 metres around the store, including the Jane Deans Close Pergola and the Mandeville Reserve, and they will collect and dispose of any litter, alcohol-related or otherwise.
- (o) Any security grill installed at the rear of the store, as outlined by Mr Singh shall be installed on the interior of the store.

- (p) There shall be no sales of alcoholic products under \$6.00. This condition does not negate the undertakings given regarding singles sales of RTDs and mainstream beers.

Section 119 – Restricted or supervised areas (other)

- (q) The whole of the premises is designated as supervised.

Other restrictions and requirements

- (r) Section 56 – Display of signs
- (s) Section 57 – Display of licences
- (t) Section 214 – Manager to be on duty at all times and responsible for compliance

[280] 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 a licence.

DATED at CHRISTCHURCH this 5th day of May 2022



David Blackwell, QSM
Chairperson
Christchurch District Licensing Committee