

9 May 2023

Notice of Decision of the Christchurch District Licensing Committee in the matter of an application by JMP CHRISTCHURCH HOLDINGS LIMITED for a new Off=Licence pursuant to section 100 and of the Sale and Supply of Alcohol Act 2012 ('the Act') in respect of premises situated at 33 Lincoln Road, Christchurch known as 'Merchants Liquor Lincoln Road'.

Tēnā koutou,

Following the hearing of the above application on 29 March 2023, please find enclosed the decision of the Christchurch District Licensing Committee ('the Committee').

Decisions of the Committee may be subject to appeal under section 154 of the Act. Any party to the proceedings before a licensing committee who is dissatisfied with the decision may appeal to the Alcohol Regulatory and Licensing Authority (ARLA). Further to section 155 of the Act, such an appeal must be made within 10 working days after the date this notice of decision is given – it has been given by email to the applicant and agencies who appeared at the hearing or requested a copy.

Please find below a link to the relevant area of ARLA's website:

<http://www.justice.govt.nz/tribunals/alcohol-regulatory-and-licensing-authority/appeals-to-the-alcohol-regulatory-and-licensing-authority>

Please contact me if you have any queries.

Nāku nā

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

AND

IN THE MATTER OF an application by JMP CHRISTCHURCH HOLDINGS LIMITED for an Off-Licence in respect of premises situated at 33 Lincoln Road, Christchurch to be known as 'Merchants Liquor Lincoln Road' (formerly 'The Liquor Store')

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: Mrs M Redstone
Members: Mr G Clapp
Ms T McIlraith

HEARING at CHRISTCHURCH on 29 March 2023

APPEARANCES

Mr J Young – Counsel for the Applicant
Mr R Suri – representing JMP Christchurch Holdings Limited - Applicant
Dr L Gordon – Counsel for the Objector (Shearer)
Ms V Shearer – Objector
Ms A Brokenshire - Objector
Mr W Morris – on behalf of Licensing Inspector – to assist
Ms P Williams – on behalf of the Medical Officer of Health – to assist and supporting Objectors
Sergeant D Robertson and Constable G Jolliffe – NZ Police – to assist

RESERVED DECISION OF THE COMMITTEE

INTRODUCTION

[1] This is an application by JMP CHRISTCHURCH HOLDINGS LIMITED (referred to as 'the Applicant Company' or 'the Applicant' hereafter) for an Off-Licence in respect of premises situated at 33 Lincoln Road, Christchurch to be known as 'Merchants Liquor Lincoln Road' (formerly 'The Liquor Store'). The application was received by the Christchurch City Council Alcohol Licensing Team on 28 July 2022 and by the Christchurch District Licensing Committee ('the Committee') on 22 November 2022.

[2] The Applicant company is owned by Marut Suri, Tania Kochher, and Raghav Suri. Marut Suri and Raghav Suri are also the directors.

[3] The application states that the nature of the business is that of a bottle store.

[4] The Applicant has sought the following trading hours:

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

(a) These hours are less than the default maximum trading hours for an Off-Licence. ¹

[5] Nine public objections were received within the required timeframe. Six of these were presented by Mr Paul McMahon (an active member of Communities Against Alcohol) and were in a computer-generated tick-box format. The other three objectors represented sensitive sites in the area. They were regarded as having a greater interest than the public generally and therefore had status. Two of these objectors appeared at the hearing.

[6] The application drew no opposition from either the Inspector or the Police. The Medical Officer of Health ('the MOH') supported the community concerns and reported in opposition.

[7] A preliminary matter as to the status and validity of the licence was raised by an objector. Mr Wade Morris, Legal Counsel, Christchurch City Council, represented the Inspectorate at the hearing. He explained the position and referred to a legal opinion sought. Following input from Counsel for both the Applicant and the objector, the Committee reached the conclusion that there was a valid and current licence in place and the hearing would proceed on that basis.

[8] The Committee members each undertook a visit to the locality to assess the surroundings prior to the hearing. The Committee also conducted a site visit of the premises on 5 April 2023. They found the premises to be clean and tidy having been freshly painted in the Merchant Liquor livery. The staff were pleasant and helpful. The Committee was satisfied with the layout of the premises. The surrounding area was clean and tidy and made up of some older housing and businesses and some new, with a large new housing area having arisen immediately adjacent to the location in the years following the Christchurch earthquake.

THE APPLICANT

[9] Mr John Young appeared as Counsel for the Applicant. He submitted that as this application is for a licence for premises that is of the same kind as the licence currently in force for those premises the ground for an objection may not relate to any matter other than the suitability of the applicant. This is pursuant to sections 102(4) and 102(4A) of the Sale and Supply of Alcohol Act 2012 ('the Act'). He acknowledged that in terms of suitability, this would include the "extended" definition of suitability if the locality in which the premises is situated is considered vulnerable and/or deprived. Mr Young

¹ Section 43 of the Sale and Supply of Alcohol Act.

submitted that his client met that extended suitability and referred to several cases in support of his submission for the consideration of the Committee.

[10] Mr Raghav Suri, a Director and Shareholder of the Applicant Company, gave evidence on behalf of the Applicant. Mr Raghav Suri had only been appointed as a director and shareholder after the Off-Licence application had first been submitted. The directors and shareholders listed in the original application were his brother, Mr Marut Suri, and his brother's partner, Ms Tania Kochher. He said the reason for this recent change in company structure was that when setting out to purchase a business with his brother he had sought legal advice and had been advised that he could not be a director and/or shareholder of a company in New Zealand due to limitations on his visa. It was accepted that this advice was not accurate. However, Mr Raghav Suri relied upon it and therefore waited until he became a New Zealand citizen. On 27 September 2022 he became a director and shareholder of the Applicant Company (notified to the Licensing Inspector on 29 September 2022).

[11] Mr Suri has a National Diploma in Business Management (level 7) and has approximately 7 years of experience working in the alcohol industry in New Zealand, managing bars and bottle stores. He has been managing the Lincoln Road premises since it opened in June 2022. He produced a CV outlining his experience and the responsibilities he had undertaken.

[12] Mr Suri's statement of evidence was taken as read. It was a comprehensive summary of his background and experience together with the experience of staff who had been employed. He acknowledged that his brother Mr Murat Suri had very little experience in the hospitality industry and Ms Kochher had no experience. It was not intended that Ms Kochher would work in the business.

[13] Mr Suri had carried out research in the Lincoln Road locality and had identified potentially sensitive sites. He outlined the systems and staff training and addressed issues raised by objectors in their notices of objection. He concluded that he and his brother were two young professionals who want to become involved in the local business community in Christchurch, and who have experience in management. He said they are committed to the safety of the community and achieving the outcomes of the Act.

[14] Mr Suri was questioned closely by the Police and Counsel for Ms Shearer (one of the objectors) about his association with Mr Ravinda Arora, the previous owner. Mr Arora's criminal history and history of migrant exploitation have been well publicised. Mr Suri advised he had worked in several of Mr Arora's bottle stores in the North Island.

[15] At the hearing, a suggestion was made that he was trying to hide his association with Mr Arora as he had not included some of his employment history in his CV. Mr Suri responded that it was not his intention to hide anything, and he had only included the positions he had held since working in a full-

time capacity. He had not included part-time positions he had held while studying. Mr Suri was also questioned about his relationship with Mr Arora by the Committee. In response to a question by the Chair, Mr Suri said he had never done any administrative work or undertaken any administrative training while working for Mr Arora.

[16] Mr Suri was asked about his knowledge of the local area around the premises and about its vulnerability and deprivation. In particular, he was asked about the premises' proximity to Hillmorton Hospital, which has inpatient and outpatient facilities for those with mental health issues and alcohol-related issues. He said he had not had direct contact with the objectors, as he did not want to be seen as attempting to influence them. He said he was, however, willing to meet with them and other businesses in the area, to listen to their concerns and assess what additional steps could be taken by both the Applicant, and its staff, to minimise alcohol harm in the locality. The Committee notes the Applicant would do well to understand the objectors' concerns for the wider surrounding community and should continuously reflect on the responsibility placed on them in operating an off-licence in this area.

[17] The Police asked Mr Suri whether vendor finance was used for the purchase of the business. He advised that there had been and that money was still owing for stock. This has been repaid on a monthly basis since the purchase of the business in June 2022. There are two payments remaining, being one in April and one in May 2023. After this all ties with the previous owner will be at an end. Confidentially, and on the basis that they were not to be distributed further, the Applicant produced bank statements to the Committee and Agencies which confirmed this.

THE INSPECTOR

[18] Mr Morris represented the Inspectorate to assist the Committee. The Inspector who originally dealt with the application no longer works at the Council. The Committee was also assisted by updated information provided by Licensing Inspector, Hamish Little. The Inspector's report was taken as read.

[19] The Inspector confirmed that no issues have arisen with these premises since the Applicant took over running of it some nine months ago.

THE MEDICAL OFFICER OF HEALTH

[20] Ms Paula Williams appeared as the MOH representative in opposition to the application. The MOH opposed the application on the grounds of the vulnerability of the population, increased by the proximity of Hillmorton Hospital.

[21] Ms Williams advised that the Hospital provides services to people with the most serious mental health and addiction conditions across Canterbury and the South Island. She referred to the written objection of Dr Greg Hamilton, General Manager, Specialist Mental Health Services, Te Whatu Ora

Health New Zealand - Waitaha. This service is based at Hillmorton Hospital. Ms Williams agreed with the Committee that it was unfortunate Dr Hamilton did not appear at the hearing as his knowledge of the hospital campus and future services to be provided would have been beneficial to the Committee. His written objection did not show any evidence of harm arising from these premises, and was more general in nature, except to the extent that he noted the access to Hillmorton Hospital is from Lincoln Road, close to the subject premises, as are the hospital block providing inpatient and outpatient services including alcohol and other detox services.

[22] Ms Williams further noted that the hospital campus is under redevelopment and set for an increase in services in the future.

[23] In her report, Ms Williams said that she had visited the Applicant's premises and assessed it for compliance as part of her inquiries. She said the Duty Manager was very responsive to her recommendations to move alcoholic shots from the point-of-sale counter and to not stock any further supplies of the alcohol-mixed energy drinks, *Nitro* and *Charged*. In her evidence, Ms Williams acknowledged that the appointment of Mr Raghav Suri as both a hands-on director and qualified duty manager, together with the appointment of other experienced duty managers, had alleviated concerns about the lack of experience of the Applicant's director and shareholders in the original application. She was not aware of any problems that might reflect upon the Applicant's suitability for licensing.

[24] In her closing submissions, Ms Williams stressed the vulnerability of the area particularly in relation to the Hillmorton Hospital, and questioned whether it remains appropriate to allow the bottle store to continue to operate in this area. She noted the extended threshold to be met by applicants for licences in vulnerable areas, while at the same time noting that:

"Raghav Suri presented as a well-assured young man who answered questions directed to him in a manner that suggested both knowledge of the Act and a willingness to explain himself and his plans for success as a businessman".

THE POLICE

[25] Sergeant Dave Robertson and Constable Graeme Jolliffe appeared on behalf of the New Zealand Police to assist the Committee.

[26] Sergeant Robertson questioned the Applicant about how the business was financed and as to Vendor finance. These questions were responded to, partly at the hearing and partly by bank statements provided confidentially following the hearing. Sergeant Robertson advised that he was satisfied with the information provided.

[27] Police provided data over a three-year period showing alcohol-related incidents in the area. It was noted that there had been a decline in incidents since 2020, however, this had to be seen in the context of Covid-19 lockdowns during that time period. From the data received it was noted that most incidents, by some considerable measure, occurred at around 11.00pm. This led the Police to support an earlier closing time than the proposed 11.00pm. The Committee notes that most other similar businesses close at 10.00 pm on Thursdays, Fridays, and Saturdays, and earlier on other days of the week.

[28] In response to questioning, the Police advised that they were unaware of alcohol issues either in relation to patients of Hillmorton Hospital or in the community generally that could be directly attributed to this premises.

THE OBJECTORS

[29] As stated above there were nine public objections received within the statutory timeframe. Six of these were presented by Mr Paul McMahon in a computer-generated tick-box format. The Committee notes that an A4 page encouraging residents to object to the application, and offering free assistance to make objections, had been distributed throughout the area by Communities Against Alcohol Harm at the time the application was made. Despite all the adverse information provided, it would appear only six residents wished to register an objection. Only one of those, Mr Jeff Grace, wished to appear at a hearing. Unfortunately, Mr Grace tested positive to Covid-19 just prior to the hearing and was unable to attend.

[30] The other three objectors represented sensitive sites in the area and were regarded as having a greater interest than the public generally and therefore had status. Two of these objectors appeared at the hearing. The other objection, that of Dr Hamilton, has been referred to at paragraph [21] of this decision.

[31] Dr Liz Gordon on behalf of Ms Vanessa Shearer, presented opening submissions. She referred the Committee to several cases which supported the Objector's submission that the Licence should not be granted.

[32] Ms Shearer had the authority to speak on behalf of Village Health. Village Health, a medical practice, is located at 30 Lincoln Road, Christchurch, and has been open for approximately three and a half years.

[33] Ms Shearer's objection to the grant of a licence relied on: the mid to low socio-economic demographic reflected in the surrounding neighbourhood; the proximity of Hillmorton Hospital; the association between the Applicant and the previous owner; and, the harm caused by alcohol generally.

[34] In support of her objection, Ms Shearer spoke of a large number of objections to the previous owner obtaining a licence. It is noted here that there was never a hearing for the previous owner's licence application. The premises operated on a number of temporary authorities prior to being sold to the current Applicant. She also noted the type of work undertaken by Village Health. Ms Shearer highlighted sporadic issues with amenity and good order in the locality with evidence of drinking in the Village Health carpark overnight. She advised that gates had now been installed to prevent overnight access to the carpark. She also spoke of the practice seeing a lot of patients with alcohol-related issues.

[35] Ms Shearer expressed concerns about clients of Hillmorton Mental Health Services. She noted in her verbal evidence that she had seen, on at least one occasion, people coming out of the hospital grounds, going to the bottle store, and returning to sit at a table near the hospital to consume products they had purchased at the bottle store. That table and seating had now been removed.

[36] In cross-examination, Ms Shearer said she was unable to produce any photographs in support of her evidence.

[37] Ms Shearer called a witness, Mrs Dianne Messenger. Much of Mrs Messenger's evidence related to the licence and the contention that there was no base licence. This was dealt with at the start of the hearing and is referred to above at paragraph [7]. In addition, Mrs Messenger produced deprivation maps of the area. These maps and the information attached to them were produced back in 2017/2018 and Mrs Messenger was vague in her response to questions about the current position. A visit to the surrounding area shows a lot of the housing in the immediate locality surrounding the premises is new. However, it is accepted that there are some pockets of deprivation within the locality and several sensitive sites.

[38] Ms Ann Brokenshire, the Principal of Hillmorton High School, spoke generally of alcohol issues encountered within the school community. Her observations, while helpful and of concern to the Committee, were of a general nature and it was noted there are other bottle stores in closer proximity to the school than this one. She did not attribute specific alcohol harm to this bottle store.

[39] It is unfortunate that the Committee was unable to hear from Dr Hamilton and note that his objection mainly centred on misuse of alcohol and the harm it caused in the community in a general way. There was no evidence provided as to specific issues arising from the location of this premises, or indeed other premises located even closer to the Hospital. The Committee was not provided with any expert opinion as to how future health units to be located on the site would, or indeed may, be affected by the premises.

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

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

[41] The role of section 105 of the Act and how it is to be approached in relation to applications has received plenty of judicial attention.² The approach, when considering the licence application, is succinctly summarised as follows:³

“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?”

[42] The duty to “*have regard to*” requires that we turn our minds to the listed criteria. We are required to give them “*genuine attention and thought*”. The weight to be attached to each is a matter for us to decide.⁴ 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.

[43] Further, the evaluative function is an assessment of risk.⁵ 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 object of the Act*

[44] The object of the 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 minimized.

[45] The Act further states that the harm caused by the excessive or inappropriate consumption of alcohol includes -

² [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.

³ *Re Venus NZ Limited* at [20] and *Auckland Medical Officer of Health* at [60] see Westlaw NZ, SA 105.02

⁴ *Foodstuffs (South Island) Ltd v Christchurch City Council* (1999) 5 ELRNZ 308, [1999] NZRMA 481 (HC).

⁵ *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123.

- (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 behavior, illness, or injury of a kind described in a) above.

[46] We keep those objects at the forefront of our minds in considering the application.

[47] 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.⁶ 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 based on clear evidence showing a link between availability of alcohol and alcohol-related harm."*

[48] Our role is an evaluative one, and we need to have regard for the extent to which granting a licence with conditions should minimise alcohol-related harm.⁷ There is a presumption built into the Object of the Act that excessive and inappropriate consumption of alcohol causes harm i.e., harm caused by *excessive or inappropriate* consumption of alcohol.

[49] *'Harm caused by excessive and inappropriate consumption'* is defined broadly in section 4(2) of the Act to include harm in the form of crime, damage, disorderly behaviour, illness, or injury to individuals and to society generally and includes direct and indirect cause or contribution to harm.

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

- *The suitability of the applicant*

[51] As canvassed earlier, there were issues raised as to Mr Raghav Suri and several staff who have worked for Mr Arora and also for Nekita Enterprises Limited. However, that of itself does not preclude the Applicant from being suitable to hold a licence. As noted, in response to a direct question from the Committee, Mr Suri advised he had taken no part in the administrative running of Mr Arora's business,

⁶ 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].

⁷ Alcohol related harm is defined in s5 to mirror that in s4(2) of the Act.

and neither had he received any training from Mr Arora on how to run a business. The only remaining association with Mr Arora was the two payments (due to be made in April and May) for stock. The Applicant explained at the hearing that the only reason for accepting vendor finance was purely from a business perspective in that the interest charged was lower than what would have been charged for a similar advance from a bank.

[52] The Committee is satisfied having heard the evidence, received answers to numerous questions, and having received banks statements in response to a request made by the Police, that there is no association with, or continuing influence on the business by, Mr Arora once the final repayment is made to him in May.

[53] The Committee, at the start of the hearing, concluded that this application fell within sections 102(4) and (4A) so that the grounds for an objection may not relate to any matter other than the suitability of the applicant. The Committee acknowledges that: the experience of the Applicant; the way it intends to operate; and, its response to minimising harm in a vulnerable community, run to the required 'extended' threshold of suitability that applies to applicants seeking to operate in areas with a higher risk of alcohol-related harm.

[54] In final submissions, Counsel for the Objector submitted that Mr Suri did not demonstrate a sufficient understanding or knowledge of the Hillmorton area, or the risks and responsibilities associated with operating an off-licence in this location. Counsel relied on the decision in *Lower Hutt Liquor Mart Limited v Shady Lady Lighting Limited*⁸. In the *Shady Lady* decision the High Court expressed a view that the vulnerability of an area raises the threshold of suitability in terms of whether the grant of the licence will result in a reduction or increase in alcohol-related harm. Furthermore, in terms of limiting the risk of alcohol-related harm, the vulnerability of an area makes it important that managers understand the risks associated with the sale and supply of alcohol.

[55] The Committee is of the view that Mr Raghav Suri's experience in the industry, together with: the business management studies he has undertaken; the fact that no issues have come to the notice of the Inspectorate or the Police in the 10 months in which he has been managing the premises; the fact that Police records show that he has been quick to report issues rising in stores in which he has worked; and, the thorough business plan and staff training procedures presented with the application, indicates that he is a suitable person to hold a licence. Although Mr Murat Suri (the other Director of the Applicant Company) has little experience in the alcohol industry, he is keen to move to Christchurch with his partner and take a greater interest in the administrative side of the business. He has recently received a promotion in his current position, showing responsibility and a good work ethic. Similarly, Ms. Tochner's background of working in the area of health and wellbeing in areas of vulnerability and

⁸ *Lower Hutt Liquor Mart Limited v Shady Lady Lighting Limited* [2018] NZHC3100

deprivation (as set out in her CV attached to the application) was noted by the Applicant as being helpful in their assessment of dealing with vulnerabilities within the community. The Committee, therefore, finds the Applicant company suitable to hold an off-licence.

- *Any relevant local alcohol policy*

[56] Much to the Committee's disappointment, there is currently no local alcohol policy active in Christchurch.

- *The days on which, and the hours during which, the applicant proposes to sell alcohol*

[57] The Applicant has applied for hours of 10.00am to 11.00pm, which are within the default maximum trading hours. However, the Committee notes the Inspectorate and Police recommendation in this regard. Given the vulnerability in portions of this community and increase in Police callouts to alcohol-related issues in the locality after 10.00pm in the evening, the Committee will impose a condition that the premises will close at 10.00pm.

- *The design and layout of any proposed premises*

[58] There are no concerns with the design and layout of any proposed premises and the Committee considers that the proposed plan to deal with any security issues are satisfactory.

- *Whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods and services:*

[59] The Applicant currently sells cigarettes, vapes and other smoking products. The Committee, without restricting sales, expresses concerns at the additional security threat associated with the sale of such products. The offer of a condition that these products will not be displayed and will be stocked in a closed cupboard is noted by the Committee.

- *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:*

[60] 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."

[61] Section 106 requires that when the Committee is considering whether the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of this licence, it must have regard to:

- (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.

[62] This application falls within section 102(4) and (4A) of the Act and therefore amenity and good order is not a consideration for the Committee in relation to this application. Having said that, the Committee has considered amenity and good order in so far as it affects suitability and is of the view that it would be unlikely to be reduced, to more than a minor extent, by the effects of the issue of the licence.

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

[63] The Applicant produced very thorough records of systems, staff, and training to comply with the law.

DECISION

[64] Accordingly, having regard to the matters in sections 102(4) and (4A) and sections 105 and 106 of the Act in so far as they are applicable to this application, together with the evidence and submissions of the Applicant, the Agencies and the Objectors, the Committee grants the off-licence for a probationary period of one year subject to the conditions listed below. This will allow for monitoring of the Applicant's ability to sell and supply alcohol in a locality containing sensitive sites and some pockets of deprivation in a manner consistent with the objects of the Act.

The Licensed Premises

- (a) The premises are identified on the plan provided with the application for a licence. It is noted that the Applicant has undertaken to install bollards near the front corner of the building within three months of the off-licence being issued.

Restricted and Supervised Areas - section 147(2)

- (b) The licensed area is designated as a supervised area.

Discretionary conditions – section 116 (1)

- (c) 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.
- (d) 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 and supplied within the area marked on the plan submitted with the application.

Compulsory conditions – section 116 (2)

- (e) No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
- (f) Alcohol may only be sold or delivered on the following days and during the following hours:
 - (i) Monday to Sunday, between the hours of 10.00am and 10.00pm.
- (g) Drinking water is to be freely available to customers, while alcohol is being supplied free as a sample on the premises.

Section 117 – Other Discretionary Conditions

- (h) There will be no flags or sandwich boards outside the premises and no product and/or price advertising on the exterior of the premises.
- (i) Vapes and cigarettes will not be displayed and will be stocked in a closed cupboard.
- (j) There will be no sales to people in school uniforms regardless of their ability to produce ID.
- (k) There will be no single sales of beer, wine, cider, or spirits (including RTDs) priced at less than \$6.00.
- (l) There will be no sales of alcohol-mixed energy drinks such as Nitro or Charged.
- (m) There will be no sales of products from broken packages.
- (n) There will be no sales made using any form of "after pay".

Conditions applying to all remote sales and supply of alcohol

- (o) The following information must be displayed on the internet site in a prominent place, in any catalogue used by the licence holder, and on every receipt issued for any alcohol sold via the internet site.
 - (i) The licence holder's name, the licence number, and the date on which the licence expires.
 - (ii) A copy of the licence or a clearly identified link to such image must be displayed in a prominent place on the internet site.
- (p) The following steps must be taken to verify that people are over the purchase age:
 - (i) In the case of an order made using an internet site, telephone order, or physical order – The prospective buyer must declare that he is she is 18 years of age or over (and where the prospective receiver is involved that the prospective receiver is also 18 years of age or over)-
 1. Once, when the prospective buyer first commences the order process; and
 2. Again, immediately before the sale of alcohol is completed.

Other restrictions and requirements

- (q) Section 56 – Display of signs
- (r) Section 57 – Display of licences
- (s) Section 59 – Requirements relating to remote sales by holders of off-licences.
- (t) Section 214 – The manager to be on duty at all times and responsible for compliance.

[65] The licence shall be issued for one year.

[66] 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 9th day of May 2023



Merelyn Redstone
Chairperson
Christchurch District Licensing Committee