

Decision Number: 60F [2025] 24574

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

AND

IN THE MATTER OF an application by **R KUMAR ENTERPRISE LIMITED** for a new Off-Licence in respect of premises situated at **420 Colombo Street, Christchurch** to be known as '**Merchants Liquor Colombo Street**'

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Hearing: Horoeke Room Riccarton Centre, 199 Clarence Street, Christchurch

Committee

Chairperson: Mrs Merelyn Redstone

Members: Ms Dianne Morrison
Mr Barry Vaughan

Appearances: Mr A N Riches, Counsel for the Applicant
Mr Ravinder Kumar, Director of the Applicant
Mr Ravinder Singh, Shareholder of the Applicant
Dr L Gordon, Counsel for two Objectors
Mr John Minto
Ms Bronwyn Summers
Mr James Reid, Licensing Inspector, to assist.

Decision: 18 March 2026

RESERVED DECISION OF THE COMMITTEE

Introduction

[1] This is an application by **R KUMAR ENTERPRISE LIMITED** ('the Applicant') for a new Off-Licence. The premises is situated at 420 Colombo Street, Christchurch, and is to be known as '**Merchants Liquor Colombo Street**'. The application was received on 9 September 2025.

[2] The Application results from a change of ownership. The Applicant is currently trading under a Temporary Authority pursuant to Licence 60/OFF/81/2024. The Applicant has sought the following trading hours:

Monday to Sunday, between the hours of 10:00am and 9:00pm

[3] The application was publicly notified and remained on the Council's website for a minimum period of 25 working days.

[4] A supervised designation is sought.

[5] The Christchurch Local Alcohol Policy (LAP) came into effect in 2025. It is noted the premises are not within an area restricted by the LAP but does sit within a permanent alcohol ban area. The Licensing Inspector recommends that should the Committee grant this application the applicant display clear signage of the liquor ban, including the penalties for breaches of the ban.

[6] The Applicant accepts the conditions placed on the previously held licence for this premises but has requested the removal of the "no cigarettes/vapes" condition.

[7] The Medical Officer of Health (MOH) provided a report dated 6 October 2025 in which she noted that there is an electronic billboard on the roof of the building. The MOH opposed the previous application in part due to the use of this electronic billboard to advertise alcohol products. Opposition was withdrawn when the advertising was withdrawn. The MOH holds a similar position in relation to the current application.

[8] Four public objections were received within the required timeframe. Of those Objectors Mr Minto and Ms Summers, together with their witnesses Mr McMahon and Ms Fowler gave evidence.

[9] The application was not opposed by the District Licensing Inspector, Mr James Reid¹. However, Mr Reid appeared at the hearing to assist.

¹ Inspector's report 30 October 2025

[10] The New Zealand Police² and the Medical Officer of Health (MOH)³ provided reports to assist the Committee. The Police and Medical Officer of Health were excused from attending the hearing. They made themselves available to answer any questions that may have arisen in the course of the hearing.

[11] The District Licensing Committee (DLC) members undertook a site visit on 20 February 2026.

[12] A hearing of the application took place on 27 February 2026. Evidence was heard and submissions received on behalf of the Applicant, and the Objectors.

Submissions and Evidence

[13] All submissions and Briefs of Evidence were taken as read with each presenter being given the opportunity to highlight important aspects of submissions and evidence.

[14] Mr Riches opened on behalf of the Applicant highlighting that 420 Colombo Street is located in a commercial area on a busy main road. The area contained a number of adult-focused businesses and no sensitive sites in the immediate vicinity, whilst acknowledging a number of sensitive sites within the wider area surrounding the premises. There is a very low residential population in the immediate area. He referred to the Christchurch Local Alcohol Plan and noted the premises is not situated within an area in which it is recommended that no further licences should be issued but is situated within a Liquor Ban area which he felt should give some comfort to the Objector. He noted proliferation was not a stand-alone ground for objection but a matter for the Committee. The proposed premises were adjacent to the City, with other bottle stores located at some distance, and separated by main arterial routes, with the only other closely located businesses selling alcohol being boutique in nature.

Mr Ravinder Kumar

[15] Mr Kumar spoke of his qualifications and experience in the industry. He currently works hands on in the business and is the most experienced of the two directors. He started working in the industry in a restaurant in 2012 and obtained his Duty Manager's Certificate. He worked at Super Liquor Woodend for five years managing the day-to-day operation of the store.

² Police Report

³ MoH Report 6 October 2025.

[16] Mr Kumar indicated the store is not performing as they had hoped so in addition to working at the premises he does contract truck driving on an as and when required basis.

[17] In response to a question Mr Kumar said the Agreement for Sale and Purchase had been subject to obtaining a Temporary Authority to sell pursuant to the substantive licence for the premises. He appeared to be surprised to find that a Temporary Authority does not mean a new licence will be granted even though that is specifically set out in the Temporary Authority document.

[18] He said the business has not encountered any concerns with homeless people in the area. He said there remained some graffiti on buildings in the area that had yet to be redeveloped following the Christchurch Earthquake.

[19] Mr Kumar said he wished to increase sales through marketing. However, he admitted that his marketing plan covered a wide and unrealistic area of Christchurch.

[20] Mr Kumar was questioned by the Committee at length as to an outward facing advertisement having been displayed on the window of the premises and a photograph showing that appearing on the business's Facebook page. The Committee was unable to ascertain exactly how long the advertisement was in place, although Mr Kumar contended it was only for a short time, maybe a day.

[21] Mr Kumar was also questioned about sales of alcohol made through Uber Eats. The Committee accepted that the Uber Eats advertisements were provided by the Merchant Liquor Franchise and once it was realised some of the pricing went against conditions of the licence for the Colombo Street premises, these advertisements were removed from the Uber Eats site.

[22] Mr Kumar was asked what efforts he had made to understand the issues in relation to alcohol-related harm in the surrounding area. Apart from making contact with immediate business neighbours no effort had been made to reach out to the wider community.

[23] Following discussion about the appropriateness of wording of advertising on the premises and on the fence facing Lawson Street, particularly the one advertising "Over 40 Discounted Products", the Applicant undertook to discuss other options with the Franchisee.

Mr Ravinder Singh:

[24] Mr Ravinder Singh gave evidence of his limited experience working in the alcohol industry. It was noted by the Committee that his CV appeared to overstate his experience and could well have been appropriated from someone else's CV or, as Mr Singh put it, "there because he was considering applying for bar work". However it occurred, the Committee notes the importance of applicants being honest with the Agencies. To be granted a Licence or Manager's Certificate is a privilege, not a right.

As noted in **In DeeJay Enterprises**⁴ the Authority said at page 6:

"The "guiding hand" or "hands-on operator" of any company, or the potential holder of a General Manager's Certificate, now receive greater scrutiny from both the police and other reporting agencies. Character and reputation are closely examined. The law and human desires of patrons frequently tug in different directions. The police cannot be everywhere. Little but a licensee's or manager's character and suitability may stand between upholding the law and turning a blind eye. Self-imposed standards in accordance with the law must be set by licensees and by holders of General Managers' Certificates who control and manage licensed premises.

The Objectors:

[25] Dr Gordon opened for the Objectors referring to the Object of the Act together with the Amenity and Good Order of the area, noting a high crime rate. She referred to the premises being within a Liquor Ban area. She highlighted the issues with outward facing advertising have been displayed and the sale of cheap alcohol through Uber Eats, both contravening the Conditions of the original licence.

Mr John Minto and Ms Bronwyn Summers

[26] Mr Minto and Ms Summers raised issues as to suitability because of the breaches mentioned in paragraph 25 above. They also gave a helpful description of the area in which they live and the issues faced by those that live within the area in terms of high deprivation needs and alcohol-related harm.

[27] They were concerned about the applicant's expressed wish to expand their sales and how that would affect the area in which they live. They felt the area was well-served with licences, while accepting that this application relates to change of ownership of an existing premises rather than an additional one. They had not seen much reduction of alcohol harm since Big Daddies had closed on the corner of Brougham Street and Waltham Road.

⁴ In DeeJay Enterprises [Re Millward LLA PH531/97, PH532/97]

[28] They accepted that some of the small parks where alcohol-related issues had been noted at the time of the first application for this premises no longer existed but pointed to there being homeless people living on the streets near the premises.

[29] They were supported in their objection by Ms Fowler who produced statistical data which she said came from the internet rather than any knowledge she has personally of the area, she being a resident of Auckland but employed there by Communities Against Alcohol Related Harm.

[30] The witness, Mr McMahon, being involved in local politics, was able to give the Committee a good picture of what was happening in the wider community surrounding the premises. His concerns were mainly with the breaches traversed above, particularly the selling of very cheap alcohol through Uber Eats. He accepted that the Applicant had taken action to remedy the breaches and to ensure they will not happen again.

Ms Frances Young:

[31] Ms Young was unable to attend the hearing at the last minute. The Committee read her objection and noted her concerns.

The Licensing Inspector:

[32] The Licensing Inspector, Mr Reid, gave evidence of his knowledge of the breaches that had occurred since the applicants had been working under the Temporary Authority. We accepted that these were errors which had been rectified quickly once raised with the Applicant. As soon as the breaches were raised he had met with the Applicants.

[33] Following questions from the Committee Mr Reid agreed that he was unimpressed with the CV provided by Mr Ravinder Singh, but felt this arose from naivety rather than a blatant attempt to deceive. He said that having met with the applicants and having heard the evidence produced at the hearing, he found that the applicants had a genuine wish to succeed in the running of the business and continued to be of the view that the Applicant was suitable to hold a Licence.

Closing Submissions

[34] The Committee received and read the closing submissions of the Inspector, Counsel for the Objectors and Counsel for the Applicant.

[35] Dr Gordon, for the Objectors, highlighted the breaches and also the inaccuracy of Mr Ravinder Singh's CV which goes directly to suitability. This was not raised by the Objectors

at the hearing, but rather it was raised by the Committee. Dr Gordon raises as an issue "competitive" pricing. The Committee is comfortable with competitive pricing provided it does not breach any of the conditions placed on a licence.

[36] Mr Riches, for the applicant, pointed to their being no opposition from the Agencies, the fact that the store is existing and has been trading under Temporary Authorities for six months. He accepted Mr Singh's inexperience and noted that he has been working under Mr Kumar's supervision. Mr Riches acknowledged that the breaches raised at the hearing were not helpful to this application but submitted they do not impact the consumption of alcohol safely and responsibly or cause excessive or inappropriate consumption of alcohol. The Committee accepts these submissions, noting that breaches were short-lived and minor in considering the Object of the Act and any alcohol-related harm.

[37] The Committee thanks Counsel and the Inspector for their references to related cases, which have been helpful in reaching a decision.

Considerations of the Committee

[37] Having considered the Application together with 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.

[38] Firstly, the Committee notes the location of the premises within an Alcohol Ban Area but outside of any area prescribed in the Christchurch LAP as being one in which no new licences should issue.

[39] We have listened to the Applicant and noted the concerns of the Objector and acknowledge the research undertaken and provided to the Committee. The Committee also publicly acknowledged the work undertaken by Mr Minto and Ms Summers to address inequities in their community and to assist those in need of support.

[40] The Committee cannot ignore public objections simply because the Agencies have not raised any opposition to the granting of the licence. We have to be able to identify facts that are directly relevant from the material presented. As the Alcohol Regulatory and Licensing Authority said in *Mangere-Otahuhu Local Board v Level Eighteen Ltd* [2014] NZARLA PH 627-228:

“The decision of the DLC must be based upon some material that tends logically to show the existence of facts consistent with the finding and that

the reasoning is supportive of the finding. The reasoning of the DLC and the inferences drawn from the facts, need to be logically available to the DLC.”

[41] We therefore proceed to evaluate the evidence presented using the approach outlined by the High Court in *Otara-Papatoetoe Local Board v Joban Enterprises Limited CIV 2011-404-007930 [2012] NZHC 1406*:

“the Authority is required to undertake an evaluative exercise. An appropriate framework would involve, in no particular order, consideration of:

- (a) the criteria set out in s35 (1);
- (b) the reports presented by the Police and Inspector....,
- (c) Public objections...”

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

[42] The role of section 105 and how it is to be approached in relation to applications has received plenty of judicial attention.⁵ The approach, when considering the licence application, is succinctly summarised as follows:⁶

“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?”

[43] 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.⁷ 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.

[44] Further, the evaluative function is an assessment of risk.⁸ 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**

[45] The object of the Act is that -

⁵ *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.

⁶ *Re Venus NZ Limited* at [20] and *Auckland Medical Officer of Health* at [60] see Westlaw NZ, SA 105.02

⁷ *Foodstuffs (South Island) Ltd v Christchurch City Council* (1999) 5 ELRNZ 308, [1999] NZRMA 481 (HC).

⁸ *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123.

- 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.

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

- a) Any crime, damage, death, disease, disorderly behavior, 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.

We keep those objects to the forefront of our minds in considering the application.

[46] 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.⁹ 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.*”

[47] Our role is an evaluative one, and we need to have regard to the extent to which granting a licence with conditions should minimise alcohol-related harm.¹⁰ 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.

⁹ 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].

¹⁰ Alcohol related harm is defined in s5 to mirror that in s4(2) of the Act.

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

[49] 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***

[50] The Committee accepts the view of the Inspector that some of the information contained in the CV of one of the Directors likely arose from naivety rather than a blatant wish to deceive. The Committee was satisfied with the evidence of Mr Kumar, and under his guidance we find that the Applicant is a suitable entity to hold a Licence. Both shareholders hold Manager's Certificates and have completed the LCQ course. Both undertook to continue to seek out opportunities for advanced training within the industry and the Committee notes Mr Ravinder Singh would do well to work alongside a suitably qualified Duty Manager for a period of time to ensure he is able to undertake his duties responsibly.

- ***Any relevant local alcohol policy***

[51] As noted the issue of a licence in this locality does not contravene the Christchurch Local Alcohol Policy.

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

[52] The Applicant seeks hours of 10:00am to 9:00pm 7 days a week. Those hours are within the national default hours for an Off-Licence and consistent with the Christchurch LAP.

- ***The design and layout of any proposed premises***

[53] A visit to the premises by the Committee showed a well set out, clean store with excellent cover by security cameras with a screen placed in a position where it was highly visible to anyone serving behind the counter. There were no dump stacks and the store was easy to navigate.

- ***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:***

[54] The Applicant sells food items such as chips, nuts, packeted nibbles and fizzy drinks. Although the Applicant has applied to have the condition removed in relation to the sale of tobacco and vapes, there was evidence of these products being available for sale within a short distance of the store and the Committee saw no reason to remove the Condition.

- ***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:***

[55] 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.”

[56] 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;

[57] The locality was described as a commercial area situated to the south of the main City area. There are very few residents living in the area. The area was badly affected by the 2011 Christchurch Earthquake resulting in numerous empty buildings and vacant lots. "The Colombo" Centre, situated nearby, has been upgraded with some new businesses slowly being added to the area. The Objector did not produce any significant evidence specific to this application to support that amenity and good order of the locality had been reduced by the grant of the original licence and would be likely to be reduced, by more than a minor extent, by the effects of the issue of this Licence.

[58] The Applicant had engaged with some businesses in the immediate surrounding area. They would do well, in that respect, to understand the objectors' concerns for the wider surrounding community, together with the comments contained in the Police Liquor Ban Report, and should continuously reflect on the responsibility placed on them in operating an Off-Licence in this community.

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

[59] The Applicant has provided documentation which indicates appropriate systems, sufficient staffing and the provision of training to comply with the law. The Applicant follows the training plan provided by the Merchants Liquor Franchise and produced a training plan and a Host Responsibility Policy with its application. The Committee pointed out the importance of training records being maintained to the highest standard and available for inspection by the Agencies on any visit.

[60] The Committee noted from the evidence and Rosters produced the hours of work and break periods. The Applicant said a sign was put up and the business closed to allow for breaks. The applicant is referred to the legislation setting out paid uninterrupted work breaks and unpaid meal breaks, including when these are to be taken. The records of the Applicant show the rostered hours and hours worked as being the same, without the additional half hour for an unpaid meal break.

Decision

[61] Accordingly, having regard to the matters in sections 105 and 106 of the Act together with the evidence and submissions of the Applicant, the Agencies and the Objectors, and taking a precautionary approach given the observations noted above and the views of the Licensing Inspector, we are satisfied that the issue of a 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.

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 1pm on Anzac Day.
- (f) Alcohol may only be sold or delivered the following days and during the following hours:
 - (i) **Monday to Sunday, between the hours 10:00am and 9:00pm.**
- (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) Alcohol must only be sold and supplied on the premises in accordance with the premises plan submitted with the application.
- (i) The licensee must implement and maintain the steps proposed in Merchants Liquor Colombo Street Host Responsibility Policy¹¹ aimed at promoting the reasonable consumption of alcohol.
- (j) There shall be low-alcohol and alcohol-free products prominently displayed to promote responsible consumption of alcohol.
- (k) There will be no sales of single-serve RTDs or cider greater than 7.2% ABV (or beers from broken cartons).
- (l) No single sales of RTDs or cider under \$6.00 or beers under \$7.00.
- (m) No promotional sales of multiple single RTDs, cider or beers which would result in individual products being priced at under \$6.00 or under \$7.00 respectively.
- (n) No sales of 1 litre, PEP package alcohol containing caffeine and/or guarana.

¹¹ Attached to the application

- (o) No sales of cigarettes or vapes.
- (p) No sales will be made to young persons in school uniform regardless of their ability to produce ID.
- (q) No advertising of alcohol products attached to the exterior of, or visible from outside, the premises.
- (r) No sandwich boards shall be used to advertise the premises or goods for sale. One flag may be used displaying the Franchise logo.
- (s) The red "Liquor" sign hanging under the Merchants Liquor signs on the verandah above the store has been removed and will remain permanently removed.
- (t) No "afterpay" type facilities will be offered to customers.
- (u) Any remote sales of alcohol must be capable of being delivered to the purchaser prior to 9:00pm.

Conditions applying to all remote sales and supply of alcohol

- (u) 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.
- (v) 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/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

- (w) Section 56 – Display of signs
- (x) Section 57 – Display of licences
- (y) Section 59 – Requirements relating to remote sales by holders of off-licences.
- (z) Section 214 – Manager to be on duty at all times and responsible for compliance

[62] The licence shall be issued for 12 months to allow for further monitoring of compliance with the conditions of the Off-licence.

[63] 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 18th day of March 2026



Merelyn Redstone
Chairperson
Christchurch District Licensing Committee