

Decision No: 45/067/2018

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

AND

IN THE MATTER of an application by **K J & N CROWTHER LIMITED** pursuant to section 127 of the Act for renewal of an Off Licence in respect of premises situated 2 Beach Road, Paekākāriki, known as 'Finns Hotel'

BEFORE THE KAPITI COAST DISTRICT LICENSING COMMITTEE

Chair: Ms Fiona M Vining
Members: Mr Michael Dodson
Mr Trevor Knowles

HEARING at **PAEKĀKĀRIKI** on 8 June 2018

APPEARANCES

Mr Paul Radich (Counsel for the Applicant)
Asher Emanuel (Assistant to Counsel)
Nancy and Kevin Crowther (Directors of the Applicant)
Donald Polly
Sean Killilea

Objectors

Tina Pope
Anne Woodside
Sue Paton
Susan Cook
Louise Thornley
Rebecca Thomson
Mary Pollard
Anja Foley
Elizabeth Kennedy

Reporting agencies

Ms Vanessa Young (Regional Public Health representing Medical Officer of Health)
Ms Katherine McLellan (Inspector)

RESERVED DECISION OF THE COMMITTEE

Introduction

[1] K J & N Crowther Limited has applied for renewal of an off licence in respect of premises situated at situated 2 Beach Road, Paekākāriki, known as 'Finns Hotel'.

Preliminary procedural matters

- [2] The objectors, represented by Ms Tina Pope, sought an adjournment of the hearing as they felt that they had been disadvantaged by the process. She stated that there had been delays in providing information to objectors and poor advice about participation in the hearing. She noted that one of the key features of the Act was to allow communities to have their say about alcohol licensing in this area and sought an adjournment to allow objectors to adequately engage in the process.
- [3] In response, Mr Paul Radich, counsel for the Applicant, stated that Mr and Mrs Crowther are members of the community who respect very much the views of the community and wish to be as inclusive as possible. He noted that this process has been very stressful for them and that it is very difficult to be put in this situation. He stated that Mr and Mrs Crowther wanted to proceed with the allocated hearing. He submitted that section 202 of the Act provides 10 days' notice of the hearing date, therefore, more than enough time has been given already. He observed that the objections were clear and well written.
- [4] As stated orally at the hearing, there are two sides of this issue in terms of natural justice. The Applicants have the right not to have the hearing delayed unnecessarily while the Objectors should have sufficient time to prepare. The Committee is guided by legislation that ten days' notice of a hearing date is required. The Committee determined that it would be appropriate to proceed with the hearing, but that once all evidence had been presented it would consider whether there were gaps in the information needed by the Committee and make directions for the parties to be able to provide additional information if required.
- [5] A further matter was also raised on behalf of objectors, who submitted that the application should be dealt with under section 120 of the Act. This was on the grounds that the proposed new Off Licence area is substantially different from the current Off Licence and the manner in which alcohol will be sold will be different. Ms Pope submitted that an application for a variation should be made so the community can respond. She argued that as this is in effect a complete change under the Act, a variation is appropriate. She stated that the current objectors believe that this will find more objectors in the community and allow for more community involvement.
- [6] In response, Mr Radich submitted that section 120 deals with variations of conditions, which are something that is placed on an Off Licence as to the way in which it is to be operated. He stated that currently there are no conditions on the Off Licence that apply. He stated that fundamental to the point that is being made is that this is an application for a renewal of an Off Licence. The Off Licence that currently exists enables the Crowthers to sell and display alcohol in the premises. He submitted that they could have done what they want to do now this year or ten years ago. Notification of the proposed changes were given out of courtesy to let people know what they are planning.
- [7] He stated that there has been misunderstanding as to what is going to be in place. This is not going to be a liquor shop that has large signage. It will look as it does now and there will not be advertisements.
- [8] The Committee agrees that while there are currently conditions on the licence held by the Applicant, the renewal does not seek to vary any of these. Section 120 does not apply to this applicant. The On Licence is not being renewed at this time. The

licence specifically provides for this type of sale of alcohol. The Applicants have been able to sell and operate as an Off Licence in the previous licensing period.

The Application

- [9] The Applicant's evidence was provided by Mr Kevin Crowther and Mrs Nancy Crowther, who are the directors of the applicant company, K J & N Crowther Limited, Mr Donald Polly and Mr Sean Killilea, who is the Area Manager, South Island and Wellington Central, for The Liquor Centre.

Submissions of Mr Radich

- [10] Mr Radich submitted that the Crowthers wish to continue to be a strong and integral part of the community and to provide the social hub that they currently do. He observed that there have been multiple renewals of the licence and submitted that they have always been entitled to do what they are planning to do now.
- [11] He stated that unfortunately the cinema has not been supported by the community and that the business needs to be viable if they are to stay which is why they intend to convert that area to a larger off licence.
- [12] Mr Radich noted that the Police and Medical Officer do not oppose the renewal and submitted that following *British Isles Inn Limited*¹, it's going to be very difficult to find that the licensees are unsuitable as there is no opposition from the agencies.
- [13] Mr Radich referred to each of the criteria in section 131 of the Act. He submitted that each of the criteria is satisfied. He noted that Police, Health and the Inspector have not objected to the renewal nor raised any issues.
- [14] In relation to the criteria that are at issue in relation to the renewal, he submitted that the off licence has been operating for a decade. The changes to the layout will result in a better display and access will be through the on licence premises. He submitted that signage would be restrained and minimal and that alcohol available for sale in the off licence would not be visible from the outside.
- [15] He submitted that in relation to the criteria regarding amenity and good order, for a renewal, the committee needs to form an opinion on whether amenity and good order would be likely to be increased by more than a minor extent by the effects of refusing the licence. Further he stated that amenity and good order of the locality means the extent to which, and ways in which, the locality is pleasant and agreeable.
- [16] He submitted that the inspector records that there have been no noise issues with the premises and the Council has no record, including the Police reporting, of nuisance or vandalism incidents relating to the operation of the premises. He submitted that suggestions that refusal to renew would improve amenity and good order by more than a minor extent are speculative and inconsistent with the good record of the applicant.
- [17] In respect of the evidence and other matters raised in the hearing he submitted that a number of matters raised in objection are in the nature of opinion. He submitted that the rules of evidence apply, requiring that opinions are only given by people who have the right qualifications to give an opinion about the matter of an expert nature.

¹ NZ LLA PH 406/2006

He submitted that to the extent that matters raised in objection are in the nature of opinion there is a need for caution.

- [18] He concluded his opening submission with the statement that the application measures up well against each of the criteria in the Act and that the evidence before the Committee does not support the view that granting a renewal will, contrary to the object of the Act, increase the risk of alcohol abuse. The applicant sells and supplies alcohol in a safe and responsible manner and harm caused by the excessive or inappropriate consumption of alcohol will be minimised.

Evidence of Mr and Mrs Crowther

- [19] With the Committee's agreement Mr and Mrs Crowther gave evidence jointly. In this decision they have been collectively referred to as "the Crowthers".
- [20] The Crowthers live and work on the premises. They start work at 8.00 am, cleaning up ready for the day and do not finish until around 9.30 pm/10.30 pm. They first obtained an Off Licence for the premises in 2008. This was renewed after a year, then every three years after that as required.
- [21] The Crowthers explained that they are seeking to change the way they display the Off Licence liquor to continue to have a viable business. They are paying rent for a large area including the cinema but it is not contributing sufficiently to the turnover of the business.
- [22] They stated that in their view they take a responsible approach to sales of alcohol. They have had no trouble with the Police in the last 11 years, their staff are well trained and they can see everything that is going on. In response to questions, they acknowledged that they failed a controlled purchase operation a number of years ago shortly after purchasing the business. Given the time that has passed without incident since then, the Committee did not put any weight on this.
- [23] In their opinion, the Application is not inconsistent with the family friendly community in Paekākāriki. The hotel is a place where local people bring their families and children. It is being responsible in the sale of liquor.
- [24] The Crowthers stated that there would actually be less exposure than there is now as off licence sales would be moved to a separate space. They confirmed the windows on what is currently the cinema would continue to be blacked out minimising exposure from outside. They would be dealing through The Liquor Centre which means that they would need to have that name on the exterior, but it would be relatively small, with one on the side and one on the front. There would be no blue paint outside as they had to comply with the rules of the building's body corporate which required painting to tone in with the rest of the building. Following the hearing they provided a visual mock-up of how the exterior will look.
- [25] People will purchase from the Off Licence at the till in the new separate area not at the bar. It will be a larger area of alcohol display, but the chiller will take up most of the space. The number of staff working would vary depending on how busy it is.
- [26] The Crowthers stated that as far as they were aware the Police had never been called to a fight and that drunks do not come from Finn's Hotel. They stated that there had been one incident of offending recently involving the hotel, but that it involved money not alcohol.

- [27] The Crowthers are unsure how much their sales may increase with this change. They stated that they are hopeful that it will provide a little bit more income than what they get now. They have not written up a business plan nor developed financial forecasts. The outlay for making changes is not huge as they are already paying for rental for the space. As they are unsure what their sales will be they would not do this for substantial outlay. They are also unsure how their sales will change, but do not anticipate selling a high number of RTDs as they expect their clientele to be older. They are not targeting any one section of the community but expect customers to normally be from 35 years upwards rather than young people.
- [28] In their questions the Objectors raised concerns that the Crowthers were planning to renew the licence and sell the business. They stated that their concern is that it is unclear how suitable the new owners would be and that all the agreements that Mr and Mrs Crowther have made to try and minimise harm from the Off Licence might not be able to take effect with the new owners. The Committee explained to the objectors that in the event the business is sold, any new owner would be required to apply for a new licence at which time the new owner's suitability would be considered.
- [29] They did not go out to talk to people about what they are proposing, but had a number of conversations with people, particularly those who came into the hotel. They alerted the Council to the proposed changes and followed the proper process. They did make a request to the administrator of a local Facebook page to remove a thread discussing the possible change. Mrs Crowther stated that this was because some of the comments were very upsetting and there was speculation on matters that had not even been decided.
- [30] The Crowthers did not believe that sales at Finns would impact on community events, particularly those held at nearby St Peter's Hall. They noted that they do have people come in and buy alcohol when there is an event at St Peter's Hall, but they sell at retail. People come to dinner, but not a lot come in to drink and then go back to St Peter's Hall. If they are aware of local events they will make their staff aware of them.
- [31] They will refuse sales of alcohol as necessary but do not have a "banned list" as staff know those people. People do not consume alcohol on the street. They are not allowed to. The empty tins referred to do not relate to Finns as they are not products which they sell.
- [32] They are not aware of any incidents of noise, vandalism in and around their premises since 2007 when they acquired it.

Evidence of Mr Polly

- [33] Mr Polly stated that he has lived in Paekākāriki a little over thirty years. Before he lived in Paekākāriki he was a probation officer working in the area.
- [34] In Mr Polly's opinion, Paekākāriki has never had a serious issue with alcohol. He stated that it is well-controlled and that the only problem is young people on beach having parties.
- [35] In response to questions he stated that his views were based on his experience as a probation officer and where he lives. He was a probation officer from 1970-1973 and

moved to Paekākāriki in 1988. He stated that he also worked in Porirua and that they have serious problems there.

[36] He strongly supported that Application saying that Mr and Mrs Crowther were very responsible.

Evidence of Mr Killilea

- [37] Mr Killilea owns the Liquor Centre store in Raumati which is a stand-alone store and has operated it for four years. He is also the Area Manager, South Island and Wellington Central for Liquor Centre.
- [38] He stated that Liquor Centre is not a wholesaler but has agreements with companies (franchise groups) and does not offer cheaper prices. Liquor Centre provides signage, contracts, provides access to all the suppliers and buying rates, franchisees wear uniforms and Liquor Centre supply gift cards.
- [39] In response to questions from an objector around Liquor Centre requirements regarding the way stocks are displayed, advertising, branding, bags, franchise holders and advertising externally, he stated that Liquor Centre is the most flexible on requirements for franchisees. Operators can pretty much do what they like. They are completely flexible with advertising and operators can choose what they like on the exterior of the building. There is no requirement for “big colours”. He stated that the Upper Hutt store is unbranded. It is up to the owner what they would like.
- [40] Mr Killilea confirmed that the signage proposed in the application would meet the requirements of Liquor Centre.
- [41] In response to further questions, Mr Killilea stated that stores do not have a contract locking them in. They can leave at any time. Franchisees can choose whether to get the benefits of national advertising. If Liquor Centre runs a promotion stores may choose not to participate and may sell a product at a higher price than advertised if they wish to.
- [42] In a written statement provided after the hearing, Mr Crowther confirmed that the Applicant will not participate in Liquor Centre’s advertising and promotion activities.
- [43] Mr Killilea stated that his store closes at 9.30pm and has a primary target market of 30 – 50 year olds, both male and female. They make the most sales between around 4.00 pm and 8.00 pm.
- [44] He stated that RTDs are very popular and that around half his sale market is in spirits. He estimated that approximately 60% of RTDs have an alcohol percentage greater than 5%, but that there are still a lot around with a percentage of 5%.
- [45] Mr Killilea confirmed that the Liquor Centre has branded bags at present, however, they are phasing out branded bags due to cost. They are currently in the process of finding other options.

Objectors

Tina Pope

- [46] Ms Pope made an opening statement on the part of the objectors present at the hearing. She acknowledged the Crowthers were good people and acknowledged the role and commitment they have in the community. She stated that the objectors had had concerns about the possibility that the Crowthers would not be operating the business in future but that had been dealt with earlier in the hearing.
- [47] She stated that objections are based on the object of the Act, the design and lay-out of the premises and good order of the village in the context of the purpose of the Act that harm should be minimised. She noted that there are concerns that the substantial change of the set-up will mean more visibility and a greater volume of alcohol being sold. She submitted that increased access to the Off Licence is a risk for increased hazardous drinking.
- [48] She submitted that should the Committee grant the renewal of the Off Licence, the objectors are seeking conditions to the licence, if issued, relating to hours, new sales area being discreet, limits on exterior branding and branded bags.
- [49] Ms Pope was recently the Chair of the Paekākāriki School Board. In her objection, she referred to a study linking increased numbers of alcohol outlets with alcohol related harm². She was of the view that the planned extension would effectively create a new bottle store in Paekākāriki. She objected on the basis that allowing the application would not result in minimising alcohol related harm and on the grounds of a reduction in amenity and good order.
- [50] Ms Pope expressed that her primary concern is increased risk of harm to youth and children. Part of her concern arises from litter that is being found at the gardens, being RTDs and bottles. She sought a condition, if the license is granted, that there is minimal advertising, in particular to spirits and RTDs. This would be to minimise the increase in volume of alcohol sold.
- [51] Ms Pope stated that she supports the evidence of the other objectors

Rebecca Thomson (and Richard Ward)

- [52] Rebecca Thomson made a written objection together with Richard Ward. Ms Thomson spoke at the hearing. She works in the area of family violence, child abuse and neglect.
- [53] She stated that her original objection was under 105(1)(h) of the Act referring to amenity and good order. She stated that the special character of the village would change and that an increased and visible presence of alcohol would not contribute to Paekākāriki's "special character". It would be the first thing people would see.
- [54] She stated that under section 105(1)(a) of the Act harm caused should be minimised. In her view, the proposed extension does not support that section. She stated that

² The Relationship Between Alcohol Outlets and Harm: A spatial panel analysis for New Zealand, 2007-2014, Cameron, M.P., Cochrane, W., and Livingston, M, published by the Health Promotion Agency, November 2016, found at: <https://www.hpa.org.nz/sites/default/files/The%20relationship%20between%20alcohol%20outlets%20and%20harm.pdf>

hours of purchase and advertising, population density and the location of off-licensed premises each contribute to the increased likelihood of alcohol related harm.

- [55] Her evidence was that there had recently been two incidents with a police call-out.
- [56] She stated that she had first-hand experience of broken bottles on the street and regularly picks them up on a weekly basis. She was concerned that the availability of cheap alcohol after 9.00 pm would cause harm and increase exposure. In response to questions it became clear that Ms Thomson was not aware that the licensed hours for the premises would not increase.
- [57] She stated that Paekākāriki has a higher proportion of young people. They are vulnerable because of their age. She read out a statement from her young son.
- [58] In her view, the applicants' reason for extending the off-license part of the premises "to provide a choice of good beverages" does not take into account the number of licensed premises in Paekākāriki, which already provide choice. She stated that "choice" is not a reason for granting a renewal.

Sue Paton

- [59] Ms Paton has worked for 25 years in addiction and alcohol matters. She lives less than 1.5km away from the hotel.
- [60] In her evidence she referred to the increased availability of alcohol. She stated that competition drives price and that there will be more alcohol available in the community. She stated that advertising from 4 large windows would increase the risk to young people who comprise 22% of the village population.
- [61] She is concerned that there is a relationship between alcohol and harm in the community, which will increase. She does not want to see increased incidents of alcohol abuse. Her view is that with an On Licence it is a managed environment, but that with an Off Licence after patrons leave the premises there is no management.
- [62] She stated that there are six other locations selling alcohol. In her view, that is enough where there are only 1800 people. In response to a question she acknowledged that only two of those are off-licences.
- [63] She stated that amenity and good order will be reduced. And that community safety and the character of the village will be reduced. She referred to broken bottles at the bottom of her garden.
- [64] In response to a question about signage and advertising, Ms Paton acknowledged that some of the issues she had raised had been addressed earlier in the hearing. However, she stated that there will still be signage and that just having branding outside would be enough to draw people in. She stated that children will be exposed to more drinking off site and that is her concern.

Mary Pollard and Chris Pollard

- [65] Mary Pollard and Chris Pollard provided a written objection. Mary Pollard spoke at the hearing. She stated that she chose to live in Paekākāriki with her family because they perceived the village to be family-friendly. She is a mother of four children and

had moved to Paekākāriki about 18 months ago. She noted that due to their history her children would be particularly vulnerable and was concerned for them.

[66] She stated that she had substantially the same arguments as the other objections, and supported them.

Mr Dan O'Connell

[67] Mr O'Connell is a member of the Community Trust and the St Peter's hall committee. He was given leave to speak at the hearing as a witness for the objectors. He stated that his concern was that the bottle store could lead to some more youth and public drinking which would clash with private functions in the hall.

[68] He stated that the hall is the centre of the community and that around 50 to 60 events per year are hosted there. His concern was youth accessing alcohol, public drunkenness, the closing time of the hotel, about intoxicated people from the hotel crashing private parties in the hall.

[69] In response to a question about "gate-crashers" at events held at St Peters Hall, he stated that he is aware of a particular case over the last three weeks that there was a gate-crasher. He said that the person was not regular and that he was told from someone at the function that this person came from Finns Hotel. He did not give more specific detail. He acknowledged that if someone wants to have a drink prior to an event that they could purchase alcohol from either Finn's Hotel or the grocery store.

[70] The Committee asked how many of the 50-60 events per year would have alcohol supplied under a special licence. Mr O'Connell responded that they don't sell alcohol, but there is alcohol at some functions. Occasionally there were bar licences and that some people bring their own supplies of alcohol.

Susan Cook

[71] Ms Cook is an alcohol researcher for the Health Protection Agency. She was not appearing on behalf of the agency.

[72] She stated that hazardous drinking refers to an established pattern of drinking alcohol that carries a risk of harming the drinker's physical or mental health or having harmful social effects on the drinker or other and that the Ministry of Health reports that 66,000 people on the Kapiti Coast are hazardous drinkers. She stated that at least 74,000 people are defined as heavy episodic drinkers each month. She stated that this information came from the Ministry of Health website. In response to a question she clarified that reference should be to Capital & Coast DHB area rather than the Kapiti Coast.

[73] Ms Cook further commented that Paekākāriki has a younger population than the rest of the Kapiti Coast, with 22% aged under 15 years. She stated that young people under the age of 25 are significantly more likely to be risky drinkers than those aged 25+ years and that young people are more likely to report harms after drinking alcohol, including spending too much money on alcohol, driving a vehicle while being unsure how much they were under the influence, accidentally injuring themselves, getting into fights. She stated that many of these harms are not severe enough to be identified in many other official statistics.

- [74] Ms Cook stated that young people are more vulnerable to the effects of alcohol, submit to peer pressure, and to the social and physical effects of alcohol in developing their brain, and are susceptible to advertising of alcohol. She also stated that alcohol-related harms are related to interrupted social and psychological development in adolescence, mental health issues in all ages, family violence and chronic disease, including directly causing some types of cancer.
- [75] Ms Cook referred to the HPA study referred to by Ms Pope³ and submitted that alcohol outlet density were significantly associated with increased anti-social behaviour, violent offences and sexual offences in both high and low population areas and in areas of both high and low social deprivation.
- [76] She stated that off-licensed premises were significantly associated with increased drug and alcohol offences and motor vehicle accidents in low population areas such as Paekākāriki. A similar, but non-significant trend is seen in increased property damage events. She stated further that the addition of an off-licence outlet in Paekākāriki, such as on the one proposed in the application, has been predicted to cause an additional 12 violence events per year and that this highly significant association represents about an 18% increase in violence events in Paekākāriki village.
- [77] She stated that this data is based on detailed modelling for Paekākāriki, on demographic characteristics, and using Police and alcohol outlet data from every community across the North Island. The modelling was undertaken by Michael Cameron of the University of Waikato, but the modelling was not provided to the Committee and Mr Cameron did not appear to give evidence. Mr Cameron's email which was provided refers to an "additional off-licence".
- [78] Ms Cook further commented that granting this application for a new off-licensed bottle store would clearly increase harm in the community, and would submit families, neighbours and friends to an unfair and unethical 'experiment' type scenario where something harmful is instituted, and then the community is left to measure the harms so that they can argue that it is harmful.
- [79] Ms Cook stated that she objects to the licence under section 105(1)(h) because the manner in which the proposed off-licence will operate is significantly different from current operations, such that it is in effect a new type of off-licensed premise. She stated that section 131(b) mirrors section 105(1)(h) and so the objection is based on evidence that the amenity and good order of the locality would likely be reduced, to more than a minor extent, if this off-licence was to be granted.
- [80] She submitted that the objections demonstrated that granting this licence will be associated with increased further violence to more than a minor extent and that the addition of a bottle store is associated with anti-social behaviour, drug and alcohol offences and violent offences. The presence of crime will reduce the amenity and good order of Paekākāriki village.
- [81] She submitted that it is likely that lesser behaviours such as noise, vandalism, and property damage that are associated with or precede anti-social behaviour and violence offences, could also be expected in the future. She also submitted that her

³ The Relationship Between Alcohol Outlets and Harm: A spatial panel analysis for New Zealand, 2007-2014, Cameron, M.P., Cochrane, W., and Livingston, M, published by the Health Promotion Agency, November 2016

evidence clearly shows that the Act's objective of harm minimisation, that is alcohol-related harm reduced to the smallest amount, extent or degree, will not be met.

- [82] She submitted that if the committee decides to grant the licence, the committee should consider imposing conditions in an effort to limit possible future harms. She noted that the Applicant had agreed to undertake specific steps to minimise harm and requested that these be attached as conditions to the licence, specifically that the new off-licenced sales area is discreet and not visible from the street or railway and that there is no exterior branding including painting the exterior and colours such as the Liquor Centre brand colours.
- [83] She also referred to other conditions, stating that these are matters that had also been agreed by the Applicant, being that the off-licenced hours will be between 10.00 am to 9.00 pm, there will be no advertising of off sales of alcohol products that can be seen from the street or railway, off-licence purchases are put into paper bags and that spirits and RTDs are not sold. These were not matters which the Applicant had agreed to.

Anja Foley

- [84] Ms Foley works in the area of Ayurvedic Medicine. She provided a written objection which had also been signed by two local health practitioners, Nicky Walker and Will Aitken, who operate out of practice rooms directly next door to Finns Hotel. Neither Nicky Walker nor Will Aitken appeared the hearing.
- [85] Ms Foley referred to the hours that the Applicant wishes to sell alcohol and stated that the hours should be limited from 10.00 am to 9.00 pm. She stated that Paekākāriki is a village and predominantly a residential area. She was concerned that Finns Hotel may become a magnet for off-licence sales after 9.00 pm as she understood that Finns will have the latest opening hours on the Kapiti Coast. She also stated that the late closing time may increase the numbers of drunk drivers in and around Paekākāriki.
- [86] She also referred to the design and layout proposed stating that the proposed layout (including chiller) and size of the area suggest that the target market exceeds Paekākāriki and is aimed to attract alcohol buyers from Pukerua Bay, Plimmerton, Raumati and potentially Paraparaumu. She stated that she is concerned about advertising and signage on the premises which would result in exposure of families visiting the adjacent café and shops to alcohol, as well as to school children gathering on Beach Road. She stated that high visibility would be detrimental to patients with alcohol and drug addiction problems visiting the clinic right next door to Finns Hotel.
- [87] She also referred to section 105(1)(h) of the Act in relation to amenity and good order. She stated that the franchise bottle store such as a The Liquor Centre would be an unwelcome sight for visitors and residents of Paekākāriki and that this does not align with the progressive, creative, artistic and green image the village tries to portray.
- [88] She stated that the community is currently well serviced by one other off-licence, three on-licences and three club licences and that in a village of approximate 1700 people, this is a substantial number of premises.

- [89] She stated that granting the licence is likely to result in amenity and good order being likely to be reduced by more than a minor extent. She stated that there is likely to be more cars, more vandalism and more anti-social behaviour.
- [90] She also objected on the basis of suitability and character. She stated that this was because the applicant had provided a lack of research about the extent of the new venture which in her view demonstrated a lack of business planning and financial forecasting. She stated that the Applicant had demonstrated an unwillingness to consult with the community and also had no plan to mitigate risks of side-loading.
- [91] She stated that section 4 of the Act focuses on reducing alcohol related harm. She stated that over last eight years, she has been confronted almost daily with the harmful and negative effects alcohol has on individuals, family structures and community as a whole. She stated that alcohol as a drug is addictive and leads to dependency and it needs to be strictly regulated as to fulfil the primary object of the Act which is to minimise harm.
- [92] She stated that she has done an analysis of her client records and about 20% suffer from alcohol related harm which covers a spectrum of issues. Approximately 60% of her clients are from Paekākāriki and around 40% from elsewhere. In response to a question she acknowledged that the alcohol related harm she referred to was not diagnosed for each of her clients. Rather she referred to clients with a diagnosis of a condition that had been linked to alcohol harm. She stated that having a larger off-licence premise in Paekākāriki will lead to an increase in availability and may result in her clients being more exposed to alcohol related harm.
- [93] She stated that she would encourage the DLC to take a precautionary views when deliberating over the renewal of the off-licence. She referred to a recent study by the University of Otago⁴. She stated that the study found that off-licences are a significant contributor to alcohol related harm and that 76% of all alcohol purchased is done at off-licences with the majority of alcohol related harm caused by them. The study was on the area termed as the “entertainment precinct” in Wellington.
- [94] Ms Foley stated that the Applicant is not fully aware of the alcohol issues that exist in Paekākāriki. She noted that the Applicant had asked the administrator of the Paekākāriki Facebook group to remove the public posts about the Finns off-licence renewal process. In her view, this implies the applicant is not interested in the community views and suggests that their interest is not in minimising harm as stated in the Act. In response to questions, she acknowledged that the words used in the post might be seen as emotive.
- [95] She stated that she is objecting to this off-licence based on the plans to expand the current operations, however, she would be comfortable if the DLC placed conditions on the Finns Hotel off-licence effectively restricting Finns to their current operations as well as to restricting Finns licence hours to 9.00 pm and to place conditions on signage so the visible impact is minimal. In the event that the licence is granted she sought similar conditions to those referred to by Ms Cook.

⁴ Reducing Alcohol-Related Harm in Wellington's Entertainment Precinct, University of Otago, available at: <https://www.otago.ac.nz/wellington/otago678457.pdf>

Louise Thornley

- [96] Ms Thornley works as a Research Fellow for the University of Otago, Wellington in the Department of Public Health. She stated that she is actively involved in the community website, community radio, environmental groups and recreational activities.
- [97] She expressed goodwill to the owners of the hotel business, stating that she is aware that the owners work very hard and that her objection is not to them personally. She stated that she objected to a new larger bottle store for the same reasons as the other objectors. From her work she is aware of the growing evidence linking alcohol outlets with negative social consequences. A new bottle store will increase the risk of harm and reduce amenity and good order.
- [98] Ms Thornley's first objection was on the basis that the greater availability of alcohol may increase the potential for harm. She stated that New Zealand has a culture that supports harmful drinking and that in the Wellington region 22% of men and 11% of women have a hazardous drinking pattern. She noted that the harm caused by excessive or inappropriate consumption of alcohol should be minimised and referred to studies linking alcohol consumption with harm. She stated that New Zealand research shows that alcohol outlet density is associated with binge drinking and alcohol-related problems.
- [99] She stated that an effective strategy to reduce the adverse effects of alcohol is to decrease the availability of alcohol. She stated that the proposed expansion would increase availability of alcohol in Paekākāriki. She stated that a national survey has shown that almost all New Zealanders think we have too many alcohol outlets already. She stated that based on a minor increase since the last census the population of Paekākāriki is around 1800 people. She stated that this means that there is the equivalent of one alcohol outlet for every 300 individuals across all age groups.
- [100] She acknowledged that it could be argued that Paekākāriki is relatively low risk compared with other communities but alcohol over-consumption still occurs in Paekākāriki. She stated that Paekākāriki has a high proportion of young people and Māori compared with the wider district and that these population groups face a higher risk of alcohol over-consumption and alcohol-related harm.
- [101] Ms Thornley stated that there is strong evidence from a number of countries suggests that changes to hours can significantly reduce the amount of alcohol consumed and reduce rates of alcohol-related problems and that she suggests restricting the hours to 9.00 pm closing on Friday and Saturday nights, and 8.00 pm on all other nights.
- [102] Her second objection was on the basis that a greater visibility of alcohol marketing may reduce amenity. She stated that she was concerned with the high visibility to residents, train passengers, highway travellers, and young people. She stated that the proposed location is highly visible at the entrance to the village, to motorists and train passengers who regularly pass by the village and to young people.
- [103] She was also concerned that easy access to a bottle store just down the road from St Peters' hall will lead to pre-loading when events are held there. Promoting alcohol conflicts with the character of the village and seems inconsistent with creating a

healthier village environment. She stated that promoting alcohol at the entrance of the village appears inconsistent with the family-friendly character of Paekākāriki.

Anne Woodside

[104] Ms Woodside is a Therapist/Counsellor working with children and adolescents and families, and a Relationship Counsellor in her own private practice. She stated that as a result she is aware of the harmful, negative and long-lasting effects of misuse of alcohol. She stated that as a counsellor she sees the results of alcohol, and would like to minimise the harm. She stated that she sees harmful effects of alcohol on children and families.

[105] She stated that she is aware of the vulnerability of young people and the risks to them, particularly because she works with adolescents in this village. She stated that it is a particularly vulnerable time for young people because of brain growth. She is concerned about raising the risk of the young people of the village having access to alcohol.

[106] Her evidence was that the demand for alcohol is already met with the dairy opposite selling beer and wine. She stated that a further outlet is not required.

Elizabeth Kennedy

[107] Ms Kennedy has children and has an active interest in the community. She stated that her objections are specifically on the design and layout of the premises as it is going to create a new store in the village.

[108] She stated that renewing the off-licence will change the manner in which alcohol will be sold. It will result in a bigger operation, which will make more alcohol available, which will increase harm. She stated that the Committee can take a precautionary approach.

Written objections by individuals who did not appear at the hearing

[109] There were also written objections from individuals who did not appear at the hearing. Those objections did not raise any matters that were not canvassed at the hearing. Our analysis does not focus on the number of objections to a licence. It is the reasons and evidence in those objections that must be considered.

Reporting Agencies

Evidence of the Medical Officer of Health

[110] The evidence for the Medical Officer of Health ("MOH") was provided by Vanessa Young of Hutt Valley DHB. The Medical Officer of Health did not oppose the application for renewal.

[111] Ms Young outlined the process in gathering evidence for making the decision whether or not to oppose when assessing the renewal application. She discussed data gathered and clarified levels of harm. She stated that MOH looked at health statistics to see if there were any signs of harm but did not see evidence of harm in Paekākāriki. The decision not to oppose is made at a meeting after the information is assembled.

[112] The original application for renewal was based on the same hours as the current licence. Ms Young confirmed that she spoke to Mr Crowther about reducing the hours and that he agreed to the licence being until 10.00 pm.

[113] Ms Young advised that matters which might result in MOH opposing an off-licence renewal included matters such as suitability which Police would look at too, as well as how the applicant operated the licence and if there were high health harms in the area or if it was area of high deprivation.

[114] In response to questions, Ms Young stated that it is possible to break down emergency department admissions data as to whether people live in the Paekākāriki area. Further information was supplied after the hearing as directed by the Committee and circulated to the parties. This is referred to below.

[115] Ms Young noted that they are trying to get more consistency into their data and are trying to get more communities getting involved in hearings. She stated that a level playing field across Kāpiti would help greatly and that if Council were to set a Local Alcohol Policy there would be less need for the District Licensing Committee to get involved.

Evidence and submissions of the Police

[116] The police did not appear at the hearing nor give evidence.

Evidence of the Licensing Inspector

[117] The Inspector provided a written report on the Application. She concluded that there were no grounds to oppose the renewal.

Further evidence

[118] During the hearing a number of objectors referred to various studies and data. The Committee directed that full references needed to be provided for the studies and data. These would also need to be provided to the Applicant for comment. These were received and circulated. The Committee advised at the hearing that further information would be sought from Police and the Medical Officer of Health and distributed to the Applicant and objectors for comment. Once the relevant information was circulated final submissions were to be provided.

[119] A formal request was made to the police, requesting that they confirm “whether they have any concerns about the level of crime in Paekākāriki and whether, given the objections now raised, they have any concerns with the renewal of this licence”.

[120] The information provided by the police was that in the 12 months to date, the police have attended six recorded incidents at Finn’s Hotel. Of these, there are only two ‘offences’ that have been alleged to link to behaviour of patrons. The six incidents recorded at Finn’s were:

- In June 2018 Finn’s was burgled. The offenders were caught by police.
- In May 2018 a patron lost their cell phone at the hotel.
- In May 2018 a controlled purchase operation was undertaken. The result was no sale.
- In Jan 2018 a hotel visit was completed. There were no issues identified.

- In Dec 2017 a family harm incident occurred where a son threatened his parents. The offender warned with no further Police action.
- In October 2017 a verbal threat incident occurred where two persons, known to one another, exchanged verbal threats. Both parties were warned with no further Police action.

[121] The Medical Officer of Health provided a summary of public health information related to Paekākāriki. In this document it was noted that those living in the most socio-economically deprived areas are more likely to be hazardous drinkers than those living in the least deprived areas. The census area mesh blocks which make up Paekākāriki are around the middle decile rating of the New Zealand Deprivation Index. The document also notes that young adults are more likely to be hazardous drinkers, however, Paekākāriki census data indicates very low numbers in the 15 to 34 age groups.

[122] Some information may be inferred from hospital admission data in terms of conditions which are linked to alcohol related harm, both in terms of acute and chronic conditions. That information indicates that Paekākāriki appears to have relatively low levels of alcohol related harm.

Closing submissions

Susan Cook on behalf of Objectors

[123] Susan Cook provided written closing submissions on behalf of the objectors.

[124] She submitted that while the applicants had demonstrated awareness of their responsibilities under the Act but they had not demonstrated that they had considered the likely harm to the community.

[125] She submitted that the manner in which alcohol will be sold will be different, and harm will be increased as a result. She referred to the floor area for off-licence sales being larger and stated that as a result there will be a much greater amount of alcohol sold. She submitted that this bottle store will result in increased availability of lower-priced alcohol in the village which will result in greater consumption, and a subsequent increased risk of health and social harms to the Paekākāriki community.

[126] She submitted that there are already real and significant harms from alcohol in the Paekākāriki community. She submitted that the objectors working in the health and wellbeing sector gave evidence about the wide-ranging real-life harms that are already experienced in Paekākāriki as a result of alcohol. She submitted that the health data showed that while alcohol related harm was lower than in other areas of Kāpiti, it did not show that it was “minimal”. She noted that hospital and Police data represent only the reported instances of alcohol-related harms.

[127] She submitted that the information provided by Police was consistent with evidence given that renewal of the licence as proposed would result in 12 additional violent incidents per year.

[128] She submitted that The High Court, in *Medical Officer of Health (Wellington region) v Lion Liquor Retail Limited*⁵, held that “*The aim of (harm) minimisation requires alcohol-related harm to be reduced to the smallest amount, extent or degree.*”

⁵ *Medical Officer of Health (Wellington Region) v Liquor King Retail Ltd* [2018] NZHC 1123

[129] She submitted that the community had been put in the position of being required to demonstrate that certain harms are likely to originate from a premise that doesn't yet exist and this position is untenable. She states that it ignores the lack of proof provided by the applicants that this bottle store will not result in harm.

[130] She submitted that the objectors provided the committee with a range of real-life evidence and high quality, peer-reviewed research directly relevant to the Paekākāriki community. She stated that these demonstrate both that Paekākāriki currently experiences harms from alcohol, and that the addition of an off-licence will result in increased harms, and lowered amenity and good order of the locality to more than a minor extent.

[131] She submitted that a number of the objectors are public health and alcohol experts.

[132] She concluded that the licence should be refused, but that in the event that the licence is granted, the following conditions should be attached to the licence:

- a. Off-licensed hours are between 10.00 am and 9.00 pm.
- b. A staff member is required to be dedicated to the bottle store at all times.
- c. The new off-licence sales area is discrete, and is not visible in any way from the street or the railway.
- d. Advertising of off-licence alcohol products is not visible in any way from the street or the railway.
- e. No exterior Liquor Centre branding, including painting the exterior in colours such as the Liquor Centre brand colours.
- f. Off-licence purchases are put into branded bags.
- g. A clear, written strategy and plan for minimising harm which includes consulting with school, play centre, kindergarten, Community Trust, local businesses.
- h. Spirits and RTDs are not sold.

Counsel for the Applicant

[133] Mr Radich's written closing submission also referred to *Medical Officer of Health (Wellington Region) v Liquor King Retail Ltd*⁶. He referred to the Judge's statement that "the object of the Act is the first criterion when considering applications for renewals", and submitted that the decision-making is essentially based on a risk assessment. He submitted that the factors to be considered in the course of assessing an application for a licence or for renewal should be assessed with reference to their potential impact upon the prospective risk of alcohol-related harm.

[134] Mr Radich submitted that "by and large the objectors' evidence concerns national-level analyses of alcohol-related harm. It does not speak especially to Paekākāriki. Certainly not in the way that the evidence of the Police, the Medical Officer of Health, and the Inspector does. It should be weighted accordingly."

[135] He submitted that the research based evidence put forward by the objectors is of limited use to the Committee as it did not directly address Paekākāriki and was not advanced by experts who were present at the hearing to give evidence. He further submitted that to the extent that objectors made links between the evidence presented and Paekākāriki these links were contradicted by the subsequent evidence provided by MOH. He submitted that the additional evidence showed that

⁶ *Medical Officer of Health (Wellington Region) v Liquor King Retail Ltd* [2018] NZHC 1123

Paekākāriki has a low number of 15 to 34 year olds and that it sits in the middle of the decile rating of the NZ Deprivation Index with no extremes.

[136] He submitted that in evaluating “the prospective risk of alcohol-related harm” as referred to in *Liquor King*, Paekākāriki is at low-risk of alcohol related harm from renewal of the licence. He submitted that this very limited number of incidents referred to in the evidence provided by police supports the view that renewal of the licence is low risk.

Discussion

Comments on evidence presented

[137] Counsel for the Applicant has raised an issue of the relevance of much of the research based evidence presented by the objectors in this hearing. We acknowledge that there is substantial evidence both nationally and internationally regarding alcohol related harm. It is that type of evidence which was the foundation of the development of the Act and was the primary reason for the new object of the Act being the minimisation of alcohol related harm.

[138] However, the focus on minimisation of alcohol related harm often misses the first part of the Object of the Act set out in section 4(1)(a) which is that “the sale, supply, and consumption of alcohol should be undertaken safely and responsibly”. In addition, section 3 of the Act requires that the system to be in place to cover the sale and supply of alcohol should be reasonable.

[139] This Committee must work within the Act passed by Parliament which allows for the consumption of alcohol and effectively requires a balancing act between safe and responsible consumption of alcohol and the risk of alcohol related harm. This requires a focus on evidence of local harm. We acknowledge that this may make the position difficult for objectors in certain circumstances when they are unable to obtain evidence to provide. It is for that reason that the Act puts an obligation on the reporting agencies to provide information on each application.

[140] In the *Liquor King* decision, the Judge said⁷:

To assist risk assessment the legislature has given the reporting agencies a prominent role. Every application for a licence or for a renewal of a licence must be sent by the relevant licensing committee to the Police, Inspector and Medical Officer of Health. These bodies have an obligation to inquire into the application. ... [Their] reports become matters to which the Authority or licensing committee “must have regard”

[141] None of the reporting agencies raised any objection to the renewal of this licence.

[142] In terms of the information provided by the agencies as requested after the hearing, we note that it contradicts the evidence of the objectors, showing that Paekākāriki has a relatively low proportion of young people compared to the national average, is not in an area of high deprivation and is not highly represented in alcohol linked attendances at Wellington hospital. Police have not raised concerns and have provided a very short list of incidents which may be linked to Finn’s, of which only two were alcohol related.

⁷ *Medical Officer of Health (Wellington Region) v Liquor King Retail Ltd* [2018] NZHC 1123

[143] During the hearing, objectors questioned the basis on which Mr Polly gave evidence for the Applicant. Mr Polly is not an expert and his evidence is not expert evidence. Mr Polly's evidence, much like that of many of the objectors, is based on his personal observations from living in Paekākāriki. The Committee has taken this into account.

The Law

[144] The criteria that the committee must consider when deciding whether to renew a licence are set out in section 131 which also refers to section 105 of the Act.

[145] The object of the Act is the overarching principle, or touchstone for determining off-licence applications. As Heath J put it in *Re Venus* [2015] NZHC 1377:

[20] Although the "object" of the 2012 Act is stated as one of 11 criteria to be considered on an application for an off-licence, it is difficult to see how the remaining factors can be weighed, other than against the "object" of the legislation. It seems to me that the test may be articulated as follows: is the Authority satisfied, having considered all relevant factors set out in s105(1)(b)–(k) of the 2012 Act, that grant of an off-licence is consistent with the object of that Act?

[146] On this basis, the Committee considered the various criteria set out in section 105, with the final consideration being the object of the Act.

[147] The Committee acknowledges the concerns raised by the objectors and their strenuous objection to the renewal of this off-licence, however, the Committee cannot refuse a licence simply based on community objection. While the Act is intended to involve communities this does not override the criteria in the Act. The Committee is bound by the Act and must assess all applications against it. The decision must be made on the evidence presented.

Suitability of the Applicant

[148] The Applicant is a limited liability company which is entirely managed by the Crowthers. While the company is a separate legal entity, it is Mr and Mrs Crowther's actions in managing the Applicant that will reflect in suitability.

[149] The Committee notes that the majority of the objectors did not have any issues as to the suitability of Mr and Mrs Crowther. A number of objectors did raise concerns that the plan was to renew the licence then sell the business to an outsider who might not be suitable. As discussed in the hearing, this would require the purchaser of the business to apply for a new licence at which suitability could be considered.

[150] One objector objected on the basis of suitability as the Crowthers had not developed a business plan nor consulted with the community. Given the scale of the proposal we do not regard a business plan as necessary and view the planning undertaken by the Crowthers as proportionate to the proposed changes.

[151] We have not put any weight on Mrs Crowther's request to have the Facebook posting about the proposed expansion removed. We accept that her concern was for the tone of the discussion and that the discussion involved speculation on plans that had not been confirmed.

[152] Mr and Mrs Crowther have been in business for some time and have significant experience in selling alcohol through their management of Finn's Hotel.

[153] None of the reporting agencies raised any matters in respect of the suitability of the Applicant.

[154] The Committee is satisfied as to the suitability of the Applicant.

Any relevant local alcohol policy

[155] There is no local alcohol policy in place.

Days and hours of trading

[156] The Applicant initially sought licence hours of 10.00 am to 11.00 pm seven days per week. These are the hours that apply to the current licence. Following discussions with the Medical Officer of Health the hours sought were reduced to 10.00 am to 10.00 pm seven days per week. There was no objection to these hours by any of the reporting agencies. Ms Young's evidence was that the Applicant's opening hours were expressly considered by the Medical Officer of Health in his decision not to object to the renewal of the licence.

[157] A number of the objectors stated that if the licence was granted, then the closing time for the licence should be 9.00 pm. One of the reasons for this is to prevent it being the only liquor store in Kāpiti open after 9.00 pm. We note that this would not be the only non-supermarket off licence open after 9.00 pm. While the Committee has previously placed limitations on opening hours of off licences, this has occurred when there has been evidence of a proportionate risk of alcohol harm in that particular area. There is not sufficient evidence in this case to require an earlier closing time than 10.00 pm.

The design and layout of the premises

[158] A number of objectors raised issues with the design and layout of the premises. It appears that the objectors' initial understanding of the proposal was that the building would be repainted with Liquor Store branding and prominent signage. This is not the case. The Applicant's evidence is that the building colour will remain the same.

[159] The location of the premises is very prominent due to its location on a corner site as you enter Paekākāriki village from State Highway 1. We agree that its prominent position could result in a concern if aggressive signage were used to advertise the sale of alcohol. The Applicant has agreed to conditions if necessary and the Committee regards it as appropriate to include a condition regarding the exterior appearance of the premises.

[160] The other concern was regarding exposure to alcohol being sold inside the premises. The exterior wall of the area to be used for off licence sales is glass which results in a concern that this could result in significant exposure to alcohol to those outside the building. At present those windows are blacked out, due to the area being used for the cinema. The Applicant has agreed to a condition that the windows will remain blacked out.

[161] The Committee is satisfied that with those two conditions in place the design and layout of the premises is satisfactory.

Whether the applicant proposes to engage in the sale of goods or in the provision of services other than the sale of beverages

[162] The applicant proposes to trade as a tavern in respect of its on-licence. It has a number of gaming machines on the premises. The operation of these machines is covered by other legislation. It is accepted that many taverns include gaming machines as part of their business.

[163] As is clear from its name, Finn's Hotel also provides accommodation services and operates a restaurant. Neither of these is inconsistent with holding an on or off-licence.

Whether the amenity and good order of the locality would be likely be increased, by more than a minor extent, by the effects of a refusal to renew the licence

[164] The objectors regarded the criteria used in relation to the issue of a new licence as being more appropriate in assessing the issue of amenity and good order, however, as this is a renewal of a licence, the test is set out in section 131(1)(b) which focuses on whether the amenity and good order would be increased by refusing to renew the licence. Amenity and good order specifically requires the Committee to consider issues such as noise, nuisance and vandalism.

[165] There was very limited evidence of issues regarding amenity and good order being an issue at present. While there were references to broken bottles and cans, these were not linked to the Applicant who stated that some bottles were for products that the Applicant does not sell. While the objectors requested a condition that sales should be required to be in branded bags, we do not think that this is a proportionate response in this case. This was previously required in an area where there were a substantial number of off licences which is not the case here.

[166] We are not satisfied that refusing to renew the licence would have a more than minor impact on the amenity and good order in the area.

[167] For completeness, as the proposal is for the premises to trade in quite a different way we also considered whether the amenity and good order are likely to be reduced by more than a minor extent if the licence is renewed. Even in the event that the objectors are correct that this is the test that should have been applied, we did not find that the evidence supported the view that there will be more than a minor reduction in amenity and good order in the area.

Whether the applicant's appropriate systems, staff and training comply with the law

[168] Mr and Mrs Crowther were able to explain their systems and training. They advised that at least one of them is usually working at any given time, together with staff numbers which vary as appropriate.

[169] The Committee is satisfied that this element of the criteria is satisfied.

Any matters dealt with in the report provided by the Police, Inspector, or Medical Officer of Health

[170] No issues were raised by the reporting agencies that have not been considered elsewhere in this decision.

The object of the Act

[171] The object of the Act is expressed in section 4 of the Act which states:

(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).

[172] The Act does not prohibit the sale of alcohol nor prohibit the opening of further licensed premises. Rather it is a new system that provides for taking into account the requirement to minimise alcohol related harm when considering a license application.

[173] The Committee has taken into account that none of the reporting agencies objected to this renewal. The information provided by MOH does not indicate any factors which may leave the community in Paekākāriki particularly vulnerable or at an elevated risk of alcohol related harm. Police did not have any concerns as to how Finns has been run or concerns about specific incidents at Finns. In fact, police provided very little information at all.

[174] While the Act requires the minimisation of harm, it does not require it to be reduced to zero. It also provides for safe and responsible sale, supply and consumption of alcohol. Bearing in mind the two elements present in the object of the Act, having considered the evidence in light of the criteria of renewal of a licence, the Committee is of the view that the renewal should be granted.

Decision

[175] The District Licensing Committee hereby grants the Application on the following conditions:

- a. alcohol is only permitted to be sold, supplied or delivered on or from the premises authorised by the licence
- b. alcohol may be sold or delivered only on the following days and during the following hours: Monday to Sunday – 10.00 am to 10.00 pm
- c. no alcohol may be sold or delivered on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on ANZAC Day
- d. the whole of the premises is designated as a supervised area except the gaming room which has a restricted designation
- e. water must be freely available for drinking at all times alcohol is being supplied
- f. the licensee must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and intoxicated persons

- g. the licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the safe and responsible consumption of alcohol, and minimising alcohol related harm
- h. single sales of ready-to-drink (RTD) products and mainstream beer are prohibited. This does not apply to craft beer and cider.
- i. the Liquor Centre Logo may be affixed to the East and South faces of the premises, but is not to be larger than the proportion shown on the mock-up design provided to the Committee.
- j. the windows on the perimeter of the area where off licence alcohol is to be displayed and sold must be opaque
- k. the exterior colours of the premises are to remain consistent with the rest of the building.

DATED at Paraparaumu on this 18th day of September 2018

Cr Fiona Vining
Chair
Kāpiti Coast District Licensing Committee