

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

AND

IN THE MATTER OF An application by **Kiw-E Otaki Limited** trading as **Super Liquor Otaki** under section 127(2) of the Sale and Supply of Alcohol Act 2012 to the Kapiti Coast District Licensing Committee for the renewal of an off-licence under sections 127(2) of the Sale and Supply of Alcohol Act 2012 (the Act), to sell alcohol for consumption off the premises, situated at Units 2 & 3, at 4 Arthur Street, Ōtaki.

BEFORE THE KAPITI COAST DISTRICT LICENSING COMMITTEE

Chair: Mr Nigel Wilson

Members: Ms Jackie Elliott

Mr Bede Laracy

HEARING at Kapiti Coast District Council offices, Paraparaumu, on Wednesday 20 August 2025 at 9.30am.

APPEARANCES

Applicant:

Mr Sukhjinder Singh - Applicant

Mr John Young – Counsel for the Applicant

Reporting Agencies:

Ms Antionette Bliss - Alcohol Licensing Inspector

Senior Constable Scott Harvey – New Zealand Police

Ms Nicola Campbell - Medical Officer of Health (was not present at hearing)

Ms Vaseti Sopoaga – Medical Officer of Health (was not present at hearing)

Objectors:

Dr Grant Hewison - Counsel for the Objector

Ms Mandy Savage

Ms Shelley Hanifan

Mr Ron Tustin

INTRODUCTION

1. An application by **Kiw-E Ōtaki Limited** trading as **Super Liquor Ōtaki** under section 127(2) of the Sale and Supply of Alcohol Act 2012 to the Kapiti Coast District Licensing Committee for the renewal of an Off licence under sections 127(2) of the Sale and Supply of Alcohol Act 2012 (the Act), to sell alcohol for consumption off the premises, situated at Units 2 & 3, at 4 Arthur Street, Ōtaki.

BACKGROUND

2. The Kapiti Coast District Licensing Committee (DLC) having considered the papers in relation to the application by Kiw-E Ōtaki Limited trading as Super Liquor Ōtaki and the several public objections have determined the Applicant shall have the opportunity to present the application to a hearing of the Kapiti Coast DLC.
3. The Kapiti Coast District Alcohol Licensing Inspector, Ms Antionette Bliss, Police, and the Medical Officer of Health had not been opposed to the renewal of the licence.
4. The primary objector is Mandy Savage on behalf of the Cancer Society. Additionally, the application was opposed by Chris Joseph, Cathy Tia, Sean O'Leary, Anton Spelman, Nathan Cowie, Remana Judd, Janey Wilson, Steven Findlay, Stephanie Tidman, Diana Hakaraia, Marilyn Wilkinson, Spencer Carr, Ann-Marie Stapp, Suzanne Carr, James and Lynda McSoriley, and Tamsin Dashfield-Speight.
5. The objections centre mainly on criteria from section 105 and section 131 of the Act.
6. Also at issue is whether the application is for a renewal only (as would be covered under section 127 (2)) or whether the application should include a variation as posited by objectors which would be covered under section 120 of the Act.
7. The original licence for the premises was issued in 2020 and was appealed to ARLA where the decision to issue the licence by the Kapiti Coast DLC was upheld. Since that time the business had changed hands to current owner Mr Sukhjinder Singh.

EVIDENCE OF THE APPLICANT

8. Mr Sukhjinder Singh introduced himself as the sole director and shareholder of Kiw-E Ōtaki Limited, a position held since December 2023.
9. Kiw-E Ōtaki Limited has lodged an application to renew its off-licence for Super Liquor Ōtaki.
10. Mr Singh said he is also the sole director and shareholder of Mellow Spirits Limited. Mellow Spirits Limited had applied for an off-licence for premises situated at 1B Parata Street, Waikanae, to trade as 'Super Liquor Waikanae' and the application was granted.
11. In his statement of evidence, Mr Singh set out his relevant background and addressed section 131 of the Sale and Supply of Alcohol Act 2012 (Act). He confirmed that he is familiar with the content of the renewal application and relies on it.
12. Mr Singh said he had read the Inspector's report (dated 12 May 2025) and he relies on it. He had also read the Inspector's evidence (9 June 2025). He confirmed to the Committee that he accepts the additional discretionary conditions and undertakings set out on page 5 of the Inspector's report.
13. Mr Singh outlined his experience, noting when he first received his Manager's Certificate in November 2023, he had seven months part-time experience at Black Bull Liquor in Richmond. Since then, he has had more experience owning and operating the Super Liquor store in Ōtaki. He said he knows the local community well.
14. On the issue of suitability Mr Singh said in 2024, his manager's certificate was renewed and the Inspector said that he is suitable to operate under a licence. Mr Singh agrees with that assessment and considers that he has operated the premises well and has adopted a range of new conditions as a responsible licensee. Mr Singh quoted the Inspector:

Based on my discussions with the applicant, represented by Sukhjinder Singh, owner, my inspection of the premises, the supplementary documentation accompanying the application, the reports filed, the absence of any adverse issues relating to other premises owned by the director/shareholder, and the absence of any issues in the previous licensing period, it is my opinion that the applicant is aware of their responsibilities under the Act, and is suitable to continue to operate the licensed premises.
15. Mr Singh said he is currently part of the Ōtaki/Te Horo Business Association and he has experience as a local business owner that gives back to the local community. Mr Singh cited examples of when he owned two Dominos; one in Richmond and the other in Christchurch. He said he sold the Richmond Dominos to help buy the Ōtaki bottle store. At Dominos, he donated pizzas to Waimea College and Stoke Primary School for fundraising. In July 2024, at the Christchurch Dominos, he similarly donated free pizzas for Oaklands School and Knight Stream School for fundraising.

16. Mr Singh said he has sponsored the Whiti Te Ra Rugby League Club's prizegiving day and has also provided baking goods for the baking day at Waitohu School.
17. Mr Singh said the licensed hours are Monday to Sunday 10am to 9pm. He said they do not always trade to the maximum hours but consider them appropriate particularly during holiday periods and long weekends.
18. Mr Singh said, as the Inspector notes, the design and layout of the premises have not changed. He said he provided a CPTED assessment in the application and noted the following:
 - (a) Windows – the store has good visibility to and from the premises and the street with minimal signwriting or obstructions on the windows.*
 - (b) Lighting – interior and exterior. Lighting allows customers to be seen as they enter the premises, and identification can easily be read; good exterior lighting for the car park area discourages loitering; lighting outside the premises provides a good standard of lighting to enable staff to observe customers approaching and leaving the store.*
 - (c) Internal layout - The cash register is placed on the counter in a way to discourage opportunistic attempts to open them; it is located near the principal entrance; the safe is located in the office out of the public area; stock displays are generally no higher than waist/chest height thereby enabling excellent viewing across the store; there is good visibility into the chiller and an integrated CCTV system has been installed so that all internal areas of the store can be recorded; the entrance way is recorded on CCTV camera; the majority of the internal premises can be seen from the cashier areas – those that cannot be seen from the cashier's area are monitored by CCTV cameras.*
 - (d) Security - doors and windows are reinforced, and bollards are installed in the front and back of the shop; there is no external advertising that encourages people to loiter outside the premises; a panic alarm and burglar alarm are installed in the premises.*
 - (e) The Alcohol Licensing Inspector noted the application states "RTDs and other drinks that younger people drink are not located near the front of the store". This statement is not entirely accurate or clear. It was intended to capture RTD's. They keep RTD's at least 2m from the entrance and noted that the application also states that RTD's are not visible from street frontage. However, they are visible and this statement is not entirely correct. Given the large clear window, they will be visible if people look directly through the window.*
19. Mr Singh said they sell the usual products found in a bottle shop such as chips, nuts, ice, non-alcohol drinks and low alcohol drinks. They also sell tobacco, cigarettes, and vapes.
20. In relation to amenity and good order Mr Singh said they keep the store very clean and tidy. He said this is noted by the Inspector in her evidence. He said she also noted that there was no rubbish outside the premises.
21. Mr Singh said they have good lighting and CCTV which helps deter troublemakers.

22. He said, in his view, the amenity and good order would not be improved by a more than minor extent by declining the renewal application.

Systems, Staff, and Training

23. Mr Singh said being a Super Liquor franchisee means they have good systems and get support from the support office and franchise managers. He said the store uses the alcohol.org.nz ServeWise programme to train staff.
24. Mr Singh said every quarter all staff members sign the Super Liquor acknowledgement form which commits staff and franchisees to upholding standards and expectations. Every six months they participate in online training modules run by Super Liquor.

These are videos covering the following topics:

- (a) Purpose and Object of the Act,
 - (b) Licences & Conditions,
 - (c) Key risks – minors, group sales, intoxicated persons, trading outside licenced hours,
 - (d) Who Can You Not Sell To,
 - (e) Minors,
 - (f) Intoxication,
 - (g) The Agencies,
 - (h) Controlled Purchase Operations (CPO's),
 - (i) Duty Managers,
 - (j) Irresponsible Promotion of Alcohol,
 - (k) Infringement offences,
 - (l) Local Alcohol Policy,
 - (m) Good Management Tactics & Essential records and signage,
 - (n) Design & Crime Prevention,
 - (o) Amenity and good order,
 - (p) Social Responsibility Plan.
25. Mr Singh said Super Liquor undertakes quarterly audits.
- The 10 key areas are:
- (a) External store presentation,
 - (b) Internal store presentation,
 - (c) Sale and Supply of Alcohol Act 2012,
 - (d) Chiller presentation,
 - (e) Incident book,
 - (f) Ranging & pricing,
 - (g) People,
 - (h) Back of house,
 - (i) Communication & marketing,
 - (j) Critical questions.

26. Mr Singh said they are required to maintain an Incident Book. The Inspector has commented that this is up to date in the report when she did inspections on 2 September 2024 and 21 January 2025. Mr Singh noted that they had denied service to people with no or inappropriate ID.
27. Mr Singh said there are three staff with managers certificates working at the Ōtaki store.
28. Mr Singh said for the reasons set earlier, he considers that he has sold, displayed and promoted alcohol in accordance with the Act.

Objections

29. Mr Singh said he was aware that objections have been made to his application. He said he has read these objections carefully and believes that he has demonstrated that he can run a safe and responsible store.
30. Mr Singh said making sure that he runs the business in a responsible manner is important to him and he takes this seriously. He said, in his view, he has comprehensive systems in place which will ensure that he will comply with the Act.
31. Mr Singh noted that on 16 May 2025, the Alcohol Licensing Inspector, Antoinette Bliss conducted a site inspection together with Police. Both himself and Taharangi (an employee) were present in the store. He said they checked the premises, including the incident book and were satisfied. He said the Inspector notes the following in her evidence:

A visit to the premises found Sukhjinder Singh (owner) and Taharangi Smith-Gray (duty manager) onsite, no singles sales of 500mls or less mainstream beer or RTDs or single shots were sighted, packaged shots were located behind the counter. All required signage was clearly displayed, managers and training registers were recent, and reflected records Council currently holds in relation to properly appointed managers. Last recorded incident was on the 16 May 2025, no identification therefore no sale occurred. The incident book is updated daily, this system allows staff and management to have an overview of what is occurring in the community. The shop is very clean and tidy, adequately staffed, two large alcohol advertising posters on the front window and there is no other alcohol advertising on the external areas of the premises, well-lit and monitored. No rubbish sited outside the premises.

32. Mr Singh said, accordingly, he believes that Kiw-E Ōtaki Limited is suitable to hold an off-licence and that they meet the criteria in sections 105/131 of the Act.

EVIDENCE FOR THE APPLICANT FROM COUNSEL MR JOHN YOUNG

33. Speaking to Mr Singh's evidence, John Young, counsel for the applicant said Mr Singh had previously appeared in front of the Kapiti Coast DLC and was found to be a suitable person.
34. Mr Young said there had only been one public objector and no local community organisations had submitted. He added that there was no opposition from any of the agencies.
35. Mr Young cited the Riccarton Bush case, noting there was nothing further for the Committee to consider than what was in the Act.
36. He said Mr Singh had met the requirements of suitability under section 102(4)(a) and the 105 criteria are discreet assessments.
37. Relating to the variation application under section 120, Mr Young said this was not a condition. He said the layout provided was included for information. He said the plan is not a condition so there was no need to vary it. Mr Young said that in the layout provided the storerooms are part of the licensed area and the preference is for the entire premise to be a licensed area including the storeroom.
38. Mr Young noted no party is seeking a no smoking condition for this application, as was the case in the Waikanae application.
39. Mr Young also noted there did not appear to be any issues raised by the agencies around craft beer.
40. Mr Young said Mr Singh had reached out and wanted to talk with Ms Savage and she has turned the offer down.
41. Mr Young noted Mr Singh had never failed a CPO (Controlled Purchase Operation) and he keeps the area clean and tidy.
42. Mr Young said Mr Singh has improved security with CCTV, fog canons, and bollards – a \$30,000 investment to improve the security of the premises.
43. Mr Young addressed a suggested breach of Section 105(1)(h) by Ms Hanifan that litter in the area was an issue and *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*: Mr Young said he was unsure when the photos were taken but based on the minor amount of litter it would not be reasonable to consider this a breach of Section 105(1)(h).
44. Mr Young said there had been no breaches of the Act and the agencies had not raised any issues.

Questions for the Applicant from the Committee

45. Ms Elliott asked between what hours the back doors are locked. Mr Singh said in the winter they lock the door when it gets dark. He said there is a bell at the door and a CCTV camera.
46. When asked about Ms Hanifan's evidence about litter Mr Singh said they had looked at the CCTV footage and couldn't see litter.
47. Ms Elliott asked about the building materials used at the rear of the shop in relation to security. Mr Singh said they were solid wood wall and doors and there were roller doors at the front and back.
48. Mr Laracy asked if Mr Singh was objecting to any existing conditions to which he answered no.
49. Mr Laracy asked if any customers had been trespassed. Mr Singh said just one, a month ago. He said the man had made claims to ownership of the land and he was trespassed by Police. Mr Singh noted that this was logged in the incident register.
50. Mr Laracy asked Mr Singh about the sale of vapes and if it was the intention to continue the sale of these products. Mr Singh said the store was aware of security issues relating to vapes and they have good security in place.
51. Mr Laracy asked if the hours of the Railway Hotel, directly opposite the store, impacted customer service. Mr Singh said they would refuse service to anyone inebriated from the pub.
52. Ms Elliott asked if the store had promotional products and tastings. Mr Singh said they do occasionally and they have a process in place and provide water.
53. Ms Elliott noted the twenty-seven instances of failed CPOs at Super Liquor stores between January 2017 and July 2025 and what processes did the Ōtaki store have in this regard. Mr Singh said there was staff training and this was something they were very vigilant about. He said they had never failed a CPO.
54. The Chair, Mr Wilson, asked if Police always notified the store that a CPO had taken place. Mr Singh said some notify and some don't.
55. Ms Elliott asked Mr Singh if they have, or would ever, run a TAB for customers. Mr Singh said no they haven't and they won't. Mr Young added that it was not clear to do so would be unlawful per se, but this could go to the suitability of the applicant.
56. The Chair asked about the delivery conditions on the licence. Mr Singh said they complied with the condition and used NZ Couriers for deliveries.
57. Mr Laracy asked Mr Singh's view on the undertaking and the impact of possible mistakes on the licence. Mr Singh said they had always complied with the undertaking anyway.

58. Mr Laracy asked about single sales and the undertaking of sales for 330ml, noting an objector had stated *this store sells single cans and bottles of cheap and/or high-strength alcohol*. Mr Singh said there was an undertaking not to break up 330ml packs and they had followed the undertaking.
59. The Chair asked Mr Singh how he defined Craft Beer. Mr Singh said Craft Beers are more hoppy and are produced in smaller batches. He said most craft beers are 330ml or 440ml. Mr Singh said they had stopped selling singles of 500ml or less.
60. The question was put to Mr Singh about how he would define a customer *under the influence*. Mr Singh said they use the SCAB 2 chart to judge potential intoxication.

EVIDENCE IN CHIEF FROM LICENSING INSPECTOR ANTOINETTE BLISS

61. The Alcohol Licensing Inspector introduced herself stating she has over five years' experience as an Alcohol Licensing Inspector at Kapiti Coast District Council.

Inquiry into the application

62. The Inspector reported on 12 May 2025, on the application from Kiw-E Ōtaki Limited, received on 28 January 2025, for renewal of an off-licence to sell alcohol for consumption elsewhere, as defined on the licence, from the premises situated at Shops 2 & 3/4 Arthur Street, known as Super Liquor Ōtaki. A copy of the report has been circulated to all parties, on 9 June 2025, along with this submission.

Additional discretionary conditions

63. The Inspector notes that the applicant has agreed to the following discretionary conditions and undertakings in an email dated the 12 May 2025, the applicant indicated that they were implemented at the time of the hearing for the proposed Waikanae Super Liquor premises.

Delivery:

- a) All deliveries of alcohol must be signed for by a person aged 18 years or older. Signs of intoxication on the part of the recipient would result in non- delivery.

Undertaking from applicant regarding delivery of restricted goods:

- b) Alcohol is considered a restricted good. We are unable to leave restricted goods unattended at an address, and if there is no one aged 18 years or older to receive the delivery, we will not leave it. Alcohol purchases must be received by someone who is aged 18 years or older. In order to take the delivery, valid and current identification must be shown to the person/s delivering the goods. If the deliverer considers the person receiving the delivery to be intoxicated, the alcohol will not be delivered.

This identification must include the following: Full name, Date of Birth, Photo and Signature

- c) When we engage a courier company to make our deliveries, we will only use a company that can provide sufficient reassurance that their drivers will always adhere to the requirement to obtain a signature and proof of ID showing that the recipient is over 18 years of age. A signed written agreement between the courier and applicant will be provided to the tri-agencies.

No single sales:

- d) No single sales of beer or ready to drink spirits (RTDs) in bottles, cans or containers of 500mls or less in volume may occur except for craft beer. No single sale of shots or premixed shots.

Undertaking from applicant regarding single sales:

As part of a commitment to responsible alcohol sales, the licensee agrees that:

- e) Beer or ready to drink (RTD) spirits in containers of 500mls or less in volume will not be sold in quantities of less than four bottles/cans (except for craft beer) and with excessive discount applied.
- f) Shots or premixed shots will not be sold in quantities of less than four in a pack and with excessive discount applied.
- g) Shots or premixed shots will not be displayed on, beside or in front of the counter (behind the counter is permitted).

Compliance Inspection

- 64. On 16 May 2025, around 5.30pm, the Inspector along with Senior Constable Scott Harvey, Senior Sergeant Cody Shaw and Senior Sergeant Simon Carter, plus other Officers, conducted a number of compliance inspections in the Ōtaki area.
- 65. A visit to the premises found Sukhjinder Singh (owner) and Taharangi Smith-Gray (duty manager) onsite, no singles sales of 500mls or less mainstream beer or RTDs or single shots were sighted, packaged shots were located behind the counter.
- 66. All required signage was clearly displayed, managers and training registers were recent and reflected records Council currently holds in relation to staff with current managers certificates. The last recorded incident was on the 16 May 2025, when no identification was able to be provided and therefore no sale occurred. The incident book is updated daily. This system allows staff and management to have an overview of what is occurring in the community.
- 67. The shop was very clean and tidy, adequately staffed, with two large alcohol advertising posters on the front window and there was no other alcohol advertising on the external areas of the premises. The premises were well lit and monitored and no rubbish was sited outside the premises.

68. Ms Bliss said in her report that she did not find any reason under the criteria of the Act to oppose the renewal of the licence.
69. She said, therefore, she was here to provide assistance and answer any questions that may arise from the agencies, applicant, and the committee members.

EVIDENCE IN CHIEF FROM POLICE

70. Senior Sergeant Scott Harvey reported that Police were not opposed to the application of renewal.

EVIDENCE IN CHIEF FROM OBJECTOR MANDY SAVAGE

71. Dr Grant Hewison as Counsel for the Objector Mandy Savage, Cancer Society, gave evidence to the Committee.
72. Dr Hewison noted the licence holder, Kiw-E Ōtaki Limited, had a change of ownership in November / December 2023. This change has meant that no temporary authorities have been sought and no 'new owner' application under section 105 has been made. Kiw-E Ōtaki Limited lodged an application to renew its off-licence for Super Liquor Ōtaki on 28 January 2025.
73. Dr Hewison submitted that the framework of the Act requires that an application for a new licence under section 105 must follow a change in the ownership of a licensee so that the suitability of the new owners can be evaluated. He said this has not occurred and this goes against the suitability of the licensee.
74. Dr Hewison said the decision of the DLC, dated 8 September 2020 includes a Floor Plan of the design and layout of the premises and the approved alcohol licensed area (as a condition of the licence).
75. The alcohol licensed area is demarcated by an orange line. The chiller comprises only about one quarter of the premises. However, the application for renewal includes a new floor plan. This plan differs in that the entire premises now seems to be the alcohol licensed area, and the chiller has increased to half the size of the premises. It is submitted that this application involves a variation of conditions (under section 120) as well as a renewal (under section 131). As a consequence, the application must be evaluated under section 120 of the Act.
76. Dr Hewison said none of the agencies have carried out such an evaluation and no public notice has been given of the variation. It is submitted that without an application for a variation, the premises must be reconfigured back to the design and layout (and the alcohol licensed area) in the plan attached to the decision of DLC, dated 8 September 2020 (including the size of the chiller).
77. He said the vulnerability and high deprivation of Ōtaki is such that the standard of suitability should meet the higher threshold of 'extended suitability'.

78. He referred to condition #8 on the licence which states: “The sale of single units of mainstream (high volume commercial) beer, and ready to drink spirits or shots is prohibited.” The report of the Medical Officer of Health states that the applicant sells 500mls single cans of beers at low prices. The evidence of Ron Tustin is that on 24 February 2025 he visited Super Liquor Ōtaki and was able to purchase a can of Kingfisher strong (7.2% ABV) for \$5.50. It is submitted that the applicant has been operating in breach of condition #8 of the licence and this goes against the suitability of the applicant.
79. Dr Hewison said Mr Singh began working part-time at Black Bull Liquor Richmond in April 2023 (or seven months before receiving his Manager’s Certificate in November 2023). Since then, he has worked at Super Liquor Ōtaki (for around 20 months). Dr Hewison said it is submitted that he is too inexperienced to be a sole owner of Super Liquor Ōtaki, which is in a highly vulnerable community. In light of this, and in particular, the breach of condition #8 on the licence, he submitted that the applicant does not meet the higher threshold of ‘extended suitability’.
80. Dr Hewison said there is an inconsistency in the address of the premises used in various documents, including the Deed of Lease (which shows “Shops 2 and 3, 4 Arthur Street, Ōtaki”) and the licence (which shows “Shops 3 and 4, 4 Arthur Street, Ōtaki). As a consequence, it is submitted that it is unclear whether the applicant has sole and exclusive control of the premises proposed to be re-licensed. He submitted that satisfactory tenure of premises is a fundamental factor.
81. Dr Hewison asserted with regard to design and layout that this has changed (especially with the doubling in size of the chiller) and without an application for a variation, the premises must be reconfigured back to the design and layout of the plan attached to the decision of the DLC, dated 8 September 2020.
82. He noted that the applicant sells cigarettes, tobacco, and sundry smoking related items and in light of the risk associated with these products (and vapes), Ms Savage asks the DLC to impose a condition “*that vapes or vaping products, cigarettes and tobacco products not be sold from the premises*”.
83. Dr Hewison said Ms Hannifan’s evidence is that there is alcohol-related nuisance or vandalism in the locality, and it is submitted that the amenity and good order of the locality would be likely to be increased by more than a minor extent, by the effects of a refusal of the licence.
84. Dr Hewison said due to the inexperience of Mr Singh, considerable reliance is placed on the support of the Super Liquor franchisor for systems and procedures to promote the safe and responsible sale of alcohol. However, he submitted that this reliance is misplaced. Of significant concern is that franchisees of the Super Liquor franchisor continue to fail the most basic, but important metric – sales to minors. He referenced a list of 27 Super Liquor franchisees who have failed controlled purchase operations since 2017 (or sales to minors). He submitted that the applicant does not have appropriate systems, staff, and training to comply with the law.

85. Dr Hewison said although the three agencies are not opposed to the renewal application, they have not reported on the variation of the floor plan.
86. Dr Hewison said the application does not meet the object of the Act or the purpose of the Act, and Mandy Savage asks that the DLC decline the application.

Statutory Criteria and Relevant Case Law

87. Dr Hewison said the relevant statutory criteria for consideration are under sections 131 and 106 of the Act.
88. He said in terms of the background to the Act, reference is made to Auckland Council v Woolworths New Zealand [2021] NZCA 484 (paras [8] to [22]) and to Woolworths New Zealand Limited v Auckland Council [2023] NZSC 45 (paras [7] to [11]), where the Supreme Court stated:

“[8] In a 2010 Report, the Law Commission | Te Aka Matua o te Ture concluded that the [Sale of Liquor Act 1989] had not reduced alcohol-related harm. Indeed, problems associated with alcohol-related harm had become worse, with the proliferation of outlets identified as a likely contributing factor. Levels of such harm were high, for both those consuming alcohol and those affected directly or indirectly by the consumption of alcohol by others.”

89. Dr Hewison said the Commission was of the view that: ... *a new focus is needed if New Zealand is to achieve a reduction in alcohol-related harm.* He said the Commission proposed reforms which included restrictions on opening hours and allowing more local input into licensing policy and decisions. Among the Commission’s proposals were restrictions of various kinds on supply.
90. Dr Hewison noted in terms of the relevant case law, the Alcohol Regulatory and Licensing Authority (‘ARLA’) has said: *“We regard a licence as a privilege not a right.”* The High Court has said *“There is no presumption that an application for a licence will be granted ... ”.* The changes implemented by the 2012 Act were intended to create a robust regime under which *“licences will be hard to get and easier to lose.”* Further, he said there is no presumption that an application for a licence will be granted or that a licence will be renewed. *“While there is no onus of proof on an applicant, it does have an evidential burden and that it is for an applicant to put its best foot forward if it expects a DLC to favour the application over opposition which is itself supported by evidence.”* Dr Hewison said an application can be declined based on a failure to satisfy even one of the section 105 factors.
91. Dr Hewison cited the Court of Appeal statement: *“The new Sale and Supply of Alcohol Act signals a new community-oriented approach incorporating both purpose and object provisions. The key purpose of the Act is to put in place, for the benefit of the community as a whole, a new system of control.”*
92. He noted the Court of Appeal has also considered sections 3 and 4 of the Act and stated: *“[17] The definition of alcohol-related harm (meaning harm caused by*

excessive or inappropriate consumption) was a significant departure from the 1989 Act ... It envisages that harm relating from the supply of alcohol may occur after sale, where the alcohol is consumed or the consequences of its misuse felt. And it recognises that society and communities experience harm and have an interest in minimising it." The Supreme Court has affirmed that approach.

Background to the Licensed Premises

93. Dr Hewison submitted the Inspector's Report (12 May 2025) provides a background to the premises. It notes that an application was made for a bottle store off-licence in 2020 and a licence granted on 8 September 2020. That decision was appealed by Ms Merena Selby on behalf of Te Wananga o Raukawa. The appeal was heard by ARLA but was dismissed on 22 December 2020. The off-licence was issued on 1 March 2021. The licence was renewed on 2 October 2022.
94. The Inspector's Report states that Mr Singh took ownership of Kiw-E Ōtaki Limited on 15 November 2023. The applicant's brief of evidence states that since December 2023, he has been the sole director and shareholder of Kiw-E Ōtaki Limited.
95. This change in ownership of the business has meant that no temporary authorities have been sought and no 'new owner' application under section 105 has been made.
96. Kiw-E Ōtaki Limited lodged an application to renew its off-licence for Super Liquor Ōtaki on 28 January 2025.
97. Dr Hewison submitted that the framework of the Act requires that an application for a new licence under section 105 of the Act must follow a change in the ownership of a business holding an alcohol licence so that the suitability of the new owner(s) can be evaluated. This has not occurred and this goes against the suitability of the licensee.

Variation

98. Dr Hewison noted, the Inspector's Report includes the decision of DLC, dated 8 September 2020, which includes an attached plan of the approved alcohol licensed area. The alcohol licensed area appears to be an area highlighted in orange and excludes the storeroom, toilets, office and kitchen. The chiller comprised only about one quarter of the premises in that plan.
99. He said the Inspector's report for this renewal states: *"The design and layout of the current licensed area of the premises is not proposed to change; it is an existing layout created when the premises were altered to merge two shops into the bottle store format, date stamped approved 8 September 2020."*
100. However, Dr Hewison said the Inspector's report also includes a floor plan that accompanied the application. He said this plan differs in that the entire premises now seems to be designated. In addition, the new plan now includes a very large chiller (half the size of the premises) and adjustments in the location of the till as well as the layout of stock.

101. Dr Hewison submitted that this application involves a variation of conditions (being the floor plan) or a variation in the layout and design (the increase in the size of the chiller) under section 120, as well as a renewal (under section 131). As a consequence, the application must be evaluated under section 120 of the Act. However, none of the agencies have carried out such an evaluation and no public notice has been given of a variation to the licence.
102. Referencing the Inspector's report (12 May 2025), page 8, Dr Hewison says the Inspector also noted that "Pursuant to section 231 of the Act (Notice of appointment, etc, of manager, temporary manager, or acting manager) the applicant submitted a change of management form to properly appoint Mr Sukhjinder Singh as a staff member holding a manager certificate at the premises."
103. Dr Hewison said it is submitted that without an application for a variation, the premises must be reconfigured back to the design and layout of the plan attached to the decision of the DLC, dated 8 September 2020.

Vulnerability, Deprivation and Extended Suitability

104. Dr Hewison said the vulnerability of an area has been determined by ARLA and the High Court to raise the standard of suitability to the higher threshold of 'extended suitability'. He said the Inspector's report (12 May 2025) clearly states that the area in which this premises is situated in is a high deprivation area.
105. Dr Hewison said the Medical Officer of Health's report (included in the Inspector's report) states: *"The high vulnerability of the locality meets the requirement for enhanced suitability. By selling single cans of beer at very low prices demonstrates that the applicant does not meet the requirement for enhanced suitability."*
106. Dr Hewison said it is submitted that the higher threshold of 'extended suitability' applies to this application and a no single sales condition should be included. He said the Inspector's report discusses such a condition under the heading 'Council administration error on current licence'. He noted the condition on the licence clearly states: *"The sale of single units of mainstream (high volume commercial) beer, and ready to drink spirits or shots is prohibited."*
107. He said the report of the Medical Officer of Health, dated 21 February 2025 (included in the Inspector's report), states that the applicant sells 500mls single cans of beers at low prices. Dr Hewison said it is the evidence of Mr Ron Tustin that on 24 February 2025 he visited Super Liquor Ōtaki and was able to purchase a can of Kingfisher strong (7.2% ABV) for \$5.50. Mr Tustin also gave this evidence before the DLC as part of the Super Liquor Waikanae hearing. Dr Hewison said this constitutes a breach of the single sales condition of the licence and goes against the suitability of the applicant.

Inexperience

108. Dr Hewison said Mr Singh began working part-time at BlackBull Liquor Richmond in April 2023 (or seven months before receiving his Manager's Certificate in November

2023). Since then he has only had experience working at Super Liquor Ōtaki (or around 20 months). It is submitted that he is too inexperienced to be sole owner of premises in a highly vulnerable community.

Extended Suitability

109. Dr Hewison said Section 105(1)(b) of the Act requires the DLC to have regard to the suitability of the applicant. The Inspector's report concludes that the applicant is suitable to continue to operate the licensed premises. However, he submitted with regard to the discussion in the Inspector's report of Condition #8 (no single sales) under the heading 'Council administration error on current licence', it would appear that the assessments made in the table under paragraph [24] did not relate to Condition #8 on the licence. He said it is submitted that that various statements in the table that no single sales from broken packages were made must be in doubt. He said certainly, Mr Tustin was able to purchase one and the Medical Officer of Health states that the applicant sells 500mls single cans of beers at low prices.
110. Dr Hewison said in light of this and, in particular, due to the breach of Condition #8 on the licence, it is submitted that the applicant does not meet the higher threshold of 'extended suitability'.

Design and Layout

111. He submitted that Section 105(1)(e) of the Act requires the DLC to have regard to the design and layout of the premises.

Address and Tenure

112. Dr Hewison noted there seems to be some confusion as to what the correct address is for the premises and therefore whether the applicant has tenure.
113. He further noted the WestLaw Commentary (SA105.4) states: *"If the applicant does not have sole and exclusive control of the premises proposed to be licensed, then generally speaking it will not be able to demonstrate that it will have the ability to control everything that takes place in the premises."* He noted that has clear consequences in terms of its responsibility under the licence, citing Murray LLA 976/94, 13 July 1994, the former Authority, in considering an application for an on-licence, regarded satisfactory tenure of premises as being a "fundamental factor."

Floor Plan and Designated Area Change

114. Dr Hewison said the Inspector's report includes the decision of the DLC, dated 8 September 2020, which includes an attached plan of the approved alcohol licensed area. The alcohol licensed area appears to be an area highlighted in orange and excludes the storeroom, toilets, Office and kitchen. The chiller comprises only about one quarter of the premises. He said the Inspector's report for the renewal of the licence in 2022 stated: "The design and layout of the current licensed area of the premises is not proposed to change; it is an existing layout created when the premises

were altered to merge two shops into the bottle store format, date stamped approved 8 September 2020.”

115. However, Dr Hewison said the Inspector’s report also includes a floor plan that accompanied the application. This plan differs in that the entire premises now seems to be designated. In addition, the new plan now includes a very large chiller (half the size of the premises) and adjustments in the location of the till as well as the layout of stock.
116. Dr Hewison said this application is now a variation (under section 120) as well as a renewal (under section 131) and submitted that without an application for a variation, the premises must be reconfigured back to the design and layout of the plan attached to the decision of the DLC, dated 8 September 2020.

The Sale of Goods and the Provision of Other Services

117. Dr Hewison noted sections 105(1)(f) and (g) of the Act require the DLC to have regard to the provision of goods and services. The Inspector’s report mentions that the applicant sells cigarettes, tobacco, and sundry smoking related items.
118. He said that the DLC noted in the hearing for Super Liquor Waikanae, combining alcohol and tobacco use increases cancer risk further. Ms Savage asks the DLC to impose an equivalent condition.

Amenity and good order

119. Dr Hewison noted Section 131(1)(b) requires the DLC to have regard to whether (in its opinion) the amenity and good order of the locality would be likely to be increased by more than a minor extent, by the effects of a refusal of the licence. Section 106(2) provides that in forming an opinion about section 131(1)(b), the DLC must have regard to current, and possible future, levels of noise, nuisance and vandalism.
120. Dr Hewison said the Inspector’s report notes the number of licensed premises in the area. He said while that does not form part of the criteria for assessment of applications for renewal, it does for a variation. The Inspector identifies Ōtaki College as a sensitive site (500 metres from the premises on Mill Road).
121. Ms Hannifan’s evidence notes the hotel over the road, and a TAB. She has concerns that having an off-licence so close to both of these can exacerbate the harm alcohol causes. Dr Hewison noted that while the Inspector’s report does not mention any nuisance or vandalism in the locality, Ms Hannifan has observed and photographed alcohol rubbish in the area outside the store. It was submitted there was alcohol related rubbish near the train station, in the carpark beside the store and out the back of the store. Ms Hannifan says that this rubbish suggests that there is drinking happening in the area. She also noticed graffiti.
122. Dr Hewison submitted that the amenity and good order of the locality would be likely to be increased by more than a minor extent, by the effects of a refusal of the licence.

Systems, staff and training

123. Dr Hewison noted section 105(1)(j) requires the DLC to have regard to whether the applicant has appropriate systems, staff, and training to comply with the law.
124. Dr Hewison submitted that the Inspector notes that the applicant has the support of the Super Liquor franchisor who ensures they have good systems and procedures in place to promote the safe and responsible sale of alcohol in the community. The Inspector says that Super Liquor have online training that all staff must complete and pass, this is checked through three monthly audits.
125. Dr Hewison said it is submitted that the reliance on the Super Liquor franchisor to ensure the applicant has good systems and procedures in place to promote the safe and responsible sale of alcohol in the community is misplaced. He noted the objector has significant concern that franchisees of the Super Liquor franchisor continue to fail the most basic, but the important metric – sales to minors – and the objection includes a list of 27 Super Liquor franchisees who have failed controlled purchase operations since 2017 (or sales to minors).
126. Dr Hewison submitted that the applicant does not have appropriate systems, staff, and training to comply with the law.

Reports of the Agencies

127. Dr Hewison submitted that section 105(1)(k) requires the DLC to have regard to the reports of the agencies. On the basis that this is an application for renewal, the three agencies are not opposed. However, Dr Hewison submits the agencies have not reported on the variation of the floor plan and alcohol licensed area.

Object of the Act

128. Dr Hewison noted that on the object of the Act, section 4 states that the object of the Act is that *“the harm caused by the excessive or inappropriate consumption of alcohol should be minimised. Harm includes any death, disease, illness or injury (for example) directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol – or – any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any death, disease, illness or injury (for example).”*
129. Therefore, the objector contends that the evidence before the DLC is that granting this application would be contrary to the object of the Act.

Purpose of the Act

130. Dr Hewison reiterated the Court of Appeal statement: *“The new Sale and Supply of Alcohol Act signals a new community-oriented approach incorporating both purpose and object provisions. The key purpose of the Act is to put in place, for the benefit of the community as a whole, a new system of control.”*

131. Dr Hewison submitted there is community opposition to the application indicating the community itself does not believe the renewal of the application will be of benefit to the community as a whole. He said the Act recognises that society and communities experience harm and have an interest in minimising it.

Conclusion /Relief

132. In conclusion, Dr Hewison said the objector asked the DLC to decline the application.

Committee Questions for the Objector

133. Ms Elliott asked what the objector defined as craft beer. Dr Hewison said it was generally a higher price. He said there was no clear definition.
134. The chair asked if the objector had a view on the industry definition. Dr Hewison cited cases of craft beer being determined by vendors, for instance he said Woolworths have decided to impose a 5.5 ABV limit. He cited New World Point Chevalier had set definitions by negotiation, and Bottle O Pleasant Point had an imposed condition. Dr Hewison said there are some large producers making craft beer. He said there has been a growth of products from large multi-national producers. He said craft beer needs to be from a micro brewery and several beers being sold as craft are no longer truly craft beer.
135. Ms Elliott asked Dr Hewison to clarify whether he thought that time in a role was the major measure of suitability. Dr Hewison said time and experience, and it was important to gain experience in operating premises in vulnerable areas such as Ōtaki. He said the extended suitability threshold applies in this case.
136. Ms Elliott asked for clarification regarding the claim that the premises is located on a sensitive site. The objector presented the view that the deprivation area or sensitive site area would extend up to two kilometres noting the Shady Lady Lighting case of 2018.

Evidence from Mandy Savage Objector for the Cancer Society

137. Speaking to her written evidence Ms Savage said she has established links to Ōtaki and her interest in alcohol licensing stems from the harm she has seen from alcohol, and, in her professional role, knowledge that alcohol causes cancer.
138. Ms Savage said the position of the Cancer Society is that where possible, people should not drink alcohol. However, where alcohol is consumed, the advice is to reduce alcohol consumption as much as possible.
139. Ms Savage said high access to alcohol through many outlets, marketing and cheap prices are factors that encourage people to drink alcohol. Ms Savage said certain communities are particularly at risk; Māori, young people, those living in high deprivation areas. She said Ōtaki is one such community.

140. Ms Savage said she objected to this licence on a number of grounds including in regards to section 105 of the Act. She is concerned that the applicant may not be suitable to operate a liquor store in this community or have appropriate systems in place. She said it is an area of high needs and there is a 24/7 alcohol ban imposed and the store is within that area.
141. In terms of amenity and good order Ms Savage said the alcohol rubbish seen by Ms Hanifan and the two ram raids since 2022 are both evidence that the amenity and good order would increase significantly if the licence was declined.
142. In evidence Ms Savage said the applicant refers to amenity and good order but all the issues he raises are about a clean store, no rubbish, good lighting, and CCTV. She said this is all about making the store itself safe and clean but there is no assessment of risks in the local community at all.
143. Ms Savage said she objected to the suitability of the applicant due to his inexperience in the sale of alcohol, and the relatively short time he has held a manager's licence. Ms Savage also said Mr Singh was from Nelson and had no knowledge or experience of the Kāpiti Coast and Ōtaki.
144. Ms Savage did not believe this store offers safe and responsible sales. She also did not see that there is a harm minimisation strategy in the area. On the contrary Ms Savage said harm from alcohol in the Ōtaki area was made worse when this liquor store opened. Ms Savage said alcohol is linked to seven different cancers and the Cancer Society is raising awareness of this.

Mr Ron Tustin - Witness for the Objector

145. Mr Tustin told the committee that Ōtaki is a vulnerable area and Māori are a vulnerable group.
146. Mr Tustin said he visited the Super Liquor Ōtaki store on 24 February 2025 and purchased a can of Kingfisher Strong (7.2%ABV) for \$5.50. Mr Tustin said he believed the sale was in breach of a condition on the licence which reads: "The sale of single units of mainstream (high volume commercial) beer and ready to drink spirits or shots is prohibited." Mr Tustin said Kingfisher is an Indian beer brewed by United Breweries in Bangalore. He said it is available in 52 countries and is widely sold in New Zealand.
147. Mr Tustin considered this a breach which brings into question the suitability of the applicant.
148. Mr Laracy asked if Mr Tustin considered Kingfisher Strong a mainstream beer. Mr Tustin answered that he believed it to a mainstream beer. He said strength and cost are relevant and this was a beer with 7.2%ABV sold at \$5.50.

Ms Shelley Hanifan - Witness for the Objector

149. Ms Hanifan said she visited Ōtaki Super Liquor on 30 June 2025 in the afternoon and again on 18 July 2025.

150. Ms Hanifan said when arriving on 30 June she was immediately concerned to see a hotel over the road and a TAB. She said having an off-licence so close to both of these establishments can exacerbate the harm alcohol causes by encouraging people to preload with lower priced alcohol before going to the hotel, and mixing drinking and gambling, which is a high-risk combination for financial harm.
151. Ms Hanifan also provided six photos which she said showed alcohol litter in the area.
152. Inside the shop Ms Hanifan took further photos showing high alcohol ciders and a range of single bottles available for sale.
153. On returning to the store on 18 July Ms Hanifan said she was able to purchase a single high alcohol 8% boutique or 'craft beer' Pernicious Weed for \$6. She was also able to purchase an Edelmeister (8.8% alcohol) four pack for \$20, and a Haagen (7.2%) four pack for \$18. Ms Hanifan provided photos of these and other items and receipts of purchase.
154. The chair asked the applicant if there were many single sales in what a designated alcohol ban area is. Mr Singh said it was very rare to see people consuming outside the store. He said it may occasionally occur that people consume a single sale product in the car. Mr Singh said they have told customers it is an alcohol ban area.

THE HEARING WAS ADJOURNED UNTIL 5 SEPTEMBER 2025 FOR CLOSING SUBMISSIONS

RECONVENED HEARING at Kapiti Coast District Council offices, Paraparaumu, on Friday 5 September 2025 at 10.00am

Chair: Mr Nigel Wilson

Members: Ms Jackie Elliott

Mr Bede Laracy

APPEARANCES

Applicant:

Mr Sukhjinder Singh – Applicant

Mr John Young – Counsel for the Applicant

Reporting Agencies:

Ms Antionette Bliss - Alcohol Licensing Inspector

Objector:

Dr Grant Hewison - Counsel for the Objector
Ms Mandy Savage

CLOSING SUBMISSION FROM ALCOHOL LICENSING INSPECTOR ANTOINETTE BLISS

Suitability of applicant

155. The Inspector noted these premises are in a higher deprivation area and therefore the 'extended suitability' applies. However, from the application submitted, discussions with the Council that issued the manager's certificate, the applicant (represented by Sukhjinder Singh) and his experience as a duty manager and managing and operating food businesses, current staff, monitoring and compliance evidence, she had found no reason to oppose the application.
156. The Inspector's evidence is that the applicant had seven months experience as a duty manager at another off-licensed premises prior to purchasing the business. The applicant purchased the company entity and at that time the applicant's lawyer submitted a change of director/shareholder notification to ARLA in line with section 69 of the Act, along with change of management forms properly appointing duty managers to the premises.
157. Ms Bliss noted that after discussions with Peter Joseph, Franchise Manager, Super Liquor Holdings Limited and the new owner, the agencies did not seek a cancellation of the license under section 71 from ARLA, as they did not find any evidence that the company was no longer suitable nor any issues at the premises that were problematic.

Council administration error on licence 45/OFF/031/2022

158. Ms Bliss' evidence is that the licence was reissued by the DLC Secretary to acknowledge the administration error made on the licence. The licence expired on 1 March 2025 but has remained valid as an application for its renewal was lodged prior to this date.

Undertaking

159. The Inspector noted the applicant had agreed to an undertaking to 'not break up retail ready packaging of mainstream beer and ready to drink (RTD products).' The products purchased by members of the public are intended for sale as individual items, at the time of inspection the applicant had confirmed these products were purchased through Super Liquor as ready to sell single units, not from broken packaging.
160. The Inspector also pointed out that any members of the public that come across non-compliance issues or any alcohol related issues, should approach Council and request assistance or advice, from here Inspectors will investigate and take the regulatory approach adopted by Council, which is to first educate licensees and monitor

accordingly, if issues continue a firmer response is taken which may result in enforcement action being taken. Ms Bliss noted members of the public can be of great assistance to Inspectors, as they cannot be everywhere all the time.

Issues with floor plan

161. Ms Bliss noted the applicant's initial application submitted and presented to the Inspector, 28 November 2019, shows the diagram which was not clear.
162. The Inspector asked Peter Joseph, Franchise Manager, Super Liquor Holdings Limited for a 'mock diagram' and was provided with a diagram on 17 February 2020. Noting the premises were an empty building and concept plans were provided.
163. Ms Bliss noted standard practice currently is to seek agreement from the applicant that a discretionary condition under section 117 to clearly define the footprint of the alcohol licensed area, so as to allow agencies to monitor if a duty manager is on the premises at all times in the area that alcohol is sold and supplied, and as such their role is not diluted with other duties that take them away from their responsibilities for long periods.
164. The licence issued on 1 March 2021, did not include this condition in the DLC hearing decision, 45/011/2020, dated 8 September 2020.

'Licensed premises, the licence premises situated at Shop 3 & 4, 4 Arthur Street, Ōtaki are more precisely identified as outlined in the plan date stamped as approved by the District Licensing Committee on 8 September 2020 (held on DLC file OFF872)'

165. Ms Bliss noted that when indicating the alcohol licensed area, it appears the Inspector inadvertently placed the doorway to the store-room and toilet within the area marked in orange. The Inspector is recommending the alcohol licensed area is added as a condition with the following wording and following floor plan, provided with the renewal application, where the approved alcohol licensed area is marked correctly in red.
166. The inspector is of the opinion that, when the licence was granted, the DLC Committee did not place any conditions on the licence in terms of design and layout. She notes it is unclear how the existing floor plan, dated 8 September 2020, was put in place but was submitted as the approved floor plan in the Inspector's report for the renewal in 2022, therefore a change in the chiller should not prompt an application for variation of conditions as the footprint of approved area has not changed.

Issues with premises address numbering

167. The Inspector notes the Acting Manager Information of Kāpiti Coast District Council confirms Council is aware that there is a history of issues with the numbering of Arthur Street properties. In May 2012 Council received a letter from the then Sergeant in Charge at Ōtaki Police regarding concerns of a high risk of confusion to Emergency

services responders because of the illogical numbering of premises throughout the street. A contributing factor being that a number of units along parts of Arthur Street are in fact attached to buildings with frontages onto Main Highway and subsequently have alternative addresses.

168. It has been confirmed that the premises are currently situated at 4 Arthur Street and the applicant has occupied these premises since 2020. There is no question from Council or the Inspector that the applicant has had tenure since 2020, the applicant had submitted a renewal application with the correct shop numbering. For the purposes of the licence, the premises will be identified as shop 2 & 3, 4 Arthur Street, Ōtaki (as per the lease agreement.)

Additional discretionary conditions

169. The Inspector noted that the applicant has agreed to the following discretionary conditions and undertakings, that form part of the agencies Memorandum of Understanding and therefore agency opposition was withdrawn. The agencies believe agreement to the discretionary conditions and undertakings shows a willingness by applicant to work with agencies in the interest of reducing alcohol related harm in the community.

Delivery:

- a) *All deliveries of alcohol must be signed for by a person aged 18 years or older. Signs of intoxication on the part of the recipient would result in non-delivery.*

Undertaking from applicant regarding delivery of restricted goods:

- b) *Alcohol is considered a restricted good. We are unable to leave restricted goods unattended at an address, and if there is no one aged 18 years or older to receive the delivery, we will not leave it. Alcohol purchases must be received by someone who is aged 18 years or older. In order to take the delivery, valid and current identification must be shown to the person/s delivering the goods. If the deliverer considers the person receiving the delivery to be intoxicated, the alcohol will not be delivered.*
- c) *This identification must include the following: Full name, Date of Birth, Photo and Signature.*
- d) *When we engage a courier company to make our deliveries, we will only use a company that can provide sufficient reassurance that their drivers will always adhere to the requirement to obtain a signature and proof of ID showing that the recipient is over 18 years of age. A signed written agreement between the courier and applicant will be provided to the tri-agencies.*

No single sales:

- e) *No single sales of beer or ready to drink spirits (RTDs) in bottles, cans or containers of 500mls or less in volume may occur except for craft beer. No single sale of shots or premixed shots.*

Undertaking from applicant regarding single sales:

- f) *As part of a commitment to responsible alcohol sales, the licensee agrees that: Beer or ready to drink (RTD) spirits in containers of 500mls or less in volume will not be sold in quantities of less than four bottles/cans (except for craft beer) and with excessive discount applied.*
- g) *Shots or premixed shots will not be sold in quantities of less than four in a pack and with excessive discount applied.*
- h) *Shots or premixed shots will not be displayed on, beside or in front of the counter (behind the counter is permitted).*

Conclusion

- 170. Ms Bliss noted that in her report, she did not find any reason under the criteria of the Act, to oppose the renewal of the licence.

CLOSING SUBMISSION ON BEHALF OF THE OBJECTOR

- 171. Dr Hewison noted that the closing submissions are made on behalf of Mandy Savage, Kāpiti Centre, Wellington Division, Cancer Society ('Objector').
- 172. Addressing statutory criteria and relevant case law, Dr Hewison said the relevant statutory criteria for consideration are in sections 131 and 106 of the Act.
- 173. In terms of the background to the Act, reference is made to *Auckland Council v Woolworths New Zealand* [2021] NZCA 484 (paras [8] to [22]) and to *Woolworths New Zealand Limited v Auckland Council* [2023] NZSC 45 (paras [7] to [11]), where the Supreme Court said:

"In a 2010 report, the Law Commission | Te Aka Matua o te Ture concluded that the [Sale of Liquor Act 1989] had not reduced alcohol-related harm. Indeed, problems associated with alcohol-related harm had become worse, with the proliferation of outlets identified as a likely contributing factor. Levels of such harm were high, for both those consuming alcohol and those affected directly or indirectly by the consumption of alcohol by others.

The Commission was of the view that a new focus is needed if New Zealand is to achieve a reduction in alcohol-related harms. The Commission proposed reforms which included restrictions on opening hours and allowing more local input into licensing policy and decisions. Among the Commission's proposals were restrictions of various kinds on supply."

174. Dr Hewison submitted in terms of the relevant case law that ARLA has said: “We regard a licence as a privilege not a right.” The High Court has said “There is no presumption that an application for a licence will be granted”. The changes implemented by the 2012 Act were intended to create a robust regime under which “licences will be hard to get and easier to lose.” Further, there is no presumption that an application for a licence will be granted or that a licence will be renewed. “While there is no onus of proof on an applicant, it does have an evidential burden and that it is for an applicant to put its best foot forward if it expects a DLC to favour the application over opposition which is itself supported by evidence.” An application can be declined based on a failure to satisfy even one of the section 105 factors.
175. Dr Hewison submitted that the Court of Appeal has stated: *“The new Sale and Supply of Alcohol Act signals a new community-oriented approach incorporating both purpose and object provisions. The key purpose of the Act is to put in place, for the benefit of the community as a whole, a new system of control.”*
176. He said that the Court of Appeal has also considered sections 3 and 4 of the Act and stated: *“The definition of alcohol-related harm (meaning harm caused by excessive or inappropriate consumption) was a significant departure from the 1989 Act. It envisages that harm relating from the supply of alcohol may occur after sale, where the alcohol is consumed or the consequences of its misuse felt. And it recognises that society and communities experience harm and have an interest in minimising it.”* Dr Hewison said the Supreme Court has affirmed that approach.

Background to the Licensed Premises

177. Dr Hewison said The Inspector’s report (12 May 2025) provides a background to the premises. It notes that an application was made for a bottle store off-licence in 2020 and a licence granted on 8 September 2020. That decision was appealed by Ms Merena Selby on behalf of Te Wananga o Raukawa. The appeal was heard by ARLA, but was dismissed on 22 December 2020. The off-licence was issued on 1 March 2021. The licence was renewed on 2 October 2022.
178. Dr Hewison said the Inspector’s report states that Mr Singh took ownership of Kiw-E Ōtaki Limited on 15 November 2023. The applicant’s brief of evidence states that since December 2023, he has been the sole director and shareholder of Kiw-E Ōtaki Limited.
179. Dr Hewison said this change in ownership of the business has meant that no temporary authorities have been sought and no ‘new owner’ application under section 105 has been made.
180. He said Kiw-E Ōtaki Limited lodged an application to renew its off-licence for Super Liquor Ōtaki on 28 January 2025.
181. Dr Hewison submitted that the framework of the Act requires that an application for a new licence under section 105 of the Act must follow a change in the ownership of a business holding an alcohol licence so that the suitability of the new owner(s) can be evaluated.

182. He said in particular, the framework of the Act and numerous examples of ARLA case law expects a 'new owner' licence application to be sought and, if granted, to only be for a first 'probationary year' so that the applicant can be tested. In this instance the applicant and its new director have circumvented this.
183. Dr Hewison submitted these factors go against the suitability of the licensee. He further submitted that should the DLC renew this licence, that it only be renewed for a 'probationary year'.

Variation

184. Dr Hewison noted the Inspector's report includes the decision of the DLC, dated 8 September 2020, which includes an attached plan of the approved alcohol licensed area. The alcohol licensed area is that area highlighted in orange and excludes the storeroom, toilets, office and kitchen.
185. Dr Hewison submitted that although the applicant says that this attached layout plan is for 'information purposes only', it is submitted that the plan includes the heading "Plan of approved alcohol licensed area". The licence also states: *"Licensed Premises - The licensed premises situated at Shop 3 and 4, 4 Arthur Street, Ōtaki are more precisely identified in the plan date stamped as approved by the District Licensing Committee on 8 September 2020 (held on DLC File ŌFF872).*
186. Dr Hewison introduced evidence of the renewal application from 22 January 2022 filed by 'Ignition'.
187. Dr Hewison said this included a plan with 'red' markings that appears to have sought for the entire premises to become the alcohol licensed area. However, as noted above the licence does not refer to this plan, but states: *"Licensed Premises - The licensed premises situated at Shop 3 and 4, 4 Arthur Street, Ōtaki are more precisely identified in the plan date stamped as approved by the District Licensing Committee on 8 September 2020 (held on DLC File ŌFF872). This is also on the 'reissued licence.'*
188. Dr Hewison said the chiller comprised only about one quarter of the premises in the 8 September 2020 plan.
189. Dr Hewison submitted the Inspector's report for this renewal states: *"The design and layout of the current licensed area of the premises is not proposed to change; it is an existing layout created when the premises were altered to merge two shops into the bottle store format, date stamped approved 8 September 2020"*
190. However, Dr Hewison said the Inspector's report also includes a floor plan that accompanied the application and this plan differs in that the entire premises is now intended to be the licensed area. In addition, the new plan now includes a very large chiller 'half the size of the premises and adjustments in the location of the till as well as the layout of stock.

191. Dr Hewison said the evidence of the Inspector is that she prefers that the licensed area exclude areas such as the storeroom, toilets, office and kitchen.
192. Dr Hewison submitted that this application involves a variation of conditions (being the new floor plan and new licensed area) and/or a variation in the layout and design (the increase in the size of the chiller). He submits as a consequence that the application must be evaluated as a variation under section 120 of the Act as well as a renewal under section 131. However, none of the agencies have carried out an evaluation of a variation and no public notice has been given of a variation to the licence.
193. Dr Hewison submitted that without an application for a variation, the premises must be reconfigured back to the design and layout of the plan attached to the decision of the DLC, dated 8 September 2020 and that this include a reduction in the size of the chiller back to that in that plan.

Vulnerability, Deprivation and Extended Suitability

194. The vulnerability of an area has been determined by ARLA and the High Court and requires that DLC have regard to raising the standard of suitability to the higher threshold of 'extended suitability' for applications from such areas.
195. Dr Hewison said the Inspector's report (12 May 2025) states that: *"The area in which this premises is situated in experiences high deprivation (NZDep2023 decile 8) and there is churches and schools nearby."* He said the premises are situated within an alcohol-free zone (Ōtaki main street) that is in effect Monday to Sunday, 24 hours a day.
196. Dr Hewison said the Medical Officer of Health's report (included in the Inspector's report) states: *"The high vulnerability of the locality meets the requirement for enhanced suitability. By selling single cans of beer at very low prices demonstrates that the applicant does not meet the requirement for enhanced suitability."*
197. He submitted that the higher threshold of 'extended suitability' applies to this application.

'No Single Sales' Condition

198. The Inspector's report discusses a no sales condition under the heading 'Council administration error on current licence.
199. Dr Hewison said that this condition on the licence clearly states: *"The sale of single units of mainstream (high volume commercial) beer, and ready to drink spirits or shots is prohibited."* The licence is included in the Inspector's report and was displayed at the premises.
200. Dr Hewison said the report of the Medical Officer of Health, dated 21 February 2025 (included in the Inspector's report), states that the applicant sells 500mls single cans of beers at low prices.

201. Dr Hewison said it is the evidence of Mr Ron Tustin that on 24 February 2025 he visited Super Liquor Ōtaki and was able to purchase a 500mls can of Kingfisher strong (7.2% ABV) for \$5.50. Mr Tustin also gave this evidence before the DLC as part of the Super Liquor Waikanae hearing.
202. Dr Hewison submitted that the evidence is that Kingfisher strong (7.2% ABV) is mainstream (high volume commercial) beer.
203. Dr Hewison said although the Council has sought to re-issue the licence to exclude the no single sales condition retrospectively, it is submitted that this does not absolve the applicant from compliance with the licence previously issued and displayed at the premises. He submitted that this constitutes a breach of the condition of the licence and goes against the suitability of the applicant.

Inexperience

204. Mr Hewison said Mr Singh began working part-time at BlackBull Liquor Richmond in April 2023 (or seven months before receiving his Manager's Certificate in November 2023). Since then, he has only had experience working at Super Liquor Ōtaki (for around 20 months). It was submitted that he is too inexperienced to be sole owner of premises in a highly vulnerable community.

Breach of Undertaking

205. Dr Hewison said the evidence before the DLC is that there is an 'Undertaking to prohibit single sales' (dated 26/02/2020). The Undertaking states:

"We, the applicants and intended licensee of the off-licensed premises located at Shop 2, 3 & 4 Arthur Street and known as Super Liquor Ōtaki, undertake not to break up retail ready packaging of mainstream beer and ready-to-drink (RTD) products, and therefore will prohibit the sale of single units of RTDs and standard sizes of mainstream beer (such as those in 330ml servings) on or from this premises ...

Sales of single bottles or cans of boutique or craft beers of any size, or appropriate products (those that are not likely to encourage excessive or inappropriate consumption) designed to be sold individually (such as in servings of 500mls or more) will not be subject to this undertaking (are permitted)."
206. Dr Hewison submitted that the first paragraph states, in part, that the licensee will prohibit the sale of single units of standard sizes of mainstream beer (such as those in 330mls servings) on or from this premises. It is submitted that the example of 330mls servings is only that – an example. It is further submitted the 500mls can of Kingfisher Strong is a standard size of mainstream beer. As a consequence, it is submitted that the sale to Mr Ron Tustin of a 500mls can of Kingfisher Strong breached the Undertaking.
207. Dr Hewison further submitted that the 500mls can of Kingfisher Strong is not captured by the exemption as it is not a boutique or craft beer.

208. He said, again, the report of the Medical Officer of Health, dated 21 February 2025 (included in the Inspector's report), states that the applicant sells 500mls single cans of beers at low prices.
209. Dr Hewison submitted that the breach of the Undertaking goes against the suitability of the applicant.

Extended Suitability

210. Dr Hewison submitted that section 105(1)(b) of the Act requires the DLC to have regard to the suitability of the applicant. The Inspector's report concludes that the applicant is suitable to continue to operate the licensed premises.
211. However, Dr Hewison submits with regard to the discussion in the Inspector's report relating to the no single sales condition under the heading 'Council administration error on current licence', it would appear that the assessments made in the table under paragraph [24] did not relate to this condition on no single sales on the licence and makes no mention of the breach of Undertaking. He said Mr Tustin was able to purchase a single of mainstream beer and the Medical Officer of Health states that the applicant sells 500mls single cans of beers at low prices.
212. Dr Hewison said in light of this and, in particular, due to the breach of this condition on the licence and the breach of the Undertaking, it is submitted that the applicant does not meet the higher threshold of 'extended suitability'.

Design and Layout

213. Section 105(1)(e) of the Act requires the DLC to have regard to the design and layout of the premises.

Address and Tenure

214. Dr Hewison said of note in this regard is that the decision of the DLC, dated 8 September 2022 includes an attached plan of the approved alcohol licensed area, which states: "*Kiw-e Ōtaki Limited, situated at Shop 3 and 4, 4 Arthur Street, Ōtaki known as Super Liquor Ōtaki.*". The licence however identifies the premises as "*Shop 3 and 4, 4 Arthur Street, Ōtaki.*" And the Public Notice shows "*Units 2 & 3, 4 Arthur Street, Ōtaki.*" The Deed of Lease shows "*Shops 2 and 3, 4 Arthur Street, Ōtaki.*" And on page 1 of the Inspector's report (12 May 2025), the Inspector identifies the premises as "*Units 2 & 3, 4 Arthur Street, Ōtaki.*"
215. Dr Hewison said there is confusion as to what the correct address is for the premises and therefore whether the applicant has tenure.
216. Dr Hewison submitted that the WestLaw commentary (SA105.4) states: "*If the applicant does not have sole and exclusive control of the premises proposed to be licensed, then generally speaking it will not be able to demonstrate that it will have the ability to control everything that takes place in the premises.*" Dr Hewison submits that has clear consequences in terms of its responsibility under the licence. In Murray

LLA 976/94, 13 July 1994, the former Authority, in considering an application for an on-licence, regarded satisfactory tenure of premises as being a “*fundamental factor*”.

Floor Plan and Licensed Alcohol Area Change

217. Dr Hewison submitted that without an application for a variation, the premises must be reconfigured back to the design and layout of the plan attached to the decision of the DLC, dated 8 September 2020 and that this includes a reduction in the size of the chiller back to that in that plan. Dr Hewison said also of note was the concern of the DLC regarding the rear doors.

The Sale of Goods and the Provision of Other Services

218. Dr Hewison submitted that sections 105(1)(f) and (g) of the Act require the DLC to have regard to the provision of goods and services. The Inspector’s report mentions that the applicant sells cigarettes, tobacco, and sundry smoking related items. He said the evidence of the applicant is that sale of vapes and tobacco make up 5-10% of sales from the premises. (PLEASE NOTE: In the Inspectors report reads – pg. 63 - 50. The applicant sells cigarettes, tobacco, and sundry alcohol related items)
219. Dr Hewison said, as the DLC noted in the hearing for Super Liquor Waikanae, combining alcohol and tobacco use increases cancer risk further. He said Ms Savage has given evidence of the risks associated with the sale of vapes, vaping products and tobacco. She asks the DLC to impose an equivalent condition: “*That vapes or vaping products, cigarettes and tobacco products not be sold from the premises.*”

Amenity and good order

220. Dr Hewison submitted that section 131(1)(b) requires the DLC to have regard to whether (in its opinion) the amenity and good order of the locality would be likely to be increased by more than a minor extent, by the effects of a refusal of the licence. Section 106(2) provides that in forming an opinion about section 131(1)(b), the DLC must have regard to current, and possible future, levels of noise, nuisance and vandalism.
221. Dr Hewison said the applicant acknowledged in response to a question from the DLC that people making purchases from the premises did consume alcohol (in breach of the alcohol ban) in the immediate area outside the premises. Dr Hewison said when asked if the people drinking outside had bought the alcohol at his premises, Mr Singh confirmed that “*the person bought it in the store and then drank it out there.*”
222. Dr Hewison said the Inspector’s report notes the number of licensed premises in the area. He said while that does not form part of the criteria for assessment of applications for renewal, it does for a variation. The Inspector identifies Ōtaki College as a sensitive site (500 metres from the premises on Mill Road).
223. He said there have been several ram raids of the premises and there has been a trespass notice issued by the Police regarding the premises.

224. Dr Hewison said Ms Hanifan's evidence notes the hotel over the road, and a TAB. She has concerns that having an off-licence so close to both of these establishments can exacerbate the harm alcohol causes. Dr Hewison said the applicant advised that the tavern and TAB do not have regular closing times, indicating no relationship or coordination with them from this off-licence. Dr Hewison said while the Inspector's report does not mention any nuisance or vandalism in the locality, Ms Hanifan has observed and photographed alcohol rubbish in the area outside the store. Ms Hanifan said there was alcohol related rubbish near the train station, in the carpark beside the store and out the back of the store. She said that this rubbish suggests that there is drinking happening in the area. She also noticed graffiti.
225. Dr Hewison submitted that the amenity and good order of the locality would be likely to be increased by more than a minor extent, by the effects of a refusal of the licence. Should the DLC decide to renew the Licence, the admission from the applicant that people drinking outside had bought the alcohol at the premises, applying relevant conditions will be very important.

Systems, staff and training

226. Section 105(1)(j) requires the DLC to have regard to whether the applicant has appropriate systems, staff, and training to comply with the law.
227. Dr Hewison said the Inspector notes that the applicant has the support of the Super Liquor franchisor who ensures they have good systems and procedures in place to promote the safe and responsible sale of alcohol in the community. The Inspector says that Super Liquor have online training that all staff must complete and pass, and compliance with this is checked through three monthly audits.
228. Dr Hewison said it is submitted that the reliance on the Super Liquor franchisor to ensure the Applicant has good systems and procedures in place to promote the safe and responsible sale of alcohol in the community is misplaced. He said of significant concern to the Objector is that franchisees of the Super Liquor franchisor continue to fail the most basic, but the important metric – sales to minors. Dr Hewison evidence provided includes a list of 27 Super Liquor franchisees who have failed controlled purchase operations since 2017, or sales to minors.
229. Dr Hewison submitted that the Applicant does not have appropriate systems, staff, and training to comply with the law.

Manner in which the applicant has sold, displayed, advertised or promoted alcohol –

230. Section 131 (d) requires the DLC to have regard to the manner in which the applicant has sold, displayed, advertised or promoted alcohol.
231. Dr Hewison said the DLC were rightly concerned about the sale and display of very high strength beer (Edelmeister 8.8%) from the premises. He said this raises the risk of excessive or inappropriate consumption of alcohol.

Reports of the Agencies

232. Section 105(1)(k) requires the DLC to have regard to the reports of the agencies.
233. Dr Hewison noted on the basis that this is an application for renewal, the three agencies are not opposed. However, they have not reported on the variation of the floor plan and alcohol licensed area. The decision in Ponda Holdings may be distinguished as it did not involve a variation.

Objections

234. Dr Hewison submitted that the applicant has made quite an issue of the objections, especially those using a JotForm. He said the applicant and ARLA Decision in Matautia v TST Limited – The Springs Tavern, does not mention the High Court decision in *Tekere v I S Dhillon and Sons Limited*, where the High Court said: *“there is no reason why an objector could not make a cogent, self-sustaining written objection which would carry weight.”* Dr Hewison submitted that the objections made through the JotForm are cogent, self-sustaining, written objections that should be accepted by the DLC and carry weight.

Object of the Act

235. Dr Hewison said turning to the object of the Act, section 4 states that the object of the Act is that *“the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.”*
236. Dr Hewison submitted that harm includes any death, disease, illness or injury for example directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol – or – any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any death, disease, illness or injury for example.
237. Dr Hewison said it is submitted that the evidence before the DLC is that granting this application would be contrary to the object of the Act.

Purpose of the Act

238. Dr Hewison noted the Court of Appeal has said: *“The new Sale and Supply of Alcohol Act signals a new community-oriented approach incorporating both purpose and object provisions. The key purpose of the Act is to put in place, for the benefit of the community as a whole, a new system of control.”*
239. Dr Hewison said there is community opposition to the application indicating the community itself does not believe the renewal of the application will be of benefit to the community as a whole. The Act recognises that society and communities experience harm and have an interest in minimising it.

Conditions

240. Dr Hewison said as agreed at the hearing, the applicant has provided a Memorandum (24 August 2025), which states that by reference to the existing conditions on the off-licence (at page 279 of the hearing agenda), the applicant supports the following deletions/additions: That condition 8 be deleted and a new condition be added as follows: “No single sales of beer, cider or RTD’s priced at, or less than \$6.00 per unit are to be sold”.
241. Dr Hewison said due to the preferred single sale condition set out above, the applicant says it does not support the single sale condition and undertaking set out in the Inspector’s report (at pages 67 and 68 of the hearing agenda), instead, the applicant agrees to the alcohol delivery condition and undertaking. The applicant says that the full reasoning for supporting the \$6.00 single sale condition will be set out in closing submissions, but to assist all parties the primary reasons are clarity and certainty.
242. Dr Hewison said although the objector submits that the application should be refused, should the DLC be minded to renew the application, the following submissions on conditions are made. For consistency with the Super Liquor Waikanae Decision, the objector notes condition (5) from that Decision: “That single units of beer, craft beer, cider, shots or ready to a drink spirits (RTD’s) are not sold from the premises”.
243. Dr Hewison said the objector supports the conditions and undertakings recommended by the Inspector (at pages 67 and 68 of the hearing agenda).
244. He said the objector is also attracted to the ‘no single sales’ condition from Black Bull Liquor Queen Street (508C, Queen Street, Auckland CBD): “Beer (excluding craft beer), cider, or RTDs in containers sized 500mls or less in volume must be sold and displayed in four packs or more.”
245. Dr Hewison submitted that in addition, the objector notes that the applicant agrees to the alcohol delivery condition and undertaking.
246. The Objector supports the alcohol delivery condition applied by the Hamilton DLC:
Remote Sale Conditions:
Alcohol may be sold remotely at any time, on any day.
Alcohol sold remotely must not be delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day, and must not be dispatched from the store for delivery between 8:00pm and 6:00am the following day.
The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver (where present) is not intoxicated.
The outside of the delivery package must contain a label with the following words: Contains Alcohol - Do not leave to intoxicated persons.
A copy of the licence must be displayed on the Super Liquor internet site in a prominent place.

247. Dr Hewison said the objector asks the DLC to impose a condition: *“That vapes or vaping products, cigarettes and tobacco products not be sold from the premises.”*
248. He said the objector also notes that the applicant agreed in evidence to the reinstatement of the Conditions 11 and 13 from the 2022 decision and Licence.
249. Dr Hewison submitted that the objector asks that the licence be renewed for only ‘one probationary year’.

Conclusion /Relief

250. Dr Hewison said in conclusion, the objector asks the DLC to decline the application or should the DLC be minded to renew the application, the above submissions on conditions are made.

CLOSING SUBMISSION FROM APPLICANT

251. Sukhjinder Singh said since December 2023, he had been the sole director and shareholder of Kiw-E Ōtaki Limited.
252. He said his reply evidence responds to the statements of evidence from Antoinette Bliss (Inspector); Mandy Savage (Objector) and Ron Tustin and Shelley Hanifan (witnesses for the objector).
253. Mr Singh said, as previously explained, he became the sole director and shareholder of Kiw-E Ōtaki Limited in December 2023 and the Act provides for this. He said he had always understood this was lawful and this will be addressed by his lawyer. He was aware that renewals of the licence would be publicly notified. Mr Singh said no issues were raised about this process at the time.

Single Sales

254. Mr Singh said when he was doing his due diligence on the business, he was made aware of undertakings relating to single sales. The purchasers told him that he had to comply with the undertaking in place and not the conditions of the off-licence dealing with single sales.
255. Mr Singh’s evidence was that he recently discussed this with Pragnesh Patel, his business partner (on 12 August 2025), and he confirmed that was what he was told. He confirmed that he and his business partner signed the undertaking before the hearing on the licence application.
256. Mr Singh said whenever the premises have been visited by the reporting agencies, he has always said that he is complying with the undertaking. He said no issues have ever been raised about this or any of the products he was selling as single units.
257. Mr Singh said he has made every effort to ensure he is operating lawfully and he has relied on his interactions with the reporting agencies. Mr Singh’s evidence is that, to the best of his recollections he states the undertaking was known to the reporting

agencies; the undertaking has been discussed many times; he has always operated the premises in accordance with the undertaking.

258. Mr Singh said he had recently received a re-issued licence without the no single sales condition as it was included on the licence by error.
259. Mr Singh said in terms of the sale of single units, he had not observed any beggars drinking singles in the nearby area. He had not observed any issues with people drinking in public. He said while there occasionally is alcohol related litter, and other litter, they clear this away before opening and after closing.

Lease

260. Mr Singh attached a copy of the lease marked "B". The premises address is Shop 2 and 3, 4 Arthur Street, Ōtaki. The premises had not moved. It has always been where it is currently.

Floorplan

261. Mr Singh said he understands from the previous owner that the floorplan was updated. This did not require a variation as the footprint did not change. He said the floorplan has not changed since he has owned the business.

Inspector evidence

262. Mr Singh said he had seen the updated Inspector's evidence and that it is helpful to have her clarify that he is expected to follow the undertaking.

Objector evidence

263. Mr Singh had read the evidence of Mandy Savage. He said he had not met Ms Savage and that he had offered to meet her but she refused.
264. Mr Singh considered that he had enough experience to operate the premises. He said there have been no issues while he had owned the store.
265. Mr Singh said he had been open and honest about the undertakings and compliance with them.
266. Mr Singh said he is familiar with the local community from working at the premises for almost 2 years.
267. He said there is very little litter in the area. Sometimes there is rubbish and some of it is from alcohol related litter (cans, packages etc). He said they clear any rubbish before opening and after closing. He said he is at the store most days of the week and he thinks the area is very clean and tidy. He had attached a series of photos to his evidence showing what the area looks like. These photos were taken from 6 August 2025 to 14 August 2025 at different times (for example, before opening the store, midday, before closing, and after closing the store).

268. Mr Singh said there has been one ram raid since he had owned the premises. He had now installed bollards. Mr Singh said although he took ownership in December 2023, he had sought approval for the installation of bollards from Fraser Miller (Transport Lead - Walking & Cycling) in November 2023. He received approval on 18 April 2024, and Vanguard Group installed the bollards on 17 July 2024. The ram raid occurred during this process on 28 May 2024.
269. Mr Singh said he had also added a security grill gate and a fog cannon with a glass break sensor. He had added a further 6 CCTV cameras which have night vision (2 outside and 4 inside). This was actioned following a discussion with the Police regarding good security measures where this was recommended. He said this means they have 20 CCTV cameras in total (15 internal and 5 external). Mr Singh said these upgrades have cost approximately \$30,000.
270. Mr Singh said in purchasing the business he followed the process for changing directors and shareholders under the Act. No issues were raised at that time.
271. Mr Singh said he has never failed a controlled purchased operation. He considered that he operates the premises safely and responsibly and minimises the potential risk of harm.
272. Mr Singh's evidence is that the Hotel and TAB nearby have existed for a long time. He said they have a good relationship with these businesses, and they work together to keep the area clean and tidy. It is in the best interest of their businesses to do so.
273. Mr Singh said there is no graffiti on his premises but he cannot control what happens with the other buildings.

Conclusion

274. Mr Singh believed that Kiw-E Ōtaki Limited is suitable to hold an off-licence for the reasons set out in his first statement of evidence and for the reasons given at the hearing.

CLOSING SUBMISSION FOR APPLICANT FROM COUNSEL JOHN YOUNG

275. Mr Young said the key issue appears to be the appropriate single sale condition(s) to be imposed on the licence. However, the objector, Mandy Savage, still seeks a range of other conditions and/or that the renewal application be declined, so the applicant is obliged to respond to those matters.
276. Mr Young contended that the closing submissions for Ms Savage unhelpfully repeat large tracts of the opening submissions, so it has been difficult to isolate any new submissions.
277. Mr Young said a separate single sales submission was also filed by the objector. He said these closing submissions do not repeat the content of the opening submissions;

however, the applicant still relies on its opening submissions in support of the application. In particular he noted:

- (a) The Act expressly enables a change of directors and shareholders and sets out a vetting process for the same. The objector asserts that the applicant cannot rely on those sections but conveniently fails to address what the intended purpose of these sections is if they cannot be utilised by the applicant;*
- (b) Generalised evidence is insufficient;*
- (c) The Act is not a prohibition statute, although it appears Ms Savage would prefer that it was.*
- (d) No variation is required for the internal layout or licensed footprint area*

278. Mr Young summarised the applicant's position noting;

- (a) Decisions of the Committee should be evidence based;
- (b) The evidence for the objector was largely unspecific to the premises. Ms Savage essentially said that the Act was not fit for purpose and wanted legislative change. She could not comment on single sale conditions because this was above her "pay grade";
- (c) Ms Hanifan's fleeting observations should not displace the collective views of the Inspector, Police and Mr Singh. The preponderance of the evidence was that the area was clean and tidy;
- (d) It is clear that Mr Singh actively sought to ensure he was complying with the undertakings despite the historical error with the conditions of the licence. Characterising that behaviour as indicating a lack of suitability is entirely unreasonable and reveals a zealous and excessive approach by the objector;
- (e) The Authority has previously imposed single sale conditions. However, more recently it has questioned the utility and justification for such conditions as it has become apparent that many applicants have accepted such conditions because they feel they have little option. It is no secret that Communities Against Alcohol Harm is able to impose significant cost, stress and uncertainty on small businesses by generating opposition to licence applications;
- (f) The case for the objector was littered with assertions that were not supported by any cogent reasons; and
- (g) Mr Singh was a transparent, credible and knowledgeable witness.

279. Mr Young said as such, it is submitted that the renewal application should be granted.

280. Mr Young noted legal precedents that supported the application. He noted the instance of Ponda Holdings. Mr Young said during the hearing, the objector (via counsel) accepted that Ponda Holdings applied and the threshold for objectors to establish a lack of suitability or improvements to amenity and good order was raised.

He said in closing, counsel suggests that because the renewal application also includes a variation and, therefore, Ponda Holdings can be distinguished but does not explain why.

281. Mr Young said in response, it is submitted that:

(a) There is no variation application nor is one required;

(b) Even if there was a variation application, there is no coherent reason why that would diminish the Committee's ability to rely on the absence of unfavourable reports from the reporting agencies. Put bluntly, if Ponda Holdings applies to an application for an entirely new licence, why would it not apply to the variation of an existing licence.

Single Sales

282. Mr Young cited the comments in The Huntly Grocer addressed orally at the hearing.

283. Mr Young said one final matter relates to the vexed issue of the single sale conditions. This was discussed during the course of the hearing before the Authority, and it was a condition sought by Mr Hewison for the objectors in the event that an off-licence was granted. It was conceded that for Huntly Grocer that if a licence was granted, they would accept a condition along the lines that there would be no sales of beer or cider in packaging of less than four units.

[53] The single sale issue has been raised on many occasions. The Authority has been prepared to endorse such a condition when such a condition has been conceded as appropriate which is generally where there will be evidence of single sales causing difficulties in the immediate vicinity of the licensed premises. In this case, however, we consider that Huntly Grocer's indication that it would accept such a condition was primarily to remove one aspect of the objections raised by Mr Hewison. There is however, no evidence that to allow single sales for Huntly Grocer would contribute to abuse in this community.

[54] We are concerned that to impose such a condition in this case, without direct and sufficient evidence that single sales increases the risk of harm, raises the issue of single sales to a level of prominence such that objectors to the grant off-licenses will seek it as a matter of course and relying on this case for support. This issue has much wider implications and requires a far more detailed consideration. Certainly, the large Woolworths supermarket, just a short distance from the applicant's premises, is not subject to such a condition. Nor do we understand that any of the other alcohol outlets in this area are subject to that condition. Returning to the purpose of the Act, it cannot be ignored that one of the characteristics of the new system is for it to be reasonable and that its administration helps to achieve the objects of

the Act. We consider that such a restrictive condition is unwarranted in this specific case.

[55] As we have mentioned on previous occasions, if single sales is an issue of such wide concern, then it should be addressed by local authorities when considering or reviewing their LAP's so that there is a consistency in approach for a particular region.

[56] We accordingly do not consider that such a condition should be imposed on the applicant.

284. Mr Young said counsel for the objector submits that the comments are not relevant because the decision concerned a grocery store. However, a grocery store can sell beer and cider.
285. Mr Young submitted that The Huntly Grocer decision represents the Authority's current thinking and is highly persuasive.

Extended Suitability

286. Mr Young noted both the objector and the Inspector consider that the extended definition of suitability applies based solely on deprivation data. However, that is only one factor in assessing the vulnerability of a community. Mr Young noted in Rosedale Park Liquor the Authority observed:

[107] The appellant's argument is based upon the proposition that the vulnerability of the locality raises the standard of suitability to the higher threshold of "extended suitability" based upon the Shady Lady approach. Various factors have been outlined in the appellant's submissions that support the argument the area is vulnerable and in the appellant's argument, particularly vulnerable. The factors identified previously include the decile rating (of more particularly those surrounding areas with decile ratings with 6 and above), an alcohol ban, alcohol-related rubbish, other off-licensed premises, sensitive sites, nearby residences, emergency housing and location in a Neighbourhood Shopping Centre.

[108] It is an important feature that the location itself has a decile 3 rating. While there are surrounding areas with higher decile ratings, the starting point is that lower decile rating of 3. While the other features mentioned are all present, they are not matters that in our view carry particular weight. The evidence of alcohol-related rubbish was sporadic and generalised. There was some doubt that the two motels were in fact operating as emergency housing. As far as could be determined from the objections, none came from nearby residents and the respondent had engaged with some of the sensitive sites (such as the retirement village) and no objection emerged.

[109] We are left in some doubt as to whether the area is indeed vulnerable particularly to the extent argued by the appellant. The DLC appears to have

accepted so, but it was satisfied that the applicant nonetheless met the threshold of suitability.

287. Mr Young said Ms Savage's evidence states that the deprivation level around the store "varies from 5-6 to 9". The Committee will be able to view the ArcGIS3 data itself. It is submitted that there is a range of deprivation scores (from 3 to 9).
288. Mr Young said it is acknowledged that the premises are in a liquor-ban area, but as observed by Senior Constable Harvey, most off-licenses are in liquor ban areas. He submitted the evidence in this case in relation to vulnerability was light.
289. Mr Young submitted that, if the Committee reached the view that the locality was vulnerable, he submitted that Ponda Holdings counterbalances the application of the extended definition of suitability. Mr Young further submitted that Mr Singh is suitable under either test (orthodox or extended) because he demonstrated knowledge of the community, is cautious in his approach to the sale and supply of alcohol (not serving "influenced" customers), has worked hard to ensure the area is clean and tidy, and has engaged openly with the agencies. Mr Young submitted that Mr Singh attempted to meet with Ms Savage, but she refused; and the community does not oppose the application. Only Ms Savage does, and she does not live in Ōtaki.

Template Objections

290. Mr Young said Counsel for the objector seeks to maintain that the template objections from objectors that did not appear at the hearing can carry weight. It is accepted that this is correct where objections are cogent or self-sustaining on their face.
291. However, Mr Young submitted that is not the case with the template objections in this case because:
 - They are not written by the objector;
 - They contain pre-drafted allegations that can't possibly reflect real or lived experiences;
 - They contain salacious allegations that are not supported by any proper evidence adduced before the Committee;
 - and at the very best, there is a short statement at the very end of the objection that most likely was written by the objector but is so general as to be of little assistance.
292. Mr Young submitted that as such, the comments in *Matauiiau v TST Limited* regarding preformatted templated objections discloses no conflict with the comments of the High Court relied upon by the objector.
293. Mr Young said it is noteworthy that counsel for the objector does not explain why or how the objections upon which his client seeks to rely are cogent or self-sustaining.

Floorplan

294. Mr Young submitted that the floorplan is not currently a condition of the off-licence and, therefore, no variation is required to update the floor plan. He said there appears to have been some confusion over the plans submitted with various applications historically, and those approved or referred to in decisions/licences.
295. Mr Young said it is the applicant's preference that the entire premises be within the licensed footprint to enable staff to access the non-retail areas while working (an appointed duty manager cannot leave the licensed area). This would enable them to retrieve, for example, a document or other material that is part of the daily duties of an employee such as a roster or managers register.
296. Mr Young submits, in the alternative, the plan and condition put forward by the Inspector is also acceptable.

Law Commission Report

297. Mr Young said the objector continues to refer to extraneous material to support its opposition, such as the Law Commission Report and the Community Participation Amendment Act 2010. However, he said the Authority has made it clear that it is the words of the Act that matter. Mr Young referenced - Rosedale Park Liquor [2025] and submitted that those documents relied upon by the objector are not an aid to interpretation of the Act where the Act is abundantly clear on its face.

The evidence of Mr Singh

298. Mr Young submitted that Mr Singh confirmed that he had invested in additional security measures totalling \$30,000 in cost. There have been no ram raids since these additional measures were implemented. He clarified that he now had six night vision colour CCTV cameras, while also confirming that all other CCTV cameras also had night vision, just not in colour. This was based on discussions with the Police. He retains CCTV for 30 days and has provided it to Police when requested.
299. Mr Young said the applicant advised that his CCTV covers most of Arthur Street. He reviewed the footage from the day he understood Ms Hanifan had visited and did not see any person consuming alcohol in public. Mr Singh further explained how the rear access is used and the safety procedures in place. He advised that there had not been any issues with the use of the rear entrance.
300. Mr Young said Mr Singh advised that he did not sell to 'influenced' customers who may have come from nearby on-licensed premises. The reason for this was that they would likely become intoxicated if they consumed more alcohol. This evidence revealed a safe and responsible attitude to the sale and supply of alcohol.
301. Mr Young said Mr Singh provided extensive photographs of the locality which showed an overall absence of litter. He advised that he was at the premises frequently and did

a sweep of the car park and street area in morning before opening and evening after closing. In his view, the area was very tidy and clean.

302. Mr Young said Mr Singh did concede that he had occasionally observed a person consuming alcohol in public and that it was likely that it was purchased from the premises. However, he said it was very rare, and it was clear that he was alert to the potential issue and was effectively managing it. The lack of any issues in the locality of this ilk was reinforced by the evidence of the Inspector and the Police.
303. He said Mr Singh confirmed that he had attempted to engage with Ms Savage, but she had not wanted to meet. This was not addressed by Ms Savage.
304. Mr Young said as far as he was aware, Mr Singh had not failed any CPOs. In fact, as far as he was aware, there had been no compliance issues of any sort in relation to the premises under his management.
305. Mr Young said Mr Singh confirmed that he sought clear advice from the Police and the Inspector around compliance with the undertaking and did precisely what he understood he was supposed to do. No enforcement action has been taken against the applicant.
306. Mr Young submitted that in relation to experience, in addition to operating Super Liquor Ōtaki since December 2023, Mr Singh had worked at a bottle store in Richmond for seven months. In total, Mr Singh has worked at and managed bottle store premises for over two years. Mr Young submitted that Mr Singh has sufficient experience to operate the premises - noting that counsel for the objector did not appear to understand the full extent of his experience when making oral submissions at the hearing.
307. Mr Singh discussed the ServeWise online training programme, which he had recently refreshed, when discussing the difference between influenced and intoxicated.
308. Mr Young submitted that Mr Singh presented as an honest and knowledgeable witness. He has now been operating the premises in the Ōtaki community since December 2023. He continues to be a member of the local business association.

Ms Savage and her witnesses

309. Mr Young said the evidence for Ms Savage was relatively brief. She spoke to the seven cancers connected with alcohol consumption and advised that it was her position, and that of the Cancer Society, that people should not drink at all if possible. As such, her evidence was premised on the general harms associated with alcohol.
310. Mr Young said Ms Savage expressed the view that Mr Singh was inexperienced and unsuitable, but she refused to meet with him. He said it is difficult to comprehend how she could form such strident views without ever speaking to Mr Singh.
311. He said Ms Savage offered limited local knowledge or evidence. She appeared to rely on Ms Hanifan and Mr Tustin in that regard.

312. Mr Young said Ms Hanifan works for Communities Against Alcohol Harm. She had been to the locality to take some photos and was able to identify a few items of litter in the broader area. By contrast, Mr Singh, the Inspector and the Police all agreed that the area was largely clean and tidy. It was submitted that a few items of litter are commonplace at almost all commercial areas in any locality within New Zealand.
313. Mr Young said Mr Tustin gave evidence about the purchase of a Kingfisher Strong can. Mr Tustin asserted that this was a breach of a condition of the licence. Mr Young said neither Mr Tustin, nor the objector, would accept that the condition had been imposed in error, or acknowledge that the licensee had obtained clear advice about his obligations and had fulfilled them. He submitted that Mr Tustin's evidence is irrelevant.

Inspector

314. Mr Young said the Inspector had no concerns with the operation of the premises and confirmed that the undertaking with which Mr Singh complied was the correct restriction on single sales.
315. Mr Young said the Inspector confirmed that at the most recent site visit, the premises and locality were clean and tidy and no compliance issues were raised.
316. Mr Young said the Inspector has helpfully clarified the history regarding the footprint plan. She expressed a preference for the storeroom and staff room areas to be excluded from the licensed footprint. She confirmed that she did not believe a change in configuration of the chiller or shelving requires a variation of conditions. She also accepted that the premises had not changed since it had been controlled by Mr Singh.

Conclusion

317. Mr Young said, as previously advised, the applicant does not favour the single sale conditions imposed in the Waikanae decision for the reasons set out in opening submissions. The objector states that it is "attracted" to that condition but doesn't say why.
318. Mr Young said the applicant's preference is that the \$6 condition be imposed:
"No single sales of beer, cider or RTDs priced at, or less than \$6.00 per unit are to be sold"
319. Mr Young said in the alternative, the single sales condition and undertaking set out in the Inspector's closing submission is acceptable to the applicant.
320. He said it is submitted that the application meets the section 105 and 131 criteria.

Applicant Supplementary closing submission

321. The supplementary closing submissions address the condition supported by the objector prohibiting the sale of vapes or tobacco products.

322. Mr Young submitted the applicant is prepared to cease selling vapes (consistent with its approach at the Waikanae hearing). However, it does not consider it reasonable to prohibit the sale of cigarettes and other tobacco products because:
- (a) They are lawful products;
 - (b) There is no link between the proposed condition and the criteria in the Act;
 - (c) To the extent that the objector suggested that they increase the risk of ram raids, Mr Singh:
 - (i) Clarified that such products were not targeted during previous ram raids;*
 - (ii) Advised that he had upgraded security significantly; and*
 - (iii) Such products are sold in a restricted way (they are not visible within the premise and are stored in a restricted and locked area).*
323. In addition, Senior Constable Harvey gave evidence that ram raids occur at a range of retail stores.
324. Mr Young said given the above, it is submitted that the proposed condition prohibiting the sale of cigarettes and other tobacco products:
- (a) Does not have an evidential basis; and
 - (b) Is not for a Sale and Supply of Alcohol Act 2012 purpose.

COMMITTEE'S DECISION AND RATIONALE

1. The Committee heard from objectors that, in their view, the applicant in the person of Sukhjinder Singh did not meet the section 105 (b) criteria, that being the suitability of the applicant to hold a licence.
2. Various reasons were offered to support this view. We heard that Mr Singh was not sufficiently experienced because at the time he bought the store in question he had only seven months experience working with the sale of alcohol. At that point an argument may have been made but at the time of renewal he had gained significantly more experience, and no issues were raised by any of the agencies. This was raised as an objection in the application for Super Liquor Waikanae and since that decision and appeal Mr Singh's experience has extended to three years. The DLC did not consider inexperience to be a relevant issue in this decision.
3. The Committee heard from Dr Hewison that the applicant does not have appropriate systems, staff, and training to comply with the law. This was partly based on a significant number of failed CPOs by Super Liquor stores. Dr Hewison did not allege that Mr Singh's store had failed a CPO and indeed

it had not. The Committee was of the view that while Super Liquor certainly has questions to answer about its processes to curb these breaches, for his part Mr Singh's store had no such breach. The Committee was also aware that the one CPO on 26 June 2024 at Mr Singh's store which passed was a sound assessment of his intention to operate the premises responsibly. Further, the Committee heard Mr Singh had taken significant steps to ensure his premises were safe and secure and staff received all necessary training. Mr Singh presented at the hearing as a person who is fully aware of his obligations under the Act.

4. A witness, Ms Hanifan submitted that she had seen liquor litter in the area of Mr Singh's store and provided photos. On the basis of the photos the Committee did not consider litter to be a significant issue.
5. Issues were raised regarding the transfer of ownership of Kiw-E Ōtaki and that this negatively impacted on Mr Singh's suitability. The DLC notes that the change of ownership was done under section 69 of the Act and was accordingly subject to the scrutiny of the licensing inspectorate and Police pursuant to section 71 of the Act. In evidence the Inspector Ms Bliss noted that after discussions with Peter Joseph, Franchise Manager, Super Liquor Holdings Limited and the new owner, the agencies did not seek to apply to the Authority for the cancellation of the licence under section 71, as they did not find any evidence that the company was no longer suitable nor any issues that the premises was problematic. The DLC was not persuaded that there was evidence in this regard presented that would impact on the s 105 suitability of Mr Singh.
6. The Committee heard from Mr Tustin that he had been able to purchase a single can of Kingfisher Strong beer. Mr Tustin asserted that this was a breach of a condition of the licence. Dr Hewison said in light of this and, in particular, due to the breach of the no single sales condition on the licence, he submitted that the applicant does not meet the higher threshold of 'extended suitability'. The Inspector's report discusses this condition under the heading 'Council administration error on current licence.' Mr Singh said he had recently received a re-issued licence with this condition removed as it was included on the licence by error. Mr Young said neither Mr Tustin, nor the objector, would accept that the condition had been imposed in error, or acknowledge that the licensee had obtained clear advice about his obligations and had fulfilled them. He submitted that Mr Tustin's evidence is irrelevant.
7. For the Committee there remains a question as to what constitutes 'craft beer', and importantly, what it does not. The definition of craft beer is not standardised and clearly open to interpretation. The Committee agrees with Mr Tustin that Kingfisher Strong beer is not craft beer. It is a mass-market, commercial, strong lager produced by United Breweries Group, which is one of India's largest brewing companies. The Committee would like to see the agencies and licensees work together to determine a reasonable working

definition of what craft beer is.

8. Much of the evidence in opposition to the renewal of the licence centred on whether the applicant Mr Singh was a suitable person as per section 105(2) of the Act. This was similarly tested in the Waikanae Mellow Spirits case where the DLC decision determined Mr Singh met the 105 criteria. That decision was appealed to ARLA and the ARLA decision upheld the DLC decision in this regard. Further the Committee noted the report of the Inspector which stated: Based on my discussions with the applicant, represented by Sukhjinder Singh, owner, my inspection of the premises, the supplementary documentation accompanying the application, the reports filed, the absence of any adverse issues relating to other premises owned by the director/shareholder, and the absence of any issues in the previous licensing period, it is my opinion that the applicant is aware of their responsibilities under the Act, and is suitable to continue to operate the licensed premises.
9. Proliferation and the deprivation level of the area were raised as objections to the renewal of the licence. However, the Committee noted that these conditions had not worsened since the licence was originally granted in 2020 and the original licence was tested under appeal to ARLA who found this was not sufficient to overturn the granting of the licence.
10. In relation to the layout of the premises, the Committee heard that there was an error in the original licence indicating the store layout. Dr Hewison submitted that this application involves a variation of conditions (being the new floor plan and new licensed area) and/or a variation in the layout and design (the increase in the size of the chiller). He submitted, as a consequence, the application must be evaluated as a variation under section 120 of the Act as well as a renewal under section 131. He noted that none of the agencies have carried out an evaluation of a variation and no public notice has been given of a variation to the licence.
11. Dr Hewison submitted that without an application for a variation, the premises must be reconfigured back to the design and layout of the plan attached to the decision of the DLC, dated 8 September 2020 and that this includes a reduction in the size of the chiller back to that in that original plan. The Committee heard from Mr Young for the applicant that in his view the Inspector has helpfully clarified the history regarding the footprint plan. The Inspector expressed a preference for the storeroom and staff room areas to be excluded from the licensed footprint. She confirmed that she did not believe a change in configuration of the chiller or shelving requires a variation of conditions. She also accepted that the premises had not changed since it had been controlled by Mr Singh.
12. The Committee is of the view that there was a genuine error but the parties are now clear as to the intent. We do not believe a variation is required.

13. In relation to the location of the premises, Dr Hewison said there is an inconsistency in the address of the premises used in various documents, including the Deed of Lease (which shows “Shops 2 and 3, 4 Arthur Street, Ōtaki”) and the licence (which shows “Shops 3 and 4, 4 Arthur Street, Ōtaki). As a consequence, he submitted that it is unclear whether the applicant has sole and exclusive control of the premises proposed to be re-licensed and that satisfactory tenure of premises is a fundamental factor. The Committee heard from various parties in relation to this and are satisfied that the applicant has satisfactory tenure. Mr Singh provided a copy of the lease marked “B” showing the premises address is Shop 2 and 3, 4 Arthur Street, Ōtaki. The premises had not moved. It has always been where it is currently.
14. The Committee acknowledge the links between alcohol and cancer as was highlighted by Ms Savage. The Committee also acknowledges the inherent dangers of consumption of alcohol and how that frequently manifests in areas of higher deprivation. However, it is the DLC’s role to consider local applications and the safe sale and supply of alcohol on the area for which the DLC is responsible. In considering all matters before it, the Committee was mindful of the purpose of the Act as stated in section 3 that it is for the benefit of the community as a whole by putting in a new system of control of the safe sale and supply of alcohol towards the overarching objective stated in section 4 that the safe sale and supply of alcohol should be undertaken safely and responsibly and that the risk of any alcohol-related harm be minimised.
15. The Medical Officer of Health had initially opposed the application, however the opposition to the renewal of the licence was withdrawn on the basis that the applicant had agreed to the single sales condition.
16. The Committee considered requests from the parties in terms of relief and/or potential conditions. In relation to the proposed single sales condition Mr Young said the applicant’s preference is that the \$6 condition be imposed: *“No single sales of beer, cider or RTD’s prices at, or less than \$6.00 per unit are to be sold.”* Mr Young said in the alternative, the single sales condition and undertaking set out in the Inspector’s closing submission is acceptable to the applicant.
17. For the objector, Dr Hewison asked the Committee, in the event that it would issue a renewal, that it be for a truncated period of 12 months. The Committee could find no grounds to justify this.
18. Dr Hewison said as agreed at the hearing, the applicant has provided a Memorandum (24 August 2025), which states that by reference to the existing conditions on the off-licence the applicant supports the following deletions/additions: That the no single sales condition be deleted and a new condition be added as follows: *“No single sales of beer, cider or RTD’s priced*

at, or less than \$6.00 per unit are to be sold”.

19. Dr Hewison said although the objector submits that the application should be refused, should the DLC be minded to renew the application, the following submissions on conditions are made. For consistency with the Super Liquor Waikanae decision, the objector notes condition (5) from that decision: *“That single units of beer, craft beer, cider, shots or ready to a drink spirits (RTD’s) are not sold from the premises”*. He said the objector also notes that the applicant agreed in evidence to the reinstatement of the conditions 11 and 13 from the 2022 decision and licence.
20. Dr Hewison submitted that the objector asks that the licence be renewed for only ‘one probationary year’. The Committee could not find grounds to impose this.
21. Mr Young submitted the applicant is prepared to cease selling vapes (consistent with its approach at the Waikanae hearing). However, it does not consider it reasonable to prohibit the sale of cigarettes and other tobacco products.
22. Mr Young said the key issue appears to be the appropriate single sale condition(s) to be imposed on the licence. Mr Young submitted that The Huntly Grocer decision represents the Authority’s current thinking and is highly persuasive.
23. In making its decision the Committee particularly considered the following sections of the Act: 127(2), s120, s239, s105(1)(a)(b)(j) (i)(h)(k), s131(1)(b) (d), s102(4)(a), s106, s106(2), s69, s71, s3, s4.
24. The Committee is aware of the duration between hearing and decision and apologises to any parties who may have been inconvenienced by this. However, in light of appeals and the even longer process that they entail it was considered appropriate to ensure all parties were fairly heard and reported in the decision. The Waikanae decision and appeal to ARLA were germane, particularly as both parties appealed that decision, and the same parties were also involved in this current decision.

DECISION

The District Licensing Committee Commissioner, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves the application by Kiw-E Ōtaki Limited** trading as **Super Liquor Ōtaki** under section 127(2) of the Sale and Supply of Alcohol Act 2012 to the Kapiti Coast District Licensing Committee for the renewal of an off-licence under section 127(2) of the Sale and Supply of Alcohol Act 2012 (the Act), to sell alcohol for consumption off the premises, situated at Units 2 & 3, at 4 Arthur Street, Ōtaki.

This licence will be issued for the period of three years from the date of expiry of the current licence. This decision is subject to standard conditions and the addition of the following conditions.

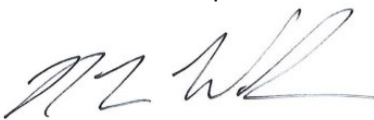
Conditions

- No single sales of beer or ready to drink spirits (RTDs) in bottles, cans or containers of 500mls or less in volume may occur except for craft beer. No single sales of shots or premixed shots.
- Beer or RTD spirits in containers of 500mls or less will not be sold in quantities of less than four bottles/cans (except for craft beer) and with excessive discount applied.
- Shots or premixed shots will not be sold in quantities of less than four in a pack and with excessive discount applied.
- Shots or premixed shots will not be displayed on, beside or in front of the counter (behind the counter is permitted).

Delivery:

- All deliveries of alcohol must be signed for by a person aged 18 years or older. Signs of intoxication on the part of the recipient would result in non-delivery.
- The Applicant agrees: Alcohol is considered a restricted good. We are unable to leave restricted goods unattended at an address, and if there is no one aged 18 years or older to receive the delivery, we will not leave it. Alcohol purchases must be received by someone who is aged 18 years or older. In order to take the delivery, valid and current identification must be shown to the person/s delivering the goods. If the deliverer considers the person receiving the delivery to be intoxicated, the alcohol will not be delivered. This identification must include the following; full name, date of birth, photo and signature. When we engage a courier company to make our deliveries, we will only use a company that can provide sufficient reassurance that their drivers will always adhere to the requirement to obtain a signature and proof of ID showing that the recipient is over 18 years of age. A signed written agreement between the courier and applicant will be provided to the tri-agencies.
- The Applicant will cease selling vapes.

DATED at Paraparaumu on 26 May 2026.



Nigel Wilson
Commissioner
Kapiti Coast District Licensing Committee

