

**Decision : 45/2025/319**

**IN THE MATTER OF** an application by **Om Laxminarayan Limited**, known as Raumati South Four Square, for renewal of an Off-Licence pursuant to section 127 of the Act in respect of premises situated at 30 Poplar Avenue, Raumati South and known as Raumati South Four Square.

**BEFORE THE KAPITI COAST DISTRICT LICENSING COMMITTEE**

Chair: Mr Nigel Wilson

Members: Mrs Jackie Elliott

Mr Martin Halliday

**RECONVENED HEARING** at Kapiti Coast District Council offices, Paraparaumu, on Monday 8 December 2025

**APPEARANCES**

**For the Applicant:**

**Mr Jitendrakumar Patel** – Applicant (in person)

**Ms Hasmita Dhanji** – Sister of the Applicant (in person)

**Johan Karlsson** – Witness for the Applicant (in person)

**Bruce Mills** – In support of the Applicant (in person)

**Reporting Agencies:**

**Antoinette Bliss** - District Licensing Inspector, Kapiti Coast District Council (in person)

**Katherine McLellan** - Team Leader Environmental Health & Licensing, Kapiti Coast District Council (online)

**Anoop Gopalakrishan** - Senior Health Promotion Advisor, Te Whatu Ora (online)

**Chris Speakman** - Health Promotion Advisor, Te Whatu Ora (online)

**Faifaiese Tuputala** - Health Promotion Advisor, Te Whatu Ora (in person)

**Wanwei Jiang** - Compliance Officer, Te Whatu Ora (in person)

Observer: Cr Bede Laracy, District Licensing Committee (DLC) Member (in person)

*All those appearing were sworn in.*

### **Opening Submissions and Evidence in Chief for the Applicant:**

1. For the Applicant, the sister of the applicant, Ms Dhanji said there were two conditions in the 24 October 2025 Decision that were not in evidence during the Hearing and the applicant was appealing those at this reconvened hearing. Those two issues being the requirement that:
2.
  - a. Alcohol may only be sold on the following days within the following hours: Monday to Friday 9.00am – 9.00pm, Saturday and Sunday 7am - 9pm
  - b. That a drop-down mesh door be secured across the alcohol sales area indicated in the floor plan from store opening until 9am each weekday morning.
3. The Applicant's evidence is that there is no evidential link to alcohol harm between 7 and 9am that would warrant a mesh door. Ms Dhanji said the morning hours had never been a source of complaint and there had been no incidents.
4. Ms Dhanji said there had been no complaints or issues raised by reporting officers in relation to the hours at the hearing.
5. Ms Dhanji said the applicant required copies of any email correspondence between nearby schools and colleges in relation to intoxicated students as mentioned in 152, and 153 of the hearing decision.
6. Ms Dhanji said the applicant recognised the committee's need to keep the community safe.
7. In relation to the drop-down mesh roller-door Ms Dhanji said the mesh door being used currently is lowered until 9am each day.
8. The applicant noted that keeping the mesh door down blocks access to the chillers to restock cold-shelf goods, such as milk etc. Ms Dhanji said that having the door down conflicts with accessibility commitments.
9. Ms Dhanji said that the inconvenience to the business if required to have the door down was excessive.
10. Committee member Halliday asked if this was the only chiller on the premises. Ms Dhanji said there was a freezer but this is the only chiller and deliveries go through the front door to that chiller in the morning.
11. Mr Halliday asked if the mesh door was heavy and difficult to bring up and down. Ms Dhanji said the mesh door was a roller door and having it down stops people, especially those in wheelchairs, going from one aisle to another.
12. The Chair asked for clarification if there were cold-shelf products such as milk and yoghurt behind the mesh door. Ms Dhanji responded that there were not and that it was the accessway to the chiller from restocking that caused the inconvenience.
13. The Chair asked if there was any other way to access the chiller and Ms Dhanji said that was the only way to the chiller.
  - a. The primary evidence submitted by the applicant and remedy sought are: Vary the renewed licence hours to restore weekday alcohol sales

Monday–Friday 7:00am–9:00pm (in line with historic trading since 2016), and

- b. Remove the linked requirement to keep the mesh door secured across the alcohol area until 9:00am on weekdays.

14. All other conditions and undertakings are accepted.

15. This application is limited to weekday start time. Police and the Ministry of Health (MOH) did not oppose, and no public objections were received, and therefore the renewal has been granted.

The Applicant further noted that:

16. There is no evidential link to alcohol harm between 7 and 9am has been identified. The decision states general concerns around bus stop proximity, historic signage and Point of Sale (POS) categorisation, but identifies no specific incidents, complaints, or enforcement issues arising from sales between 7–9am at these premises. Peak alcohol sales occur late afternoon/early evening, not in the mornings as per the sales data provided during the hearing to committee. A blanket morning restriction is therefore not an appropriate target to the risk profile.

17. There was a lack of prior discussion or notice of the reduced hours condition.

18. The condition reducing weekday alcohol sales hours to only commence at 9:00am was not raised, discussed, or signalled during the hearing. The application sought renewal on existing hours, and no reporting agency or party proposed a change. The imposition of this condition after the hearing therefore occurred without the applicant having an opportunity to address or provide evidence on the matter, which raises concerns of procedural fairness.

19. Historically the applicant showed compliance with the condition hours to start at 7:00am and has strengthened controls around alcohol sales.

20. The premises have traded with a 7:00am start since 2016 without agency opposition. They accept and are implementing the Committee's other conditions (Manager on duty whenever alcohol is sold; single-sales control; delivery safeguards; Kapiti Coast District Council sales template). They are actively maintaining an incident/refusals register going forward and there have been no recorded alcohol incidents in the morning and any future alcohol sales refusals in the morning will be captured and shared as proposed below.

21. The mesh-door requirement until 9:00am materially disrupts core grocery operations and is not proportional or practical considering the risk profile. Access to the walk-in storage chiller that stores milk, yoghurt, vegetables and other perishables sits within the same back-of-store section as the alcohol display. From 7:00–9:00am staff receive deliveries, restock essentials and complete open-up routines. Keeping the mesh down impedes timely access to staple foods and creates inefficiency and safety risks (i.e. extra handling of goods). As tenants, they also cannot re-engineer the back-of-house layout; a rebuild would be disproportionate for a small, family-run store.

22. Raumati South is a family-oriented community with many older residents and working families. Morning alcohol sales are minimal, but some adult

- customers legitimately prefer to complete their grocery shop (including a bottle for dinner) in the morning.
23. The alcohol-free public places bylaw cited runs from 9:00pm–6:00am. The contested hours (7:00–9:00am) are outside that window and the bylaw provides no basis for a later retail start.
  24. DLC concerns are now remediated without the need to curtail hours.
  25. The signage has reduced as noted by the Committee.
  26. Staff training: Duty Manager certifications completed.
  27. Sales categorisation: Foodstuffs monthly five-category reporting in place.
  28. They “other” key usage has reduced to ~2% and the Cheeky Charlie/barcoding is being applied.
  29. These measures directly address the earlier accuracy and presentation issues and are better than a blanket hour’s reduction.
  30. Targeted Undertaking in relation to morning alcohol sales (12-month period)
  31. To further reassure the Committee, the licensee offers:
  32. That all refusals/attempts (under-18 or suspected proxy) of morning alcohol sales to be recorded and summarised to the Inspector monthly for six months.
  33. To support the Committee’s objectives around responsible retailing, they will continue to maintain modest, non-promotional alcohol presentation, particularly during morning hours. Existing signage already prioritises grocery and fresh-food areas, and they will ensure these remain the focal point of customer guidance and visibility throughout the day.
  34. Restoring 7:00am weekday sales with the targeted safeguards above is a reasonable and proportionate variation that advances the object of the Act. There is no evidence of alcohol harm occurring in the morning; the accepted conditions and operational changes already mitigate the Committee’s concerns. They therefore ask the Committee to:
    - a. Vary weekday hours to 7:00am–9:00pm, and
    - b. Remove the mesh-door-until-9:00am requirement.

### **Evidence from the Agencies**

35. The reporting Agencies felt the evidence given at the opening hearing was sufficient and that they would be able to provide further explanations or answer questions as required.
36. Committee member Ms Elliott asked the Licensing Inspector if the mesh door being down would block the delivery of stock. Ms Bliss confirmed the mesh door being down would cover the alcohol area and would also block the door to the chiller area.
37. The Chair asked Ms Bliss if the covering of alcohol products in grocery stores such as this four square was common prior to the licence hours commencing. Ms Bliss responded she was not aware of it in our area but it may apply in other areas that had an LAP (Local Alcohol Policy).
38. The Chair asked if the Inspector considered the covering of alcohol during the unlicensed period 7am-9am was consistent with the Act in reducing alcohol harm. Ms Bliss said yes it was.

39. In response to a question on the volume of alcohol sales during the weekdays 7am-9am, Mr Karlsson said he could confirm the figures from the first hearing that showed 3% of total alcohol sales took place during this time.
40. The Chair asked how many duty managers were present in the store during the 7am-9am period. The applicant responded that there were two.
41. The Chair asked if the medical officer of health wished to make a contribution. Chris Speakman, Health Promotion Advisor, Te Whatu Ora said the alcohol display area could be closed off with a single yellow tape with a notice on it.
42. In response to a variation of hours, Mr Speakman said there are premises in the Wellington area where the opening hours are different from the hours in which alcohol can be sold.
43. Mr Speakman said the 7am-11pm hours for alcohol sales are a hangover from the past and there is no reason for the DLC to not take a precautionary approach.

### **CLOSING STATEMENTS**

44. For the applicant, Ms Dhanji said they have listened to the areas of concern and made necessary changes to processes in the store.
45. Ms Dhanji said the hours were not an issue in the hearing. She further asked that the information sought regarding a complaint from a school principal be treated as an Official Information Request (OIA) and be responded to through that process.
46. The primary evidence as submitted by the applicant on the two issues has been received by the DLC in writing (15-43 above).
47. The Chair thanked all the parties and announced the decision would be reserved.

### **CONCLUSION**

48. The Committee considered the evidence and presentations as it related to the two specific conditions from which the applicant sought relief.
49. In the original hearing, the Applicant was at pains to point out that their premises were a grocery store, and this has been accepted by the DLC. It is not primarily a liquor store.
50. In considering the evidence presented to the Committee, having discussed this, and accounting for the position of the Applicant, the committee has determined that clause 153 of the decision issued on 24 October 2025 should not be considered when making the decision to renew the licence.
51. In relation to the variation of hours of alcohol sales, the Committee determined the quantity of alcohol sales revenue from those hours would be minor.
52. The Committee considered the evidence of Mr Karlsson that stated 3% of the alcohol sales occurred during the 7am-9am weekday time period.

53. The Committee further considered the actual time restriction of hours to be imposed, those being: No alcohol sales from 7am-9am on days when school is in session and this is approximately 190 days per year.
54. The Committee noted the evidence of the Health Promotion Advisor, Te Whatu Ora, Mr Speakman who said there are premises in the Wellington area where the opening hours are different from the hours in which alcohol can be sold.
55. The Committee also heard from Mr Speakman that the 7am-11pm hours for alcohol sales are a hangover from the past and there is no reason for the DLC to not take a precautionary approach.
56. In relation to the requirement to have the mesh roller door down between 7am and 9am the Committee had sought to have alcohol largely obscured from the view of minors between those hours.
57. The Committee heard, and was persuaded by the evidence presented, that this requirement as it stood would cause more than minor inconvenience to the normal operations of the store.
58. The original decision had not accounted for the fact that the mesh door being down would not only block the alcohol but would also block a significant service delivery door.
59. The Committee in considering the original intent and the practical implications were of the view that another method of blocking the alcohol, while not impeding the normal flow of business, would need to be sought. From Mr Speakman, the committee heard a simple tape and appropriate notice could suffice. The Committee is of the view that a relatively simple curtain or pull-down blind could achieve the desired outcome while allowing the service door to be freely accessed.
60. The Committee further considered the Licence period available under Section 122 of the Act as the expiry date was 15 August 2023.
61. The Committee also acknowledge the considerable progress made by the applicant to issues raised at the first hearing.

## **FINDINGS**

62. In determining this application, consideration was given to various sections of Act. The committee specifically considered sections 4, 43, 59, 78, 106, 109, 116, 117, 122, 132, 295 of the Act.

### **116 Particular discretionary conditions, and other compulsory conditions: off-licences**

(1) The licensing authority or licensing committee concerned may issue an off-licence subject to conditions of any or all of the following kinds:

(a) conditions prescribing steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of alcohol to prohibited persons are observed:

(b) conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied:

(c) in the case of premises where (in the opinion of the authority or committee) the principal business carried on is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered on or from the premises.

(2) The licensing authority or licensing committee concerned must ensure that every off-licence it issues is issued subject to conditions—

(a) stating the days on which and the hours during which alcohol may be sold or delivered; and

(b) if there are in force regulations under this Act empowering the authority or committee to determine for premises of different kinds different levels of licensing fee prescribed by the regulations, stating the fees payable for the licensing of the premises concerned; and

(c) stating (directly or by description) a place or places on the premises at which drinking water is to be freely available to customers, while alcohol is being supplied free or sold, as a sample, on the premises.

(3) In deciding the conditions under subsection (2)(a) subject to which a licence is to be issued, the licensing authority or licensing committee concerned may have regard to the site of the premises in relation to neighbouring land use.

(4) Subsection (1)(b) is subject to the Human Rights Act 1993.

Section 116(2)(c): amended, on 2 August 2024, by section 8 of the Sale and Supply of Alcohol (Winery Cellar Door Tasting) Amendment Act 2024 (2024 No 29).

### **Section 117 Other discretionary conditions**

(1) The licensing authority or licensing committee concerned may issue any licence subject to any reasonable conditions not inconsistent with this Act.

(2) The generality of subsection (1) is not limited or affected by any other provision of this Act.

The Committee noted the acknowledgment by the applicant that section 117(i) gives broad powers to impose reasonable conditions

The Committee is of the view section 117 allows for the imposition of the additional condition as it is deemed to meet the criteria of a reasonable condition.

### **The Committee considered Section 132 Imposition of conditions on renewal**

(1) When renewing a licence of any kind, the licensing authority or the licensing committee concerned—

- (a) may impose any conditions subject to which it may issue a licence of that kind; and
- (b) must impose any conditions subject to which it must issue a licence of that kind; and
- (c) may, whether consequentially or not, vary or cancel any conditions applying to the licence before its renewal (whether they are conditions subject to which the licence was issued or conditions imposed on some earlier renewal).
- (2) A condition imposed—
- (a) has the same effect as it would if it were a condition subject to which the licence was issued; and (in particular) a failure or refusal to comply with it has the same effect, and may result in the same consequences, as a failure or refusal to comply with a condition subject to which the licence was issued; and
- (b) may be varied under section 120 as if it were a condition subject to which the licence was issued.
- (3) Subsection (1) applies to all renewals of licences, whether they were issued under this Act or a former licensing Act.

## **DECISION**

The District Licensing Committee Chairperson, acting pursuant to the Sale and Supply of Alcohol Act 2012, approves the application by **Om Laxminarayan Limited** for the renewal of the Off-Licence for premises situated at 30 Poplar Avenue, Raumati South, and known as the Raumati South Four Square.

This licence will be issued for a period of three years from the date of the expiry of the current licence (15 August 2023) and is subject to standard conditions and the addition of the following discretionary conditions and undertakings:

### **Conditions**

- A properly appointed Certificated, or Acting or Temporary, Manager must be on duty, at or nearby the point of sale, at all times when the premises are open for the sale and supply of alcohol.
- That the applicant adopt and implement the Kapiti Coast District Council Statement of Gross Annual Sales Revenue: Grocery Store – Existing Business Declaration template as requested by the Licensing Inspectorate.
- No single sales of beer, except for craft beer, in containers of 500mls or less in volume.
- 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.
- Alcohol may only be sold on the following days within the following hours: Monday to Friday 9.00am – 9.00pm, Saturday and Sunday 7.00am – 9.00pm. Note: The Monday to Friday hours are on days when school is in session, the hours are otherwise 7am – 9pm. That a drop-down covering be secured across

the alcohol sales area indicated in the floor plan from store opening until 9am each weekday morning. This would exclude covering of the adjacent service door.

- That all internal alcohol signage, advertising, branding and free-standing floor displays of alcohol products be sited inside the designated alcohol sales area, and that external signage be limited to the sign above the veranda.
- No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day.
- The Licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons.

### **Undertakings**

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

- Beer in containers of 500mls or less in volume will not be sold in quantities of less than four bottles/cans (except for craft beer). Excessive discount will not be applied to the four pack.
- 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
- 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.

**DATED at Paraparaumu on 9 March 2026.**



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**Nigel Wilson**  
**Commissioner**  
**Kapiti Coast District Licensing Committee**