

Decision Number: 60G [2025] 21417

BEFORE THE
CHRISTCHURCH
DISTRICT LICENSING
COMMITTEE

IN THE MATTER OF

AND

IN THE MATTER OF

the Sale and Supply of Alcohol Act 2012

an application by **LIQUOR STUFFS LIMITED**
for renewal of an Off-Licence, and variation
in respect of the premises situated at 65
Victoria Street, Christchurch, Christchurch
and known as '**Thirsty Liquor Victoria
Street**'

Chairperson: Mr D
Ivory

Members: Mr D
Blackwell

Ms T McIlraith

HEARING at CHRISTCHURCH on **30 June and 22 July 2025**

APPEARANCES

Mr P Egden – Counsel for the Applicant
Mr R Singh – Director and Shareholder of the Applicant
Mr J Thind - Employee of the Applicant (Witness)
Mr S Deep Singh – Employee of the Applicant (Witness)
Mr A Cumming – Counsel for the Inspector
Mr G Hay– Licensing Inspector, opposed
Ms L Bromley – on behalf of the Medical Officer of Health, opposed
Ms P Williams (Medical Officer of Health – Witness)
Sergeant D Robertson – NZ Police, opposed
Constable Graeme Jolliffe (Police Witness)
Constable Luke Ellis (Police Witness) *Unable to attend.*
Constable Genevieve Craddock (Police Witness)

Mr Luke Smeele - Hearing Manager

RESERVED DECISION OF THE COMMITTEE

INTRODUCTION

The DLC noted the sad passing of Mr Paul Spang (Inspector) who undertook initial work on this matter.

This is an application by **LIQUOR STUFFS LIMITED** ('the Applicant') for 'Thirsty Liquor Victoria Street' for an Off-Licence. The premises is situated at 65 Victoria Street, Christchurch and known as 'Thirsty Liquor Victoria Street'. The application was received on 21 March 2024. The current Licences had an expiry date of 26 May 2024.

A variation pursuant to Section 120 of the Act is also sought. The Applicant seeks to increase the size of the licenced area by increasing the size of the chiller located at the rear of the premises.

- [1] The current Off-Licence¹ for the bottle store as a family or related owned diary neighbouring the premises.
- [2] All the agencies: Police, Inspectorate, and Medical Officer of Health are opposed to the renewal application and variation.
- [3] No public objections were received.
- [4] The Applicant company has one director and shareholder, Rajveer Singh.

The application states that the nature of the business is that of a Bottle Store. The current trading hours under the Licences are as follows:

Monday to Sunday, between the hours of 9:00am and 11:00pm

DLC Visits to the Surrounds and Premises

- [5] Prior to the commencement of the first day of hearings each member of the DLC individually made an inspection of the surrounds of the premises.

The DLC Chair was joined by Mr Smeele, Hearings Advisor, at an unannounced visit to the premises on 10 March at 10:00am. The premises sits on Victoria Street, in a building complex which extends along the street opposite the Christchurch Casino. Outside the premises is a wide concrete pavement punctuated by raised landscaped plantings.

The premises is neighboured by an empty/for lease building and a mini market premise: Symrose's Super Fresh ("Symrose's") at 65 Vicotria Street. Symrose's signposted their hours as follows:

Monday	9.00am to 1.00am
Tuesday	9.00am to 1.00am

¹ 60/OFF/42/2021

Wednesday	9.00am to 4.00am
Thursday	9.00am to 4.00am
Friday	9.00am to 6.00am
Saturday	2.00pm to 6.00am
Sunday	2.00pm to 6.00am

Symrose’s and Thirsty Liquor are operating in a conjoined premises, a partition wall that does not extend completely to the roof line divides the two premises. Thirsty Liquor staff (either paid or voluntary) are family relations to Symrose’s owner, Jasdev Thind. The businesses have shared staff facilities.

Two people who appeared to be homeless were observed sitting on the footpath next to Symrose’s soliciting money from passers-by’s with the prompts of a sign. During this site inspection one left the footpath leaving one homeless person continuing their activity.

Thirsty Liquor had good lighting; but floor space was at a premium due to very large stock levels. The layout was organised with wines for sale occupying one wall, the opposite wall contained a combination of wines and spirits. Inserted in between these displays were fridges offering a variety of products. There was a floor display in the middle of the shop, primarily beer, and a walk in refrigeration unit at the back of the shop. The stock levels were dense and many products displayed on high shelving were not secure.

[6] The Incident Book was cited, incidents were recorded on loose pages, the last recorded incident been on 14th December 2024.

A significant external window was cracked or degraded. This damage resulted from an incident reported to have occurred when the shop was closed, at 1:30am on 9th March 2025. A reported customer from Symrose’s who was in a wheelchair smashed the window with a hammer. This incident was recorded by a security camera.

Some of the stock offering in the fridge was yet to be replenished, depleted from weekend trade. Nitro was offered at \$15.00 per unit and was placed on the bottom shelf of a registration or pay desk. The cheapest beer on sale were individual cans (Kingfisher) at \$6.00 per unit, however on the shelf underneath there was an enduring promotion of two cans (various bands) for \$9.00. It was reported the cans sold in this promotion came from broken cartons/packaging. The concern of unsecured products placed on high shelving around the store were noted by the DLC.

On the interior and exterior of Thirsty Liquor signs were positioned, stating the area was subject to an Alcohol Liquor Ban. These signs were installed around 8 months prior to the inspection as a result of a korero between the Inspector (Paul Spang) and store manager and also included Legal Counsel for the

Applicant. In essence the purpose of the signs was to remind customers that Thirsty Liquor was situated in an alcohol-free zone.

A second site inspection was undertaken by the entire DLC. They were joined by Mr Smeele, Hearings Advisor, in an unannounced visit to the premises on 2nd July 2025 at 11:30am. The premises were closed but the DLC were able to gain access through Symrose's and completed the visit with the assistance of the Mr Thind who was overseeing the dairy operations.

The DLC cited the newly installed cameras and revamped signage on the premise exterior. The horizontal signs, at each corner signposting RTD, Beer, Wine et al, on the exterior window (as evidenced as appendices to Brief of Evidence) had now been removed. The new exterior had the orange livery of Thirsty Liquor, two large signs advising of the Liquor Ban, and hours of trading. The food offering, in the basket on the counter, was enhanced from pictures on hand as pre-existing evidence.

As a result of this site inspection the DLC was better able to understand the variation sought as part of the renewal application. Although the map and explanation provided on the first day of the hearing was helpful this site inspection clarified the variation sought. In essence the variation would see the chiller unit extended back 3 metres into space currently occupied by the Symrose's premise. A surrendering of floor place would occur by the dairy premises. The net result would be the removal of shelving (dump stack) in the middle of Thirsty Liquor providing a non-cluttered customer floor space.

No litter or beggars were observed on the surrounding footpaths or areas of the premises.

PRELIMINARY MATTER

Mr Egden, Counsel for the Applicant, submitted a concern may exist around the late filing of Police evidence with respect to issues of fairness. The DLC noted the concern and would consider the appropriate weight of this evidence.

By agreement Opening Submissions were taken as read, with Counsels and/or Agencies highlighting key aspects of their submissions.

[7] Briefs of Evidence were read by the Applicant and their witnesses, however due to time constraints it was agreed that other witnesses be given the opportunity to highlight or elaborate on their Briefs of Evidence before cross-examination.

On 30th June 2025 (the first day of the hearing), the DLC requested the Applicant provide copies of their financial accounts for the past two years. Of interest to the DLC was the level of profitability and drawings during these two periods. Mr Egden, Counsel for the Applicant, requested that the information remain confidential to the DLC. This was agreed. This information was received by the DLC on 14th July 2025. The

DLC identified a concern with respect to an Inland Revenue Department compliance issue (penalty payment)) this was later explained by Mr Egden to the satisfaction of the DLC.

On 22nd July 2025 (Hearing Day Two), Mr Egden, advised the DLC as a means of mitigating some of the issues raised by the agencies, the Mr Thind had now removed an external sign outside the premises directing potential Thirsty Liquor customers to Symrose's if the store was unattended/closed. Further, the Mr Thind had agreed to an undertaking that when there are significant events, such as Electric Avenue, an additional staff member would be employed to oversee outside of the premises. The intention provided to the DLC was this extra person would be monitoring or identifying the consumption of alcohol in the area. Further, Mr Thind had endeavoured to contact the manager of Calendar Girls (premises along Victoria Street) to formalise an existing arrangement of support or intervention when required. It was reported an arrangement had been unsuccessful to date. Also reported to the DLC were changes to the signage outside the store, specifically the removal of reference to RTDs and Beer, this change had also been noted by the DLC during its past site inspection.

THE APPLICANT

[8] Mr Egden, Counsel for the Applicant, submitted on behalf of the Applicant to the DLC.

Mr Rajveer Singh

Mr Singh outlined his background of being born in India and finishing his schooling in New Zealand. He explained to the DLC that he lived with his aunt and her husband Mr Jasdev Thind, and were a "a close family". Mr Singh worked at Symrose's where he was introduced to the management of the business. A plan was conceived that once his studies were concluded he would take up a management role in the Thirsty Liquor business.

In 2017, Mr Singh reported working at Thirsty Liquor and then successfully obtained a manager's certificate. Mr Singh took over the financial management role for both businesses including payroll responsibilities.

[9] Mr Singh explained that discussions had previously occurred with Mr Thind about himself taking over Thirsty Liquor but with no date set.

[10] On 05 March 2019, Mr Singh assumed ownership of Thirsty Liquor, the immediate driver identified as an ERA determination against Mr Thind. Mr Singh continued to work at Thirsty Liquor as the Duty Manager and had overall management responsibilities. He reported in November 2023 of returning to India to get married the following year. Due to family circumstances, Mr Singh's plans to permanently return to New Zealand did not occur.

Mr Singh reported being unclear as to his future, as he was also attending to family business matters in India. The role of management and oversight of Thirsty Liquor is conducted remotely by him from India. He continues to undertake the payroll and accounting functions for both Symrose's and Thirsty Liquor.

When questioned by the DLC on financial matters, specifically why two bank accounts were in place. Mr Singh replied there was no need to change bank account details when taking over Thirsty Liquor and a new bank account was opened once he returned to India of which he was a signatory.

[11] The nature of the relationship Mr Singh has with Mr Thind was explained to the DLC. An expression of the strength of this relationship including no formalised sale and purchase agreement was used or required when he assume ownership of Thirsty Liquor.

Cross Examination - Mr Rajveer Singh

Mr Egden (Counsel for the Applicant) sought clarification around the proposed extension to the premises, Mr Singh explained the untidy and inconvenient shelf in middle of shop was a reason for seeking the variation. He expressed the intention of moving an internal shelf which would create an enhanced layout. Mr Singh stated there was no intention to increase stock just focus on improved layout.

A follow up question was asked around bank accounts and payroll. Mr Singh confirmed he had overall responsibility and Mr Thind in recent times has been paid as an employee (a few months). Previously he was not paid "because we are a family". Mr Singh confirmed any return to New Zealand is currently undecided.

Mr Singh confirmed he was the sole shareholder and had no problem allowing Mr Thind to become a director and transferring 50% of shares to him. If he remains in India, Mr Singh suggested it makes sense for this to happen.

Sgt Robertson (Police) asked Mr Singh about his understanding of the ERA determination and why the sudden change in ownership structure, Was it an effort to ensure the licence was not at risk. Mr Singh stated transfer was already planned for some point in the future. Sgt Robertson referred to Mr Singh's response as being "a remarkable coincidence". Mr Singh confirmed his awareness of the negative impacts on suitability when employment/immigration breaches have occurred, and that cancellation of a licence was possible. Mr Singh once again stated the changes were already planned. The DLC were advised these behaviours were unusual in Sgt Robertson experience.

Mr Singh confirmed that for two years he was outside of the country in India and had no firm plan to be paid for the shareholding it was described as "a family thing". Sgt Robertson assessed the arrangement as

a charade. In terms of day-to-day operations Mr Singh confirmed he is in full charge, making decisions, the two examples provided were an awareness of incidents, rubbish concerns and other issues.

The dump stacks shown in photographic evidence were drawn to Mr Singh attention for comment. He was asked about the stack of beer, asked about movements of boxes of beer. He reported if the variation was granted the shelves would go. Stock ordering was reported to depend on realised sales; weekly and fortnightly ordering is made through the store manager who is responsible. Police suggested the reason for expansion was to hold more stock, and rejected the motivation was to make store tidier.

Sgt Robertson asked Mr Singh if Mr Thind had an employment contract, response was no, “it’s a family thing”. Confirmation that Mr Thind was employed was not clearly provided other than reference to the matter being a “family thing”, this was also the response to questions around the gifting of the business.

Ms Bromley (MoH) asked Mr Singh how responsible alcohol sales are conducted by the store. Mr Singh response was “we don’t promote sales; we are an expensive store”. Next Ms Bromley asked Mr Singh to explain the special offers advertised on the Uber Eats website: 19% off Woodstock, 13% off Corona et al. were cited by Ms Bromley. It was eventually understood the discount is done by Uber not the Applicant. Mr Singh was also asked to explain the remote sale process and age identification process: “if customer is underage or intoxicated, they will not be served”. Ms Bromley asked about the suggested community demand to have long hours, Mr Singh referred to the demand from tourist customers from local hotel. In response to questions around how Mr Singh would manage late night sales and associated risks he stated, “by strict policies against intoxicated persons”. When asked if he would consider reducing hours, “happy for 10:00pm and not earlier unless the LAP says so then I am happy”.

Mr Cumming (Counsel for the Inspector), asked for confirmation of Mr Singh’s initial background in New Zealand. In response Mr Singh replied that he took over the business (Thirsty Liquor) after 5 years in New Zealand and most of that time was spent studying. He noted that it was “not time to take over” when the ERA determination but then plans were advanced. He was planning to take ownership once he gained sufficient experience and knowledge. Mr Singh responded he was 24 years of age when he assumed control and was done to avoid any repercussions of the ERA determination. Mr Singh once again reaffirmed after further questioning, that the change of ownership had resulted from the ERA determination.

Mr Singh said after the ownership change Mr Thind left him to run the business while he was looking after his own business (Symrose’s) “I knew how to run the business, If I need help, I will ask him” Mr Thind looks after the business when I am away in India. . Mr Singh was asked if he could address issues first hand while in India: “yes”. Mr Singh confirmed his awareness of issues of side and pre-loading and issues associated with high strength RTDs, the Alcohol Ban Area, and single sales high strength beer: “we don’t sell singles only a few if box dropped/damaged”. He reported that little Nitro was sold, but according to Mr Cumming

there appeared to be a lot in the store. Mr Singh did not respond to the Nitro matter but confirmed that no single RTDs were now sold, only doubles were sold, a change from a few months ago.

[1] Mr Singh was asked what steps had been taken to close earlier or stop selling Nitro. His response was “We sell it at a premium price. He was also asked if he understood the problems that it caused and the problems in area at night Mr Singh replied, “it’s part of business”. Mr Cumming referred to the Application that said non-alcohol drinks and food were promoted, Mr Cumming noted there was no obvious sign of food products, Mr Singh referred to the small food depleted basket on the counter, as shown in photographic evidence.

The DLC addressed questions on his business model to Mr Singh. It was confirmed the business does not follow Thirsty Liquor specials as advertised. It was confirmed by Mr Singh that he spoke to Mr Thind monthly or fortnightly via phone calls. Mr Singh explained that regular clean-up of rubbish was “done in the morning, sometimes late night clean up”.

The DLC asked a range of financial questions of Mr Singh. It was confirmed most payments are direct debit and an explanation was provided as to why old and new bank accounts were operated simultaneously: “save hassles with suppliers” and he was following bank advice. Mr Singh explained that Symrose’s sub-leased floor space to Thirsty Liquor and questions of lease payments between the two entities were discussed. Questions were asked over the rounded financial amounts transferred between stores. Mr Singh explained that Thirsty Liquor would purchase chips and cigarettes from the store and the rent payments that were adjusted. He said that they didn’t have a running account, they keep a record on paper. The large sums received from Uber Eats was explained and how incoming payments come into Thirsty Liquor.

Mr Singh explained the placement and operation of new cctv cameras. He confirmed the sublease document, prepared by Frank Knight (commercial real estate agent), was signed between Symrose’s and Thirsty Liquor in 2017. The landlord required a formal sub lease.

Mr Singh was asked by the DLC about the cheap alcohol as shown in photographic evidence, he reiterated the recent change in practice that no single RTDs were sold now (only doubles) but single beers remain for sale.

DLC questioned Mr Singh on the Inspector’s suggested hours of 9:00am to 9:00pm. He reported being happy to close at 10:00pm, “if not we may lose our business, all supermarkets are open to 10:00pm”. Mr Egden intervened suggesting that Mr Singh should confer with legal counsel on this matter before providing any further response. The DLC was then advised that 39% of business turnover occurred between 9:00pm and 11:00pm “a significant amount of business is conducted in these two hours” and Mr Singh once again stated he is only agreeable to a 10:00pm closing. The DLC were made clear of the position

of Mr Singh, he was prepared to concede one hour of trade and wanted to be on a level playing field with other competitors.

The DLC asked more questions on financial matters. Information was sought on profitability for the past two financial years, as the DLC was advised earlier the returns or profits “are not much”. These financials were requested. The Inspectors Report noted payments for KFC, Rebel sports, and Netflix from the company business account. Mr Singh was asked about these payment as he was clearly in India at all material times. Initially he stated they were for a staff party and the Netflix payment was for staff to watch while on duty at Thirsty Liquor, later after reflection Mr Singh identified these transactions either drawings or entertainment.

Mr Singh confirmed he was advised, in India, of an incident which occurred involving a customer in a wheelchair on 9th March 2025. This incident resulted in property damage: broken window of Thirsty Liquor after initial engagement at Symrose’s.

[12] Mr Singh was questioned on how many bottles of water have been issued by staff in the past six months for customers who were refused service due to intoxication (a process stated in the application for renewal form). Mr Singh did not respond to this question. Later Mr Singh asserted tap water is offered as it is cheaper. In response to a further question, he told the DLC only if customers are aggressive will they and the incident be entered into the Incident Book.

Mr Singh said the practice of Mr Thind looking around the neighbourhood commenced a few months ago. The DLC asked what the driver for these new manoeuvres by Mr Thind were: “we always checked from beginning, then Council mentioned it, we do it as a goodwill gesture, no other business does the same in cleaning up the area”.

[13] Relationships with other proximate on-licences is good according to Mr Singh. They were reported as having no issues, no problems with hours of Thirty Liquor (no one opposed).

Mr Singh was asked what would draw homeless people to the vicinity of Thirsty Liquor, “customers give them food and money”. He noted “they may choose to purchase alcohol, but we don’t sell to beggars or homeless people”. Mr Singh explained staff know some of the homeless so we can identify them: “we have refused to serve, sometimes staff do verbal trespass”. He could not provide the DLC with any numbers of beggars and the homeless who are present in the vicinity of the store.

Staff training was described as the checking for signs for intoxication, keeping an eye outside, messaging the requirements of the Liquor Ban Area outside the premises. Mr Singh explained further training takes place monthly which is delivered from himself remotely from India. The DLC talked about the business model adopted at Thirsty Liquor, Mr Singh was insistent that most customers came from hotels and there

is no focus on bulk sales, “no we are service and premium offer of products, and location in the heart of the city”.

The DLC enquired if the landlord of Symrose’s was aware of changes in shareholding and directorship: “no, company is still the same” Mr Singh was asked when he took over business in 2019 what changes were made: “changed layout and facing of shelves; products are mostly the same but market changes dictate product changes”.

Remote sales occurring from the premises were confirmed by Mr Singh. He explained the impacts of the Covid-19 environment where 19% of market was lost during this time. He also explained if the LAP, all the businesses will be the same and customers will have no options. Mr Singh now confirmed that Mr Thind submits time sheets for his work, and it was he who determined his hourly rate: “we both talked to each other”. Other staff employed included the store manager. Mr Singh was asked about the changes initiated over the past few months: no single sales RTDs and rubbish pickups, and who advised him to do these things: “my uncle”.

Confirmation was provided that remote sales hours of deliveries occurred until 10:00pm (last order). When Uber delivers products from the store they checked the identification of the purchaser – take a photograph.

The decision on the proposed extension (variation) was made by Mr Singh, based on the shelving and floor layout. It was based on a suggestion made to Mr Singh (presumably by Mr Thind).

[14] **Mr Egden (Counsel for the Applicant)** re-examined Mr Singh. The DLC was advised, based on the 1st March 2024 sales figures that sales between 9:00pm and 10:00pm make up 11% of total sales, and sales between 10:00pm and 11:00pm provide 28% of sales: almost 30% of sales go if close at 10:00pm. Mr Singh advised the DLC changes to closing time would make a difference.

Mr Singh reaffirmed that he came to New Zealand 2014 when studying and started working in December 2016 when the business opened. He worked in the store initially part time 20 hours per week in the grocery and dairy premise (Symrose’s). When the liquor store opened in 2017, he started working there from 2017 to 2023 and then returned to India. After he finished studies and supported by an open visa – his hours were able to be increased to full time. Mr Singh advised the DLC that he acquired a good knowledge of industry from 2017 to 2023 when managing the liquor side of the business, and when share transfer occurred, he considered he held sufficient knowledge of liquor industry to run the business successfully.

Mr Jasdev Thind

Mr Jasdev Thind gave evidence for the Applicant. He set the background and his involvement in Symrose's which he still owns, and the setting up of Thirsty Liquor. However, in 2019 because of an ERA determination of exploitation and failing to meet employment law requirements at Symrose's he advised the DLC he transferred ownership of Thirsty Liquor to his nephew, Mr Rajveer Singh.

The DLC learnt the key driver for the share transfer was Mr Thind's concern the ERA determination may affect his ability to operate Thirsty Liquor. This transaction occurred 05 March 2019. We were told a former Inspector Martin Ferguson was verbally advised but this conversation could not be evidenced. Mr Thind believes he contacted ARLA to advise them as required of the transfer/change of directorship.

It was intended that Mr Singh would eventually assume ownership, once relevant skills and experience were gained and he was domestically settled according to Mr Thind. However, the adverse determination of the ERA accelerated this pre-existing plan. He states the wrongdoing "was out of character for me, and an important lesson for me".

[15] Mr Thind asserted the accounting and business skills of Mr Singh and his proven capacity to operate Thirsty Liquor successfully is material. We were advised Mr Singh runs the company remotely from India, and until he returns to New Zealand. Mr Thind noted it would be responsible for himself to own 50% of the shares and be a director of the company. He currently holds a manager's certificate.

Reference was made to a meeting held between Mr Thind and Agencies, and the letter dated 23rd Jul 2024, setting out the issues and how they may be resolved. Mr Thind stated that Mr Spang (Inspector) would be firm in his objection for the renewal due to suitability as evidenced from the ERA determination.

Mr Thind, in response to DLC questions, said he walked around the neighbouring areas of the premises on either Friday or Saturday nights (sometimes both). He referred to his observations: drinking in car parks, and preloading with groups leaving taxis and uber, all intoxicated.

An incident on 19th October 2024 was referred to by Mr Thind, where alcohol was sold by the Duty Manager to a "destitute beggar". This incident was identified as against the Applicant's policy and disciplinary action was taken as a result against the Duty Manager. The incident was recorded in the Incident Book. Additional cameras (x2) have since been installed outside premises and another camera out the back of premises.

Newly placed signage alerting customers to the Alcohol Ban Area are now in place. Mr Thind reports there was one sign in place prior to Agency meeting but then an additional signage put up in 2024. The DLC was advised that persons are verbally trespassed if seen consuming alcohol in the ban area. Also, a new policy was now in place of collecting rubbish near the premises, post the Agencies meeting: every day in the

morning and Friday and Saturday nights. It was noted there were some efforts to pick up litter prior to this new policy.

Mr Thind advised the DLC he would agree to no single sales of RTD, beers or ciders smaller than 500ml and below \$6.00 per unit. After meeting with Mr Spang he stopped single sales of RTD but continues with beer sales. Once again the DLC was advised via Mr Thind the Applicant now agreed to a closing time to 10:00pm not the current 11:00pm.

Mr Thind responded to Police evidence (from Constable Ellis) of an incident on 15th December 2024 where he was drinking beer in the office and subsequently assaulted on street and then hit by a motor vehicle. He strongly denied the allegation he was intoxicated at the time of incident. Mr Thind provided a context to the incident, Thirsty Liquor had been closed for several hours, he had consumed only two beers and was injured from the assault and suffered trauma (unsteady of feet/glazed appearance). According to Mr Thind his appearance was not the effects of intoxication.

Another incident was referred to occurring on 9th March 2025. Thirsty Liquor was closed and the incident related to Symrose's. Mr Thind explained a customer, in a wheelchair, was asked to leave the premise. At 12:45am the customer returned with hammer and broke the glass window on the frontage of the liquor store. It was further reported on 14th May 2025 the same customer returned and was abusive to Mr Thind and threatened his family. The customer appeared under the influence of drugs and not alcohol according to Mr Thind. According to Mr Thind this incident related solely to Symrose's, not the bottle store.

A further incident, occurred on 17th May 2025, where the duty manager of liquor store stopped a young person trying to run out of the store. The young person was arrested by Police.

Cross Examination - Mr Jasdev Thind

Mr Egden sought confirmation from Mr Thind, that since the ERA determination of 2019, that Labour Inspectors check up on him. Mr Thind advised there were no labour related matters and IRD have also visited him, and no issues were reported.

[16] Mr Egden asked questions around liquor advertising practices at the premises. Mr Thind reported there is no discounting at Thirsty Liquor: "no specials". The store has their own handwritten tickets. An email (24th June 2024) was provided to the DLC with Mr Thind giving a commentary to evidence the store stance on advertising. In essence the email indicated that Thirsty Liquor had no part in advertising or a current promotion undertaken by Uber offering a 20% discount promotion.

Mr Thind confirmed he wasn't paid wages from Thirsty Liquor until April 2025. Prior to this period he helps out at Thirsty Liquor: "a very close family" we are "so closely bonded – they are living with me".

Sgt Robertson (Police) questioned Mr Thind around the legality of people drinking and exiting taxis and Ubers. Sgt Robertson stated the legal position people can't consume alcohol in Ubers or taxis, the practice was prohibited under the Summary Proceedings Act (1957). Mr Thind then stated he was now unsure if he was referring to private vehicles dropping people off.

[17] With respect to the verbal trespassing of customers, consuming alcohol outside, Sgt Robertson was told by Mr Thind that no list of such persons is made. Other staff were reported to be aware through discussion of those trespassed. No formal records exist for those verbally trespassed. Mr Thind agreed there was no firm process or policy in place at the store.

[18] Sgt Robertson questioned Mr Thind on the changes made since the filling out of the renewal application form. It was confirmed there were more resources placed into the collection of litter, a larger sign on front window alerting customers to alcohol ban, and now Thirsty Liquor doesn't sell single RTD's (stopped once concern raised by the Inspector). Sgt Robertson suggested all the measures were reactive, which was agreed by Mr Thind because the licence was under threat. Mr Thind then said there were always reasonable sales, no promotions, and collecting litter before the Inspector discussion.

[19] Reference was made to the photographic evidence of special offers, including "Hot Deals" by Sgt Robertson. Mr Thind provided no clear response and when asked about green signs used, "we are not cheaper but on expensive side". Sgt Robertson stated the signs suggests promoting specials,

Mr Thind was clear with respect to the incidents referred to by Police noting "only a few relate to Thirsty Liquor", Sgt Robertson suggested incidents arose around the demand or need to purchase alcohol.

Incidents:

-On 15th December 2024 a group of males tried to get Mr Thind to open the bottle-store, who refused. Mr Thind was then punched multiple times by one male. A short time later Mr Thind observed the group getting into a vehicle, he crossed the road and began filming them and the vehicle. The vehicle started moving and struck Mr Thind. -9 March 2025, a Male in a wheelchair entered Symrose's wanting to purchase alcohol. He was refused and returned later with a hammer and broke the front window of Thirsty Liquor. He returned 5 days later and abused/threatened Thind and his family.

- On 23rd March 2025, Mr Singh refused service to an intoxicated customer and was assaulted,

-On 13th April 2025, Mr Singh refused to serve alcohol from next door, was declined, altercation occurred with staff member male customer was trespassed.

-17th May 2025, A 17-year-old male enters bottle store, grabs a bottle of spirits and tries to run out of the store. Restrained by staff member, Police arrest youth.

Mr Thind states the incident on 9th and 14th March 2025 referred to by Police, was in his opinion fuelled by drugs and not alcohol.

Sgt Robertson referred to the statement made by Mr Thind (December 2024 incident) [LEO1]. Mr Thind was standing out the front of Symrose's, and a man was advised Thirsty Liquor was closed and then banged head on window of the liquor store. Then Mr Thind was assaulted he confirmed he was not undertaking security work at the time (he had acknowledged consuming two cans of beer in the office was carrying out book work). In response to a question put by Sgt Robertson that it was not ideal once you have consumed alcohol then standing outside keeping an eye on things. Mr Thind explained he had completed his work. Sgt Robertson stated Mr Thind's response was not consistent with the statement he had made consuming alcohol and then providing an informal security role outside the premises.

[20] Sgt Robertson questioned Mr Thind on the sales occurring in the later hours of the evening; 38% of sales from Thirsty Liquor occurred are after 9:00pm. Sgt Robertson suggested this was very high and not comparable to other bottle stores in Christchurch which range from 4% to 5%. Mr Thind agreed there were more people in the city, further agreed Victoria Street had a lot of late-night hospitality, accepted people pre and side load before going into bars and other entertainment venues.

[21] Sgt Robertson asked questions around large events including the Electric Avenue Concert. Mr Thind said he was putting effort in to stopping the behaviours of pre and side loading but was unable to provide any specific details as to how. He reported trying to educate customers and there were "signs telling them". Mr Thind agreed with a Police suggestion; the existence of the bottle store enables patterns of behaviour to occur.

[22] Sgt Robertson asked Mr Thind if he was aware of research indicating the later in the day alcohol was consumed the greater amounts of alcohol harm occur (a context provided that 38% of sales occurred after 9:00pm). Mr Thind indicated an awareness, but was not clear if he agreed the business was having a negative effect on the amenity and good order of the local environment.

Ms Bromley (MoH) referred to photographic evidence, showing labelling: Hot Deals. Mr Thind agreed this was a special offer. He was asked while standing outside of store in the evening, how do you manage anti-social behaviour? – "I request people not to drink or call Police".

In response to questions around how Mr Thind ensure responsible alcohol sale, "I have agreed put licence to 10:00pm". When asked how he managed risk with late night alcohol sales, intoxicated customers, people loitering, and uber pickups/deliveries he responded, "staff training by Mr Singh on how to identify intoxicated people, using trespass mechanism if intoxicated".

[23] **Mr Cumming (Counsel for the Inspector)** referred Mr Thind back to the ERA matter (20th February 2019) and the soon after transferred on shares on 5th March 2019 (2 weeks later). He agreed the transfer

was done to prevent repercussions to the licence. Mr Thind agreed he was still involved in the business. Mr Cumming asked, do you accept you should be upfront with matter with DLC and move forward? He responded, “yes you are right”. Mr Thind did note the matter was discussed with Mr Martin Ferguson (former Inspector) about the transfer of shares. When it was suggested to Mr Thind that there was no awareness of the ERA determination prior to this hearing, “was it hidden, with respect to suitability implication” no clear answer was provided.

Prior to being paid, Mr Thind confirmed he was working on a voluntary basis at the bottle store, “but not many hours”. He explained his wife had worked in the business until injured. Mr Thind took over her shifts.

[24] Promotion of food and non-alcohol drinks was a focus of new questions put by Mr Cumming. Photographic evidence was referred to. Mr Thind provided no clear response about how food was promoted referring to a small green box/shopping basket, by point of sales counter. No clear response was provided from Mr Thind. It was agreed by Mr Thind the premises was “jam packed” with stock, which is why he is requesting an extension of the chiller. A question was put to Mr Thind around having a reduction in stock, “no, delivery only happens once a week, no alternative storage is available”.

Mr Cumming asked Mr Thind why with his expressed awareness of the homeless, pre and side loading, and agreement to moving to 10:00pm to reduce alcohol related harm, why it was not done earlier? No clear answer was provided. Mr Cumming noted such changes including reduced hours of trading were suggested in a letter to Police (on 23rd July 2024) but nothing was done. Mr Thind explained about the sign on the door of Thirsty Liquor referring customers to Symrose’s if it were closed. The sign was a legacy matter. Mr Thind maintained the position that former Inspector Mr Martin Ferguson gave clear approval for the sign. Mr Cumming stated the sign would encourage people to come to Symrose’s and expect access to alcohol, “maybe but there is also hours listed” according to Mr Thind.

[25] With respect to identification checks Mr Thind explained they were not done if a customer was known, someone from past otherwise the policy was to check. Mr Cumming referred to the incident noted in Constable Jolliffe evidence of no identification being sought, Mr Thind was “not sure”.

[26] Mr Cumming sought clarity around the Incident Book as to what behaviours meet the threshold for inclusion, Mr Thind said “we put in whatever we can, but refusal of service incidents may have been missed on occasion”.

The DLC asked questions, around the food offering and the DLC was advised, an extensive selection was available from the Symrose’s side (3 or 4 staff were employed on Friday and Saturday nights). Confirmation was provided by Mr Thind that both businesses had a close relationship, but clear physical separation exists.

Mr Thind was asked about high stacks of products in the chiller and highly stacked stock in the main body shop and what the likely effect would be of an earthquake. The DLC learnt that reducing the height of stock via the variation (chiller extension) would resolve these matters: “to make more user friendly”.

The DLC were assured neighbouring premises had no issues or conflicts with Thirsty Liquor. Mr Thind provided an example of everyone working collectively if there was a fight outside: “sometime a random fight will occur, they will point out to security guards to intervene to resolve the matter”.

Mr Thind identified changes in patrons to the Victoria Stret precinct. He noted there were more business before covid, some business has shifted to Oxford Terrace/The Strip.

Bottles of water were not handed out to those intoxicated who are refused service, as indicated in the application form, only tap water was offered. The DLC noted this directly contravenes the information provided on the renewal form and the earlier evidence of Mr Singh.

The DLC asked about the confidence they could have that terms within the Sale and Supply of Alcohol Act (2012) would be complied with whereas employment laws were set aside and not followed in the past by Mr Thind. He stated time has elapsed and better recording systems now exist: “more accurately than ever, always trying to improve our current systems”. Mr Thind referred to been shamed by the ERA determination.

Mr Thind responded to questions relating to purchases, including KFC and Netflix subscription, through the company account: “these were for the benefit of staff members, and not for personal use”.

Mr Thind explained he was in receipt of training as an employee, usually on phone with Mr Singh post incidents, planning relating to store, sales, and improve the performance of the store. Deliveries to the store were facilitated remotely from India (by Mr Singh).

In terms of relations with the franchisor Thirsty Liquor, Mr Thind confirmed “we don’t follow specials, sometimes they are not happy with us, but part of the deal when we signed agreement initially”.

Mr Thind confirmed the food offering was limited, “the primary objective of the store is to sell liquor”.

Mr Thind explained to the DLC that “tourists come into the shop, they do not bother with Duty Free, beer perhaps was not supplied there, and if tourists are staying a few days these customers may well require more; no cross advertising exists between either premises”. Further, Mr Thind advised the worst time for rubbish was Friday and Saturday nights. In response to a DLC question on stock, we were advised there were no boundaries or required stock with respect to the franchisor Thirsty Liquor: “no core stock requirements existed”.

The DLC was told those persons verbally trespassed are not provided a time frame, according to Mr Thind. If a customer or person was not known, it was confirmed they can potentially unknowingly be in breach. Then Mr Thind proclaimed: “from now on we will make improvements by recording them”.

Mr Thind explained to the DLC the harm alcohol can cause included nuisance, vandalism, and domestic violence. He explained people who drink alcohol are more disposed towards bad behaviour: “responsible drinking allows good times responsibly and celebration”. He agreed to a DLC proposition that someone who drink reassembly can also be a victim. Mr Thind noted a balance had been achieved at Thirsty Liquor, “our business tries to be reasonable to society as well as making money and will do so in the future”.

Mr Singh was identified by Mr Thind as a mature person, who grew up with his family, a quick learner, and accountancy skills: “I don’t need to give him any advice”.

Mr Egden (Counsel for the Applicant) asked Mr Thind about Nitro. He identified the alcohol content at 7% but, noted that when compared to vodka/red bull, Nitro had less alcohol content.

Mr Thind confirmed the application was filed 19th March 2024, and the previous renewal occurred in 2021. Between those dates the premises were inspected by licencing inspectors and Police through monitoring visits. Mr Thind was asked if any concerns were raised by any of the Agencies during this period: “No”. He confirmed since the filing of the current renewal application issued were now raised. Mr Thind confirmed he took legal advice on what could be done, and as a result a letter was issued about what could be done to Sgt Robertson. Mr Egden asked if it was fair to say that Mr Spang took a view of opposition to renewal due to the employment issues, therefore no further progress made: “yes”.

Confirmation was provided by Mr Thind of a store sign on display relating to identification checks, for those under 25 years of age, who may be checked. Further, staff training and comminution between staff occurred on a daily basis between the three duty managers at home or work.

In terms of food offered, Mr Thind corrected his eariier evidence. He was not saying he was promoting food, but items were merely available. Also, it was obvious to customers premises next door which offered an extensive food offering.

Shurham Deep Singh (witness for Applicant) (Brief of Evidence taken as read)

Sgt Robertson confirmed Mr Shubham Deep Singh only works at Thirsty Liquor. However, Mr Singh explained his intervention or assistance on occasion at Symrose’s: “because it is a family business”. This was described as a guardianship role according to Police. He reported feeling a sense of responsibility and recognise possibility of risk arising. Mr Singh acknowledged the risks inherent in this role “because people

intoxicated going in and out of store”. He agreed with Police that when people are intoxicated particularly later at night, a degree of risk exists.

Ms Bromley (MoH) asked Mr Shubham Deep Singh if he felt safe at work and walking around Victoria Street: “yes”. He confirmed 50% online sales and 50% in person alcohol sales was the norm.

Mr Cumming (Counsel for Inspector) asked if Mr Shubham Deep Singh accepted alcohol related harm in area occurred, particularly at night, and people get aggressive or violent if not served alcohol: “yes”. Mr Shubham Deep Singh agreed issues with homeless seeking alcohol existed: “sometimes they try. Sometimes younger people seeking alcohol (under 20-year-olds)”.

The DLC asked who Mr Shubham Deep Singh takes instruction from, Mr Singh (India). He also confirmed he was reprimanded over the incident when he served a beggar: Ravjeer told me off, he was angry with me.

Hearing Day 2 -22nd July 2025

THE MEDICAL OFFICER OF HEALTH – Ms Bromley representing

Ms Paula Williams (witness)

[27] Ms Williams’s Brief of Evidence was taken as read and an opportunity was provided by the DLC for any key points or highlights to be made.

Ms Williams explained that on Friday the 21st of February 2025 she was conducting monitoring in respect of the Electric Avenue Music Festival in Hagley Park. Ms Williams had concerns around the delivery of alcohol on the same day as a large events such as Electric Avenue. She reported to the DLC that a conversation had occurred with Mrs Thind around the liquor ban, Mrs Thind reported she was aware of the responsibilities. Ms Williams also noted the evidence of picking up large amount of litter assuming most of it from his store.

Ms Bromley (MoH) asked Ms Williams about population vulnerabilities (as to risk) in this area. Ms Williams explained this was a high-risk vulnerable population area, “the high risk in area due to other premises and the practice of pre and side loading. Intoxication and violence likely to result from intoxication”.

The DLC asked questions of Ms Williams, about the application for variation. Ms Williams said she was aware of discussions around stock height limitations in supermarkets but not so common in off-licences. Wire barriers were identified as a good idea in the event of seismic activity. Ms Williams was asked about no failures in terms of controlled purchase exercises at Thirsty Liquor, but the two recorded incidents made by Police and Inspector. Ms Williams explained both recorded incidents represented similar breaches of host responsibly obligations. Further she proffered, “conditions such as 9:00pm closing – would assist late

night sales which caused great harm in terms of Police data”. Ms Williams confirmed if the application was refused a huge difference would be made to the area.

Ms Williams was asked if younger people would be out by 9:00pm closing: “possibly The Bog Bar can be heaving early in the evening”. Ms Williams emphasized that off licences have a lot more responsibility whereas alcohol is sold at on licenses alcohol is expensive and food portions are available. She stated 75% of alcohol purchased is from off licences in general.

Mr Egden (Counsel for the Applicant) asked Ms Williams to confirm since the last renewal no controlled purchased exercise had been failed at the premises (was one in 2024). Ms Williams could not respond as MoH were not party to that operation. It was the view of Ms Williams that when events like Electric Avenue occurred the premises should be closed. Mr Egden asked about other premises including the Carlton. Ms Williams stated it was a measure that would assist. She also referred to the store being cluttered with stock. Mr Egden put the question isn’t it only sensible for the refrigeration extension (variation). Ms Williams deferred to Ms Bromley to respond on that matter.

Ms Williams was asked to comment on photograph evidence (26th May 2025) of the picking up of litter around the premises. Ms Williams was of the view it was likely Mr Thind who was picking up the litter. Mr Egden put forward the proposition that, young people purchase liquor earlier in the evening, this was agreed by Ms Williams.

[28] **Sgt Robertson (Police)** asked about the expansion of the store footprint. Ms Williams responded by suggesting this could possibility create an environment for holding even more stock. Mr Egden interjected and reminded hearing that Mr Thind had given an assurance there would be no increase in stock levels. Sgt Robertson asked how that would be measured. Base and starting points were discussed to determine any breach was occurring. The Applicant and Mr Egden agreed to consider this matter and respond in terms of proposed undertaking or conditions later.

[29] **Mr Cumming (Counsel for Inspector)** asked about the purchasing or sales which occurred at the time of the Electric Avenue festival. Ms Williams noted the staff included just Mr and Mrs Thind and a delivery person; at the time of the visit no customers were present. Mr Cumming asked if pre-loading in this area was opportunistic and not planned for? Ms Williams responded: “Yes – convenience”.

[30] Ms Bromley asked if pre and side loading was exclusive to young people? “no”.

Ms Bromley representing MoH (Evidence)

[31] Ms Bromley’s Brief of Evidence was taken as read.

Highlighted points were shared with the DLC. Ms Bromley stated her belief the location was not suitable, and a variation should be declined. She emphasized the high level of stock which was stacked high and

dangerous. Reference was made to litter from the premise in weekends: “so much”, and she concludes a fair majority comes from the premises.

[32] The DLC asked questions of Ms Bromley around the reported incidents. She acknowledges no failures of controlled purchases operations had occurred, but the other incidents are “significant”. Reported incidents provided an understanding of how business was conducted, “a continual pattern of bad behaviour”. Ms Bromley stated a 9:00pm closure time would control the area better, reduce the need for Police to be in the area, rubbish, violence, and anti-social behavioural will decrease.

[33] The DLC asked about the level of stock in the bottle store. Ms Bromley explained “it’s not a case of no stock control; the market determines the level of stock”. Positives for the proposed variation were sought from Ms Bromley: “to make chiller bigger would mean more space available for easily accessible shopping experience, negatives bigger shop more alcohol”.

[34] Ms Bromley was asked about awareness levels around the existing Liquor Ban Area. She reported on the signage in the area: on the store, outside the casino, and further up Victoria Street. The alcohol ban visibility was good for the area in view of Ms Bromley. Further reference was made to the requested variation and over stocked premise: “the chiller was a fire risk, the store is like a maze very compact and disorganised, boxes piled on top of each other”. In the event a variation was agreed, Ms Bromley submitted stock control would be integral.

The DLC asked questions around the enforcement of the Liquor Ban and referred to what appeared to be a lack of enforcement in the area. Ms Bromley said the question was one of limited resources. The DLC were also advised in response to a question that the suitability test can never be met in this specific location without “serious conditions”, especially in the context of the growth of Christchurch, won’t help the area going forward.

Mr Egden (Counsel for the Applicant) asked Ms Bromley about the proposed extension from a context it will increase the size of chiller, no stack middle of store, an assurance of no increase stock level,” a plus, plus, plus” according to Mr Egden. Ms Bromley was clear in her response: “the stock levels are already out of control. Discussion occurred as to Section 105(1)(h) around amenity and good order to more than a minor extent (6)(1)(b) which did not apply according to Mr Egden because the variation was not a new application. Ms Bromley said a variation was the equal to a new licence. The DLC was required according to Mr Egden to have regard to noise levels and vandalism but other points in subsection (1) don’t apply do they according to Mr Egden. This position was not agreed by Ms Bromley, the criteria of a new application needed to be applied because of the variation sought.

[35] It was agreed by Ms Bromley that no failed controlled purchase exercise (which is a breach of the Act) had occurred. Mr Egden also noted the sale of alcohol to a homeless person was not a breach of the Act. Ms Bromley agreed but stated such behaviour goes to good character and a breach of host

responsibility. Ms Bromley still maintained this position when it was pointed out one reported incident occurred in over a year where alcohol was sold to a beggar: “in that location it remains a matter of suitability”.

[36] **Sgt Robertson (Police)** had received confirmation from Ms Bromley the incident of sale to the homeless person, is the only incidents parties are aware of: “yes”. Sgt Robertson received agreement in that s105(1)(h), and Ms Bromley’s approach on the renewal criteria, allowed the DLC to consider any matters raised by the Police.

Mr Cumming (Counsel for Inspector) questions related to concerns around sales of nitro and high strength beer cans. Ms Bromley explained that Nitro was her least favourite product: appealing to the young generation, impacts on heart and is “less than ideal”. A wider context was also provided, Nitro is a product the market is looking for: younger generation both pre-loading side loading, quick in and out location – more for quick sales on the street verge: “in and out”. Mr Cumming asked if the sale to the homeless person the only reason for the MoH was view on suitability, “no, it’s about location”.

Mr Edgen raised an issue with the DLC of the age demographic sold to with respect to premises, the issue was not asked of the Applicant or their witness. Mr Egden may seek a possible recall of a witness, the DLC will decide its approach at adjournment.

THE POLICE, represented by Sgt Robertson

Sgt Robertson spoke to the DLC around the purpose of the Act not the object of the Act. Police view a licence should be harder to get and easier to lose, minimise alcohol related harm and unsafe or excessive consumption. ‘Immediacy’ of availability of alcohol at this Thirsty Liquor site, in the middle of an entertainment area is of serious concern. Other proximate venues were open late at night were cited by Sgt Robertson as Christchurch Casino (but not post Covid), Cruz Bar, Calendar Girls and The Bog Bar.

Senior Constable Craddock (witness)

[37] Brief of Evidence of Senior Constable Craddock was taken as read. Highlighted observations on second day of the Electric Avenue event were provided. Senior Constable Craddock was accompanied by Inspector Paulen during this event.

Sgt Robertson asked Senior Constable Craddock if she was surprised with the numbers of persons in area of the Electric Avenue event and lack of awareness of the liquor ban. An affirmative response was provided. Also provided was a context for policing in such circumstances. New constables issue infringement notices for breaches of liquor bans. Police have graduated response approach with a focus on education in terms of breaches of alcohol ban.

The DLC asked questions of Senior Constable Craddock, is Thirsty Liquor – Vicotria Street a safe venue, or unusual in terms of characteristics of the location: “it’s not area of familiarity”. The DLC asked about

processes used when the Senior Constable and Inspector Paulen saw drinking in the area saw drinking. Senior Constable Craddock stated they were just observing and asking some questions: where was the alcohol purchased from and where they were going. She reported the age range of people attending Electric Avenue as mixed, but on second day over 30 years were highly represented but the first day a younger age demographic was present.

[38] **Mr Egden (Counsel for the Applicant)** asked the Senior Constable if the persons spoken to were intoxicated: “no”. She was also asked about signage and wasn’t aware of the signage on the door of bottle store.

Mr Cumming (Counsel for Inspector) asked on the awareness of young people of liquor ban areas and was advised students and other people know and the consequences of been caught (will hide the alcohol).

[39] **Sgt Robertson sought** clarification from the Senior Constable, who reaffirmed her primary role in observation, she was not wearing uniform and therefore was more effective but restricts the level of intervention: “my primary activity role, I am a member of the alcohol harm prevention unit. Christchurch rural are my key areas of operations”.

Constable Graeme Jolliffe (witness)

[40] Constable Jolliffe’s Brief of Evidence was taken as read.

Sgt Robertson asked Constable Jolliffe about the incident on 13th April 2024 (with the Late Paul Spang – Inspector). The Constable was surprised by what he saw. The time was confirmed as 9:30pm, “it was busy at that time, last few hours trade picked up, we cited one group of 7 young people, and one of the individuals in group very intoxicated. Constable Jolliffe stated a lot of alcohol consumption was occurring in the area: “people getting out of cars, and in carparks and open areas”. Sgt Robertson asked about the Police approach around issues alcohol infringement and warnings in liquor bans from his years of experience. He responded by referring to the graduated approach used, normally commencing with an educative approach.

[41] Constable Jolliffe was asked to comment on litter pick up endeavours by Mr Thind and were his business operations responsible for the significant levels of pre and side loading in the area: “yes”. He commented on whether security personal from Calendar Girls would be motivated to respond to matter not related to their own premises, “no never seen”. Further, Constable Jolliffe does not consider a civilian person without authority would influence the behaviours in the area. He confirmed pre and side loading was not just confined to younger persons.

[42] **The DLC asked questions** of Constable Jolliffe around any connection, cooperation or engagement between the entertainment operators in the area: “no”. He was asked about weighting a no failure of a controlled purchase exercise at Thirsty Liquor with the reported incidents Police cited. The

Constable reiterated the seriousness of the incident involving young people, he didn't believe they were underage but not much over. He referred to one girl in vulnerable state due to intoxication and was approach by young male (she had a friend to protect her). Constable Jolliffe confirmed Thirsty Liquor is in a high risk environment: "I didn't observe specific purchases, however late night purchasing last minute it can see them over the edge" when referring to purchases after 9:00pm. Constable Jolliffe referred to bars having a duty managers to prevent customers overindulging but not the case at this off-licence, he stated "If refuse licence, you take away the supply from the area and help it".

[43] Constable Jolliffe confirmed the Applicant's adherence to closure times. He was also asked about advertising by the promoters of Electric Avenue. Constable Jolliffe had no specific awareness but confirmed Polce have asked the promotors to reference the liquor ban area. He was asked to express a view as to how much alcohol was brought to area via uber and how much was brought from Thirsty Liquor? The Constable response "more alcohol was coming out of the area". The DLC asked how many people would know of the liquor ban. Constable Jolliffe said most people have knowledge of the alcohol ban and that most young people would know between the avenues is an alcohol ban area.

Mr Egden (Counsel for the Applicant) asked Constable Jolliffe if drinking in a public place was an offence, his response was "no, unless the person was underage". Confirmation of alcohol ban signage in the immediate area was provided by the Constable. He agreed with the suggestion proffered by Mr Egden that some people may not know of the alcohol ban area, and that someone consuming alcohol may not mean someone causing a disturbance.

Electric Avenue was also the focus of inquiry by Mr Egden. The Constable agreed that groups of all ages attended, "maybe mid 20's but adjusted with specific artists performing". In response to a question from Mr Egden he agreed the proposed Calendar Girls security arrangement was better than nothing. **Sgt Roberton** raised an issue that Constable Jolliffe was being asked to comment on an arrangement not yet known about or formalised. The Constable reiterated added security is a good thing whether from Calendar Girls or elsewhere, "but can't see it as that effective as one's own security which is better".

Constable Jolliffe was questioned again on the April 2024 incident involving the group of young persons, with a female deemed intoxicated. The incident was confirmed to have occurred at 11:47pm on the small grass area with the bottle store having been closed for an hour. Next Constable Jolliffe was asked to refer to notes of the incident and Mr Egden compared these with the notes made by Inspector Paul Spang via a side-by-side analysis. Mr Egden noted after reconciling the notes of Constable Jolliffe and Paul Spang, 7 persons were identified as been in the group, with the identifications of four persons of this group been checked. Mr Egden put it to the Constable the incident as portrayed was not a fair criticism of the manager. Constable Jolliffe responded by saying it would be good practice that all persons should have their identification checked but noted he didn't check the identification of those not checked. Mr Egden

asserted guidelines existed to check aged of young persons but were not mandatory, this position was agreed by Constable Jolliffe.

[44] **Ms Bromley representing MoH** asked Constable Jolliffe if he knew what time Calendar Girls security started work, he replied “I am not sure possibly around 10:30pm”.

Mr Cumming (Counsel for Inspector) returned to the incident involving the group of young persons and sought confirmation from Constable Jolliffe that not all identification were checked for this group of under twenty-five-year-old customers. Reference was made to Paul Spang’s evidence and the question asked why would he raise the matter with Mr Thind if they were not all checked? Constable Jolliffe agreed and was then asked to read from the Applicant’s Host Responsibility Policy – which stated all identification would be checked for customers who appeared to be under the age of 25 years. Constable Jolliffe agreed the Applicant should be following their own policy and if they don’t, it should go to the issue of suitability. Mr Cumming asked do the premises contribute to alcohol harm and negatively impact the amenity and good order of the area? The Constable responded, “based on identified incidents, yes”.

Take Note: Constable Luke Ellis (Police Witness) who had provided a Brief of Evidence was unavailable to appear in person as a witness.

The DLC were advised that Legal Counsel for the Applicant and Police had agreed that the assertion that Mr Thind appeared and/or was intoxicated after the assault incident (outside Symrose’s, and a vehicle incident on Victoria Street by a vehicle) may not be accurate. As between Counsel and Police it was agreed Mr Thind had experienced injury because of the assault which may well have accounted for his “glazed appearance” [para 14-15 – Ellis BOE] and he may have been experiencing the effects of concussion. As a result, how Mr Thind presented, needs to be considered in this context, been involved in a traumatic incident which he may have received a concussion. Both parties agreed to acknowledge this context of the incidents [para 18 – Ellis BOE] involving Mr Thind. However, Police maintain the position Mr Thind still had consumed two cans on beer while working in the premise office which is of concern and raised issued of suitability.

[45] Sgt Robertson provides a commentary on the CCTV footage from the incident outside of Christchurch Casino (where Mr Thind was struck by a motor vehicle) was viewed by the DLC. We collectively cited the video evidence of the assault on Mr Thind then a subsequent incident with the motor vehicle. Key matters for the Police were the assailant first goes to the Thirsty Liquor door, notices it is closed (bangs head against window), then Mr Thind goes down to investigate and the assault on him occurs. Sgt Robertson there asserts the location of the premises lead to disorder of amenity and good order of the area (This was part of the Brief of Evidence provided by Constable Ellis).

Sgt Dave Robertson (Police Witness)

[46] DLC has taken as read the Brief of Evidence provided by Sgt Robertson. An opportunity was provided for highlights or key features to be shared with the DLC.

[47] Sgt Robertson spoke on the negative impact on amenity and good order because of the premises location. Issues of suitability were not a specific matter of Police objections unlike the other Agencies.

[48] Sgt Robertson referred to the evidence provided including Police Alcohol Harm Data (July 2020 to July 2025) (“AHD”) which shows alcohol been identified as a factor over the past five years covering incidents within a one-kilometre radius from the premises. Over 6097 incidents were recorded in the area. According to Sgt Robertson this figure was 10x the average. He also commented that the central city area was particularly problematic with 18% to 19% of actions intended to injure (assaults) within the four avenues of Christchurch.

[49] **DLC questions** to Sgt Robertson were focused on seeking greater insight into the alcohol harm as identified by Police. Sgt Robertson further explained it was reasonably clear what attracts people to alcohol in public areas across the central city but noted here there was a difference, immediate access to alcohol exists at Thirsty Liquor.

Sgt Robertson responded to questions on the proposed variation. He submitted “if the stated purpose of making the premises easier for customers to move around in – great, however if as Ms Williams suggested the variation will allow for further storage, the increase of alcohol on site for sale will be harmful”. Sgt Robertson explained given the available evidence, the premises are not safe: “no offering by the Applicant over the past two days has changed my thinking”. Sgt Robertson suggested the proposals made because the licence is at risk, “housekeeping”. Sgt Robertson asked the rhetorical question, “where were the measures prior to Agency opposition – there should be consistent measures and controls, not a house keeping exercise”.

[50] Sgt Robertson suggested to the DLC a condition which may be considered, agreement to close the premise on the dates of significant events. He noted the problems associated with such a condition with events at Hagley Park (an area where there is no alcohol ban).

The DLC asked if this Applicant can ever meet the standard of suitability as assessed by Police. Sgt Robertson reflected on the evidence provided and suggested there was more a concern, by the applicant around profitability of the business and he was not hearing about alcohol related harm and that was a concern for Police, “the other Agencies have a slightly different position”.

[51] Sgt Robertson responded to DLC questioning on the issue of signage with respect to the Alcohol Liquor Ban area. This was identified as a Council issue and there was brief discussion on other mechanisms employed by different jurisdictions. Sgt Robertson was asked about the difference 9:00pm closing would make, he referred to the AHD data which suggests the later alcohol is available in the evening an increased incidence of alcohol related harm occurs: “so will result in an improvement”.

[52] Sgt Robertson was asked about the ERA determination, and he noted it is of concern to Police, but noted events occurred seven years ago and with the passage of time “everyone is entitled to a clean slate”.

[53] Sgt Robertson responded to a DLC question by employing an analogy, “a tinder box exists of factors, a number of late-night licences, a busy off-licence, contributing to what happens in area”. He emphasized the point even if the premises were to close at 9:00pm with the pending LAP the diary which remains open and the presence of the closed bottle store, with lights, “means issues are as still going to occur “. Sgt Robertson suggested a roller door may be a solution.

[54] **Mr Egden (Counsel for the Applicant)** asked Sgt Robertson about alcohol harm incidents recorded in Police AHD presented to the hearing. In response Sgt Robertson explained the context of data provided. Mr Egden questioned as to why the data did not arise on previous renewal as a basis for contesting the renewal. Sgt Robertson explained he was not part of renewal but agreed the matter was not raised historically. Since the last renewal only two recorded incidents had occurred since the last renewal in the view of Mr Egden. Sgt Robertson did not respond.

[55] Sgt Robertson responded to further questions referring to the inter-connection between the diary and bottle store: “moths to a flame”. With respect to the assault on Mr Thind, Police are concerned by the fact the customer wanted to purchase alcohol. Mr Egden made the point of the seven incidents referenced to only 3 incidents linked the two premises together.

[56] Enforcement of a Liquor Ban was the responsibility of Police as confirmed by Sgt Robertson to the DLC. Mr Egden asked how many infringement notices were issued in central city area in last year, these not recorded by Police according to Sgt Robertson (position may well be different now). A further response was provided, mostly interventions are managed by a graduated approach starting with an educative approach rather than ticket. In sum, engagement is the preferred Police approach. Mr Egden suggested more infringement notices would be a better and more effective approach.

Mr Egden referred to Lion Liquor Retail case²ⁱ which involved a bottle store. Police noted 10626 calls to service in a year within the 500 metres radius of the Wellington premises. According to Police, 960 alcohol infringement notices issued. A difference between the two cases is material according to Mr Egden. Sgt Robertson differentiated between the Police calls to service in the Lion Liquor Retail case³ as the assumption around data is no longer valid. Different and more accurate Police data collection exists according to Sgt Robertson since 2019. He states there now is an “automatic recording of alcohol involvement in incidents, now meaningful data is collected”. The outcome of the Lion Liquor Retail case involved hours been reduced by the Wellington DLC by one hour, there was no argument of cancellation according to Mr Egden. Police regard the Lion Liquor Retail case as highly relevant to the current situation

² Medical Officer of Health (Wellington region) v Lion Liquor Retail limited [2018] NZHC 1123

³ Medical Officer of Health (Wellington region) v Lion Liquor Retail limited [2018] NZHC 1123

which minor difference to the Wellington location which has a higher population density and premises were in the main entertainment area as opposed to Victoria Street which is a secondary entertainment area in Christchurch.

[57] Mr Egden referred to the evidence map showing 6000 Police alcohol incidents, and identified most were outside the 500-metre radius of the premises therefore amenity and good order were not at issue. Sgt Robertson was asked why no public objections were received in this matter. Sgt Robertson suggested it maybe because it is a renewal as opposed to a new application but “was not aware of why not”.

[58] **Mr Cumming (Counsel for Inspector)** referred to the list of products on sale as provided by Police and referred to the sale of singles. Sgt Robertson in response to a question confirmed Alcohol Liquor Ban was mostly known about - apart from visitors to the city.

THE INSPECTOR, Mr Gary Hay

[59] The Brief of Evidence provided by Mr Hay was taken as read, and an opportunity was provided by the DLC for any highlights to be shared.

[60] Mr Hay first acknowledged the sad passing of Mr Paul Spang, Inspector, who was initially involved in this matter.

The DLC asked questions of the Inspector on the proposed variation. Mr Hay noted the benefit would be a declutter of the premises, but potential existed for further products to be included. The Applicants assurance was noted as to no additional product would be added. Mr Hay commented that a base line would be required to determine this matter and then an assessment or update at a time in the future.

[61] Mr Hay explained the road map of the new Local Alcohol Plan for Christchurch. On 25th August 2025 first of two phases goes live, and on 25th October 2025, 9:00pm closing will become mandatory.

[62] The DLC asked Mr Hay to weigh the two known incidents (sale of alcohol to a homeless person and the group of young person’s purchasing alcohol) as against the passing of one controlled purchase exercise. Mr Hay reported both incidents were significant, the sale of alcohol to an intoxicated person and minors/young person was serious. Mr Hay also referred to the pattern of incidents which centred around this location: “I pass the area most days and cite beggars outside premieres or over road outside the casino”.

[63] Mr Hay responded to questions around suitability of the Applicant. He holds concerns as to who is running the business, “it is clear in own mind Mr Thind running the business. Mr Hay states a true account has not been provided as to who is running the business with ownership changes occurring after the ERA determination: “this is basis for suitability opposition”.

[64] In response to DLC questions Mr Hay noted agreement to reduced hours may go some way towards suitability, as it would provide an indicator of an attempt been made to reduce harmful effects of alcohol.

Mr Hay noted a 9:00pm closing would see a dramatic drop side and preloading. He noted that the area doesn't come alive until late at night from 11:00pm and 12:00pm and an opportunity currently exists, "closing at 9.00pm ensures a four-hour gap it takes away the opportunity".

The DLC asked Mr Hay to explain why the Inspectorate had no concerns with agreeing to a renewal for the premises over three years ago. He explained things have changed in the area, "a horrendous area at night, post 10:00pm: urinating, chundering, people lining up to get into on-licenses, an indictment on what young people are getting up to – it is an area I have looked into, a shocking scene".

Mr Hay confirmed that the Agencies are all in agreement or view around suitability. The Inspectorate and MoH had taken a closer look at the ERA matter. He noted the seven-year period is relevant, Mr Thind was the subject of an adverse determination and a short time after made the decision to transfer everything to Mr Singh as a gift. However, the real concern for Mr Hay is that Mr Thind is still running the business operations. Mr Hay observed that 17 Inspectorate visits were made to the premises since 2017 and "absolute clarity existed as to Mr Thind running things".

[65] **Mr Egden (Counsel for the Applicant)** asked Mr Hay's position on suitability given 7 years ago had elapsed since the ERA determination. Mr Hay noted "it's a consideration". Mr Thind is an employee according to Mr Egden, he holds a certificate. Mr Hay commented, "in my view more than just a manager – he is operating the business". Mr Hay explained his view is based or informed by Inspectorate visits to the premise, and financial transactions. Mr Egden referred to it not uncommon for a bottle store to be owned by person not involved in premises daily. Mr Hay replied most owners in such a circumstance would have more hands on than Mr Singh.

[66] Mr Egden noted Mr Thind in his own statement identifies the reasons he transferred ownership and not solely because of the ERA determination, which may go to suitability. Mr Egden asserted it was always the intention to transfer ownership once the nephew, Mr Singh was up to speed. Mr Hay was invited to comment and agreed it would be a dilemma if the DLC issued a renewal to the Applicant and then Mr Thind was to become a shareholder and Director. Mr Hay did note Mr Thind becoming a shareholder and director of the Applicant would provide a true reflection on the current state of the business. If such changes were to occur "it would go some way to alleviate the concerns of the Inspectorate".

[67] Mr Egden referred to his and the Applicants attendance at a meeting with the Agencies prior to this hearing. At this meeting between Mr Thind and the Agencies, undertakings were provided that the Applicant would install new liquor ban signage, install additional cctv cameras, ensure homeless are refused service, embed new practice of no single sales of RTDs, and in the view of Mr Egden was "proactive in a sense". Mr Egden is of the view that it is now unfair the Applicant been criticised for doing too little too late as most of undertakings are now implemented. Mr Hay commented that the undertakings need to be formalised to the DLC so they can be integrated into the licence should the DLC agree to renewal.

Since the Applicant and Agencies meeting last year, only one incident has occurred where a homeless person drinking outside drinking, post a sale of alcohol according to Mr Egden. His view is “not a matter going to suitability”. Mr Hay expressed the view the incident is not a good reflection on the business.

[68] Since the license was granted 2017 no failure had occurred of controlled purchased exercises, confirmation was provided by Mr Hay. Further Mr Egden asserted there were no convictions under Act which was not a “bad record”. Mr Hay suggested the Applicant is merely doing what they should be doing to comply with the Act, the standard.

[69] Mr Hay was asked by Mr Egen about the litter on the commons and area opposite The Bog and if it were a concern to Council. Mr Hay reported there were no concerns based on Council records (information derived from contractors). The collection of litter seems to be addressed, Mr Hay confirming the available evidence suggest so. Mr Hay also confirmed there was no evidence the Applicant was not adhering to licence conditions.

[70] **Mr Cumming (Counsel for Inspector)** re-examined Mr Hay.

In response to a question from Mr Cumming, Mr Hay advised on the ground after the paper transfer of ownership there were no changes evident. The change took place, in the view of Mr Hay, to ensure the Applicant had the licence renewed: “allow licence to go through unopposed”.

[71] Mr Hay confirmed the letter of July 2024 which contained undertakings by the Applicant could have been done at any time. Mr Cumming referred to young persons and homeless and the incidents reported. Mr Hay confirmed if a policy is put forward there would be a clear expectation that it be followed. “Host responsibility are generally not an undertaking on part of an applicant; our expectation are matters be adhered too” according to Mr Hay.

[72] Mr Egden confirmed to the DLC that the average age of Thirsty Liquor store patrons were persons in their 30’s. This was accepted by the DLC as the Applicants view on the issues of age demographic of store patrons.

CLOSING SUBMISSIONS

THE POLICE

[73] The closing written submission from Police was received on 29th July 2025.

[74] The Police state their primary grounds for opposition is Section 105 of the Act. Police did not specifically oppose the application on the grounds of suitability. Police noted, based on the evidence provided at the hearing, suitability requires “closer scrutiny” by the DLC.

With respect to the variation application Police disagreed with the Applicant’s position been the application is one for renewal, pursuant to Section 127, specifically and the Agencies are limited to the

available grounds as stated in Section 131 criteria for renewal rather than those stated under Section 105. Police disagree as the application is one for renewal with variation. The variation is one of proposed change to the 'footprint' of the licensed area being an extension of the off-licence premises further into the adjacent convenience store. Police assert the current off-licence – 60/OFF/42/20211 was issued by the DLC on 2 June 2021 and the relevant site plan reflects the current licensed area, prior to any variation. Police therefore submit that Section 120 – Variation of conditions is invoked, which reflects, that where a variation to a condition is sought:

(7) In considering the application, the licensing authority or licensing committee concerned must have regard to **any relevant matter that is specified in section 105.**

Further Police submit indifference as to whether the DLC consideration is matter under Section 105(1)(h) (as to whether it would be “likely reduced” by the granting of the licence), or the reverse consideration under Section 131(1)(b) (as to whether it would be “likely to be increased” by a refusal to renew the licence). Also noted is Section 131(1)(c) which in the view of Police further allows the DLC to take into account wider considerations of matters raised by the agencies via Section 129.

[75] With respect to evidence provided, Police assert that “the amenity and good order of the locality is negatively impacted by the existence of the licence – and it would undoubtedly be improved if the application is refused: instances of violence, including criminal offending, directed at staff of both the licensed premises and the convenience store (due to the presence of the outlet in the location)”. Reference is made to instances of damage and disorder, and the enabling effect of the off licence for consumption of alcohol by patrons in public areas around the site. The premises proximity to the “North Hagley Park Events Triangle” is also referenced and the impacts of large public events. Police ACF data reflects an extremely high volume of Police related incidents (where alcohol is identified as a contributing factor) in the locality.

[76] Police reiterated “the presence of the off licence as contributing negatively to a reduction in the amenity and good order in the locality due to the enabling effect the immediate availability of alcohol provides. locality is one which subjected to high levels of alcohol related harm, including (but not limited to) public consumption of alcohol, dangerous littering, violence and disorder”.

[77] Police suggest the DLC should consider to what degree either Mr Thind or Mr Singh could be held responsible as the licensee, should there be any identified failures in the operation of the site from which enforcement action arises. Police also note Mr Thind was acting as an informal security presence for the premises, at a time when he had himself been consuming alcohol.

[78] Police state that the availability of alcohol, and the immediacy of that access which this licence allows, and the management of alcohol in public should be primary considerations for the DLC. Police

have cited for the benefit of the DLC, Clark J in *The Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited*⁴:

“The factors to be considered in the course of assessing an application for a licence or for renewal, stand to be assessed in terms of their potential impact upon the prospective risk of alcohol related harm”.

[79] Further Clark J noted (para 67):

“The Act looks to minimize alcohol-related harm. Where there is an evidential foundation enabling a link to be drawn between a real risk of alcohol-related harm and the grant or renewal of a licence, the harm must be minimized not ignored or condoned”.

[80] In summary Police state clear evidence of alcohol related harm in the area. Some of this harm is deemed to be directly arising from the premise and the renewal of licence needs to be declined. The DLC was reminded of its significant and restrictive discretionary conditions and should be considered, a reduction of hours from 12.00pm to 6.00pm, the store frontage is covered outside licensed hours, no single sales of any mainstream beers or RTD’s of 550ml or less. Police suggest the closure of the premises when large-scale public events are being held in North Hagley Park should be a consideration for the DLC.

[81] Finally, Police suggest consideration be given for appropriate (and formerly qualified) security presence at the store during peak times.

THE MEDICAL OFFICER OF HEALTH

[82] A final written closing submission was received from MoH on 29th July 2025.

[83] MoH are clear that should the application be granted, it would increase alcohol availability in the area, already recognized as one of high risk and harm saturated. Further granting a renewal would compromise the health, safety, and amenity of the local community.

An environmental scan was provided by MoH. This places the premises, located on Victoria Street, a well-established entertainment precinct at its heart. There exists a dense concentration of on-licence premises, including the Christchurch Casino, which are permitted to always sell alcohol while operating lawfully. It was noted Calendar Girls trades until 4:00am. MoH record both these entertainment venues are in immediate proximity to the Applicant’s premises. This area according to MoH is already subject to high levels of alcohol-related harm, including public intoxication, disorder, side-loading, preloading, and alcohol-related littering. Further “these harms are not isolated; they are well documented and ongoing”.

⁴ *Medical Officer of Health (Wellington region) v Lion Liquor Retail limited* [2018] NZHC 1123

Also of concern to MoH is the Applicant's variation to expand the licensed area, "including the addition of new storage capacity for ready-to-drink products (RTDs) and high-strength, single serve beers". MoH submits these product types are well established as contributing significantly to alcohol related harm, particularly in vulnerable urban environments – including the Applicants premises. MoH submits "it is evident that the purpose of the proposed variation is commercial expansion, not harm minimisation".

Along with Police MoH referred to the assertion by Counsel for the Applicant questioning the applicability of Section 105(h). MoH maintain that this is a relevant and provides a mandatory consideration. In essence MoH view is the application seeks a variation to an existing licence; Section 120(7) is engaged. Therefore, it is submitted the section requires the DLC to have regard to matters specified in Section 105, including 105(h).

MoH in their submission also notes that the premises currently operates until 11pm and offers Uber Eats delivery a practice not matched by any other off licence in the central city. This model it is argued expands the reach and availability of alcohol during peak harm hours, including to private residences, accommodation providers, and the street environment. This "delivery model, coupled with the product range and pricing structure, significantly elevates public health risk".

[84] MoH raises concerns around the Applicant's approach to compliance and accountability. Changes to the operation have been reactive, limited in scope, and only made following external scrutiny. The argument is made there is no evidence before the DLC of proactive harm reduction measures or of a leadership approach consistent with the responsibilities imposed by the Act.

[85] Mr Singh resides outside of Christchurch and has demonstrated minimal engagement in the hearing process; this lack of engagement is of concern to MoH. Contact has been identified as sporadic and not in keeping with the level of involvement expected of a licensee whose suitability and control of the premises are under examination. Reference is made to the poverty of evidence that Mr Singh intends to take an active or accountable role in managing this business going forward. MoH submit "in the absence of such involvement, the burden of alcohol-related harm continues to fall on the community".

MoH also submits it is clear from the evidence and responses provided that Mr Thind is the individual exercising day-to-day control over the business. The DLC were reminded that Mr Thind's previous involvement with the Labour Inspectorate does little to support the credibility of the operation or to build confidence in his suitability to manage a licensed premise in a responsible and compliant manner. MoH cites the case of *Lion Liquor Retail*[67]⁵, as does Police, as matters raised are not merely concerns but supported by established legal authority.

⁵ *Medical Officer of Health v Lion Liquor Retail Ltd* [2018] NZHC 1123

According to MoH “in the present case, the evidential foundation is both robust and unambiguous”. Further “the risks are real and observable”. An example was provided when the DLC had the opportunity to view video footage showing a serious assault on Mr Thind directly outside the premises underscoring the risks present in this environment.

[86] In sum, MoH has submitted that the DLC should decline this application in full, including the proposed variation to the licensed area.

THE INSPECTOR

[87] A final written submission was received from the Inspectors, via Legal Counsel, Mr Cumming on 29th July 2025.

[88] The Inspector submits that the renewal application be refused.

[89] The Applicant is not suitable to hold the licence, particularly not in this location, with the serious levels of alcohol related harm that are present according to the Inspector: “refusing the licence would lead to an increase in the good order and amenity of the locality and help to minimize alcohol-related harm”.

[90] The Inspector cites a number of relevant matters: The ERA decision, the steps taken to ensure it did not come to the attention of the tri-agencies or the DLC, lack of clarity as to who has been managing the premises / lifting the corporate veil, failing to take steps to address known issues in the area, and with the premises’ operation a failure to adhere to licence conditions and its policies.

The ERA decision demonstrated, in the Inspectors view, are serious breaches of employment law, exacerbated by the fact they amounted to migrant exploitation. The DLC was reminded, Mr Thind stated that he “readily paid back” the employee in question, but accepted he only did so because his offending was discovered by the Labour Inspectorate. The Inspector submits he was only accountable for it because he was held accountable: “it should not take being caught and charged by a regulator to ensure compliance with the law”. The Inspector holds the position, this is particularly important in the alcohol licensing jurisdiction, where there is so much reliance on licensees to do the right thing; “this underscores the importance of suitability, and why it such a broad concept”.

[91] The DLC was also reminded the Applicant submitted that “you cannot find a person is unsuitable for something that happened seven years ago and has not been repeated”. The Inspectors view is such a view is based on statements found in the cases of Osborne⁶ and Hayford⁷. The Inspector notes that this

⁶ Graham Leslie Osborne, Liquor Licensing Authority Decision No. 2388/95.

⁷ Hayford v Christchurch District Licensing Authority (High Court, Christchurch) AP201/92.

is not a hard and fast rule. Further, both Osborne (1995) and Hayford (1993) were decided under the old Act. Under the current Act, licences are intended to be harder to get and easier to lose.

[92] The Inspector noted Osborne involved an application for a manager's certificate, not a licence (where an applicant is responsible for all aspects of the business, including employment). The Authority held that the "test of suitability is lower for a General Manager's Certificate than it is for a licence"⁸.

[93] Further, had the ERA decision been known of at the relevant renewal (in 2021), the Applicant would have been found unsuitable: "It was not disclosed, or brought to the attention of the DLC, due to a cynical change of ownership".

[94] According to the Inspector the test is much more nuanced than 'after 5 years it doesn't count'. Very serious offences involving migrant exploitation which were never assessed in in the Licensing jurisdiction because it was hidden by way of a paper change to the company structure according to the Inspector. The DLC was advised this remains very relevant to the assessment of suitability. It is submitted "the current matter is more analogous to the case of Nekita Enterprises Limited⁹, where the licence was cancelled for serious employment breaches".

[95] The evidence of both Mr Singh and Mr Thind, did nothing to establish that Mr Singh is (or has been) in charge according to the Inspector. Further, "even if Mr Singh has been being reported to and communicated with, he is unable to run things on the ground in absentia". It is submitted that Mr Thind used the change in director/shareholdings to escape the ramifications of the ERA decision on his business.

[96] The Applicant's representatives who gave evidence accepted an awareness of the alcohol-related issues in the area, especially at nighttime, pre and side loading, and issues with single sales and certain types of alcohol according to the Inspector. As a result, this knowledge and the lack of response is relevant to suitability as well as amenity and good order, and the object of the Act" in the view of the Inspector. Also asserted the same is true of the Applicant's unwillingness to close at 9:00pm: "the frustration at not being served is exacerbated by the clear link between the bottle store and the grocery store. If the licence is not refused, there needs to be clearer separation between the two".

The Inspector notes the Applicant has referred to the fact it passed one Controlled Purchase Operation, however it is put to the DLC "this means there have been no proven sales to underage purchasers. ... It does not mean there have not been any others".

⁸ Re Judd [2014] NZARLA 94 at [14].

⁹ Christchurch City Council Alcohol Licensing Inspector v Nekita Enterprises Limited [2021] NZARLA 139.

The Applicant's proposed undertakings were referenced by the Inspector: "it is unclear how these steps could be formalised, or whether they will work. Proposed measures recognise there are problems, but do not go far enough". The Inspector submits they are only put forward now because the licence has been challenged and is at risk. Further, the Applicant has been aware of the issues for some time and not taken any steps to address. The Applicant's focus is on profit, and not reducing alcohol-related harm according to the Inspector.

THE APPLICANT, represented by Mr Egden

A final written submission was received from the Applicant on 29th July 2025, via his Legal Counsel Mr Egden.

[97] The point was made by the Applicant, of the premises trading since 2017 without convictions for offences under the Act. Until the application for renewal had been filed with the DLC none of the issues now raised by the Agencies had been asserted. In essence there had never been any prior communication with the Applicant.

The Applicant states since becoming aware of the issues by the Agencies he has been attempting to resolve them. A meeting was held with the Agencies, but possible conditions or undertakings were not agreed to. Since this meeting only one incident has occurred involving a beggar (October 2024) and is reported by the Applicant has been isolated.

The argument is made by the Applicant that they are only one of many off-licences and non-renewal would not impact material on side and pre-loading in central Christchurch.

Actions or steps taken are deemed to be sufficient in the view of the Applicant to ensure alcohol related harm be minimised. It is noted the Act does not require prevention.

Employment and suitability issues are also addressed by the Applicant; it is submitted Police are unreasonable in their approach as eight years has elapsed since the ERA determination. Actions post the determination was part of a previously agreed understanding, including the transferring of shareholding and removal of Mr Thind as a director.

The Applicant refers to the Lion Liquor Retail case¹⁰ and cites the differences as between the current matter and that cited case. The Wellington DLC decision was to reduce the trading hours to 9.00pm on Friday and Saturday nights only. In the view of the Applicant a cancellation of licence is the last resort.

¹⁰ Medical Officer of Health v Lion Liquor Retail Ltd [2018] NZHC 1123

Reference is made to the Liquor Ban, and assurance made by the Applicant that steps to make customers aware of its operation already exist. The Applicant notes it is of concern that when the breaches do occur (relating to the premises surrounds) that no infringement notices were issued. Also reference is made to the Police response that no data on infringement notices issued in the area was available. The Applicant referred to a “softy softly” approach by Police.

[98] The Applicant is reported to now be regularly collecting litter (photographic evidence put before the DLC supports this position).

In terms of trading hours the Applicant had initially agreed to reduce these to 10:00pm which was identified as a “significant concession”. Further, “for the DLC to restrict to 9:00pm would be unreasonable in the Applicants view – as it would reduce turnover”. The Applicant has now provided an agreement for a 9:00pm closure should the LAP come into force and a uniform closing time is imposed.

In respect to the proposed variation the Applicant states a difficulty in understanding Agency opposition, given the identified over-stocking and fire risk, as there is no intention to increase the stock held. The Applicant disagrees with the MoH view (and other agencies) that all Section 105 criteria apply to both applications. The Applicant argues a renewal application needs to be considered under Section 131 criteria which excludes the requires to have regard to Section 105(1)(h) and (i). The DLC are advised by the Applicant they must have regard to Section 105 matters as they relate solely to the redefinition of the licenced area.

[99] **The Applicant has offered the following proposed Conditions and Undertakings:**

Conditions:

Same as the existing licence except for (b):

Alcohol may only be sold or delivered on the following days during the following hours:

Monday to Sunday 7.00am to 9.00pm

Provided that if the final Local Alcohol Policy provides for a closing time later than 9:00pm the closing time for the premises will be the later time or 10:00pm at the latest.

Other Restrictions and Requirements

S117 Discretionary Conditions

- (a) The Applicant will not make single sales of beer, RTDs or cider smaller than 500ml and under \$6.00 per unit.

- (b) Packs of mainstream beer and RTDs will not be broken down and sold as singles except for the contents of any packages that have been damaged after delivery.

Note: RTDs are defined in the Voluntary Industry Code as being “sold in a primary package intended for single services (i.e. in a vessel with contents of 500ml or less)”, accordingly it is necessary to specify the vessel capacity in (b) above.

Undertakings

- (a) Maintain signage inside the bottle store to the effect:
 - i. This is an alcohol ban area;
 - ii. It is an offence to consume alcohol in an alcohol ban area;
- (ii) Anyone found doing so, having purchased alcohol from the store , will be trespassed and the Police called;
- (iii) The exterior of the bottle store is monitored by CCTV cameras.
- (a) Staff will regularly check for litter within 100 metres of the bottle store, with the Wilsons carpark on the corner of Peterborough and Victora Streets and seating area on the corner opposite The Bog Bar and will collect and dispose of any litter, alcohol related or otherwise.
- (b) Any person identified as a beggar or homeless will be refused entry to the bottle store.
- (c) For commercial events in Hagley Park such as Electric Avenue, the Applicant will roster on an additional employee to monitor the outside of the premises for breaches of the alcohol ban and approach any person breaching the ban to remind them they are in an alcohol ban area and the Police will be called if they fail to comply.
- (iv) To endeavour to put to a formal basis the existing agreement with the doorman of Calendar Girls to approach anyone seen drinking near Calendar Girls to remind them they are in an alcohol ban area and if they continue drinking the Police will be called.
- (v) If the licensed area of the premise is extended to include the proposed new chiller, any shelving above 1.5m in height containing alcohol shall be secured by wire or other appropriate means to ensure it is not a potential hazard for staff and customers.

DLC DISCUSSION

[100] Having considered the application together with Agency reports placed before it, and the oral evidence and submissions received at the two hearing days, the DLC must now stand back and determine whether the application for a renewal of licence and variation should be granted.

[101] The High Court (Clark J) in *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* (“*Lion Liquor*”) in 2018 stated that, “[t]here is no presumption that an application for a licence will be granted ...”.¹¹

[102] Indeed, the changes implemented in the 2012 Act were intended to create a robust regime under which “*licences will be harder to get and easier to lose*.”¹² The grant of any licence is a privilege, not a right.

[103] Our task, after considering all the criteria set out in the Act relating to the renewal of an Off-Licence, is to take a step back and consider whether the Object of the Act would be met by the granting of a renewal.

[104] The Object of the Act as set out in s4(1) is:

(a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly, and

(b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

[105] Section 4(2) of the Act goes on to explain: For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes- (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol, and (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

¹¹ *Medical Officer of Health (Wellington Region) v. Lion Liquor Retail Limited* [2018] NZHC 1123 at [46], citing *Christchurch Medical Officer of Health v. J & G Vaudrey Ltd* [2015] NZHC 2749 at [54].

¹² *Miklos v. Shen* [2015] NZARLA 284, quoting Hon. Simon Power (2010 668 NZPD 15251).

[106] We are also mindful that the characteristics of the new system of control introduced by the Act as set out in s3(2) are that: (a) it is reasonable; and (b) its administration helps to achieve the object of this Act.

[107] The matters to which we must have regard when deciding whether to renew a licence and variation are set out in s131(1) of the Act as follows: (a) the matters set out in paragraphs (a) to (g), (j) and (k) of section 105(1); (b) 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 to renew the licence; (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129; (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

The Object of the Act

[108] As Heath J. said in *Re Venus NZ Ltd* CIV 2014-419-420 [2015] NZHC 1377: “having considered all the factors set out in s105(1) (b) to (k) of the 2012 Act, is the Authority satisfied that grant of an off-licence is consistent with the object of the Act?”

Suitability

The concept of suitability has been discussed by the Authority and the High Court on several occasions. In *Nishchay's Enterprises Limited*, the Authority said:¹³

“[53] The applicant sought to establish its suitability by adopting a narrow assessment of the meaning of that term. This approach was criticised in New Zealand Police v Casino Bar No 3 Ltd (CIV 2012-485-1491; [2013] NZHC 44). The High Court rejected the proposition that it was the manner in which the business would be operated as the determinate factor. Rather, suitability is a broad concept and the assessment of it includes the character and reputation of the applicant, its previous operation of premises, its proposals as to how the premises will operate, its honesty, its previous convictions, and other matters. It also includes matters raised 58 Re: Sheard [1996] 1 NZLR 751 at 758 59 Nishchays' Enterprises Limited [2013] NZARLA PH 387 at [53] – [54] in reports filed under s 33 of the Act and those reports may raise issues pertaining to the object of the Act as set out in s 4. Thus, whether or not the grant of the licence will result in the reduction or an increase in liquor abuse is a relevant issue.

[54] Casino Bar No 3 Ltd did not specifically refer to the test for suitability contained in Sheard [1996] 1 NZLR 751 where Holland J said at 758: “The real test is whether the character of the applicant has been shown to be such that he is not likely to carry out properly the responsibilities that go with the holding of a licence.” However, the judgement inferred that the test applied when the learned Judge referred with approval to Holland J's statement in Sheard: “Suitability is a relatively broad concept and, in the context of an assessment of an application under s 13 of the Act, it relates to the suitability of the applicant to be granted the privilege of an on-licence to dispense liquor”. Traditionally, that test has been interpreted as meaning whether or not an applicant will

¹³ *Nishchays' Enterprises Limited* [2013] NZARLA PH 387 at [53] – [54]

comply with the penal provisions of the Act. In fact, the test is much wider. To carry out the responsibilities that go with the holding of a licence includes whether or not liquor abuse issues are likely to arise. Thus, it includes the object of the Act as set out in s 4. The Sheard test is not simply about how a business is likely to operate in the future. It is dependent on an assessment of the more generalised factors referred to in the previous paragraph. It includes how a licensee will deal with liquor abuse issues that may arise from the establishment of the business. The usefulness of the Sheard test is that it gives a focus to the wider exercise contemplated in the Casino Bar No 3 Ltd decision by reminding one of the reason for the exercise.”

[109] We now make assessments as to suitability of the Applicant based on the evidence before us and the various reports received.

During the hearing and from pre-reading of material the DLC learnt of several incidents of concerns, these included the sale of alcohol to a beggar and identification of age not been sought from a group of young persons, a clear breach of the Applicant’s Host Responsibility Policy. These incidents were matters brought to the attention of the DLC by Police and Inspector jointly. Counsel for the Applicant did show material differences in the recorded accounts of one incident provided by Police and the Inspector. These incidents are of concern to the DLC and go to suitability with the possibility other similar unrecorded unknown incidents having occurred.

Another significant incident was reported which goes to both suitability and amenity and good order. The incident was recorded and played to the DLC as part of Police video evidence. Mr Thind was working in the office of Symrose’s after the closure of Thirsty Liquor, he had consumed two cans of beer, and then walked outside the premise. His purpose was to keep an eye on things outside. After speaking with a group who asked to buy alcohol Mr Thind was assaulted and shortly after he crossed the busy road to record a video of the assailant and was hit by their vehicle as it left its parked position. Although a traumatic event for Mr Thind, for the DLC issues of judgment and related suitability were raised along with the expression of violence in the area the incident show cased.

[110] The DLC, share the concerns of the Agencies as to the Applicant’s suitability based on a determination by the ERA for breaches of employment legislation. Shortly after this determination changes were made to the shareholding and a transfer in directorship from Mr Thind to Mr Singh. The DLC was advised it was merely an acceleration of a pre-existing plan to transfer control as between Mr Thind and Mr Singh once experience and skill had been acquired by the latter. The DLC was simultaneously told the changes occurred post the ERA determination so the Applicant would not lose its licence. No financial exchange occurred in furtherance of the change in shareholding it was described as “a family thing”.

[111] Both issues, the ERA determination and change of shareholding/directorship, are of serious concern for the DLC. We also express a concern that the Agencies did not report the ERA determination in a timely manner, had 8 years have not elapsed a different position may well have existed with respect to suitability.

[112] The DLC were also confronted by explicit evidence that Mr Thind has the clear appearance of still being the owner, and indeed operationally acts as such with respect to all facets of the business. Although not illegal, the position confronting the DLC was clearly a sham, with Mr Singh (most often resident in India) having a minimal or non-material role in the operational of the premises.

[113] The DLC also acknowledges the concerns expressed by Counsel for the Applicant, that prior to this application no Agency issues had been identified and communicated to the Applicant. .

[114] After considering all the evidence the DLC finds the Applicant is a suitable entity to hold a Licence, subject to recommendations and conditions made in the course of this decision being adhered to.

[115] Counsel for the Applicant has invited the DLC to proffer a view specially on the suitability of Mr Thind. This DLC will not offer such a view or position on this matter. Any new application will be considered at the time on its merits or otherwise.

The design and layout of any proposed premises

[116] Issues were raised by the Agencies relating to the internal layout of the store. Issues included limited room to navigate around the confined floor space and overstocking and the problems this creates. The DLC during its site inspections, noted similar and was concerned at the large amount of stock placed on unsecured high shelving in the bottle store.

[117] The MoH suggested the premises posed a potential fire hazard.

[118] These matters are of concern to the DLC. An imposed condition will go some way to address this matter as will the DLC decision on the Section 105 variation (and the strong suggestion provided by the DLC to the Applicant).

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

[119] No issues have been raised.

Whether the applicant is engaged in, or proposes to engage in, the provision of services other than those directly related to the sale of alcohol, low alcohol refreshment, non-alcoholic refreshments, and food, and if so, which services:

[121] There was a discussion around the promotion of non and low alcoholic items and refreshments, but the DLC has no concerns on these matters.

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

[122] The Applicant appears to have good systems in place to cover administrative as well as staff training, and notes this is mostly delivered remotely from another country. Assurances were provided to the DLC there was compliance with respect to labour and revenue laws. The DLC citing of the financial accounts for the past two years, suggests this assurance is not absolute.

Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under s103:

[123] All Agency are opposed to a renewal of this licence and variation sought.

Amenity and Good Order

[124] Section 131(b) of the Act requires us to turn our minds to amenity and good order. We must have regard to "whether (in its opinion) the amenity and good order of the locality would likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence". Section 106(2) of the Act sets out the factors to which we must have regard when considering amenity and good order.

- (a) current, and possible future, noise levels.
- (b) current and possible future, levels of nuisance and vandalism.

[125] We have carefully reflected on the amenity and good order of the locality and considered Police data, evidence of incidents reported by the Inspector and Police, evidence on the hours of operation and other conditions prevailing in this entertainment precinct. Despite the issues of accurate data collection identifying alcohol harm made by Counsel for the Applicant there is no doubts held by the DLC alcohol consumption and harm relate to this area. Police Alcohol Harm Data (July 2000 to July 2025) is compelling and show a continual pattern of harm in the area. However, we cannot form the opinion 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 to renew the licence. Because of the challenging of this specific environment the DLC has decided to impose conditions on the Applicant with the view that amenity and good order of the locality can well improve.

Undertakings and Conditions

[126] The DLC acknowledges the undertakings provided by the Applicant and accepts both (a) and (b). However, the DLC does not accept both (d) and (e). We hold a clear expectation that the Applicant will and shall ensure sufficient and well-trained staff will be employed to fulfil their responsibilities under the Act.

[127] The DLC were surprised to read in the Applicants final written submission that it had linked the granting of a proposed variation with the undertaking measures to ensure the safe display of stock. In the view of the DLC the safe securing of stock is a health and safety matter and certainly in the public interest. Therefore, any shelving with the premises, above 1.5m in height containing alcohol shall be secured by wire or other appropriate means. This work shall be completed within one month of this decision.

[128] The evidence provided by the Agencies clearly shows a connection between the two premises of the Applicant's bottle store and Symrose's. The relationship is clearly visual and proximate with shared payroll and administration, staff facilities, and shared staffing either paid or voluntary. Of significant concern to the DLC is the shared relationship or connectivity in the minds of customers. This connectivity has resulted in poor behaviour and violence on the part of some customers. The DLC believes that this proximate relationship needs to be masked or mitigated post-closing hours.

[129] The Applicant will install a barrier in front of their store, a roller door or shutters, to mask the entire exterior of the premises when closed. The colour of the selected barrier is to be neutral and not the orange livery colour of the Thirsty Liquor franchise. This condition will likely reduce the risks to the two neighbouring premises and issues related to the licence criteria. In essence alcohol related harm will be reduced in the view of the DLC from this change. The context which gives rise to this condition was discussion at the hearing and the DLC deems it an effective way of address this concern. This condition shall be met within three-months of this decision.

[130] Further, this licence will be granted for a period of only **one year**, to allow the Agencies to carefully monitor the new practices recently adopted by the Applicant and so the effects of new conditions imposed by the DLC can be assessed. The one-year period will commence from the date this decision.

[131] The two proposed Section 117 discretionary conditions, made by the Applicant are accepted by the DLC and will form part of this renewal of licence.

Application for Variation

[132] The Applicant has sought a variation under Section 120 of the Act for a variation to extend the chiller into the adjacent Symrose's premise. The Applicant's intention is stated as a desire to increase the customer floor space in Thirsty Liquor. The Agencies although acknowledging this intention is noble, have concerns. The Agencies suggest by agreeing to such a variation may well result in more stock being carried by the Applicant.

[133] The evidence provided by all Agencies, and the DLC site inspections, clearly showed the premises to be over stocked, and MoH referred to an inherent or possible fire risk.

[134] In determining this application for variation Counsel for the Applicant has questioned the applicability of Section 105(h), which requires the DLC to consider: "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". The DLC agrees with the view of the Agencies on this matter and maintains that this is a relevant and mandatory consideration. A variation to an existing licence, requires Section 120(7) to be applied. This section requires the DLC to have regard to matters specified in Section 105, including 105(h). Accordingly, the potential impact on the amenity and good order of the locality is a critical issue that the DLC must address. Considering the evidence provided by the Agencies it is the DLC view the requested variation may very likely result in a decline in the amenity and good order within the locality, in essence we are embracing Section 105(h) of the Act.

[135] In sum, the evidence provided on this matter, from the Agencies, strongly suggests that "amenity and good order of the locality would be likely to be reduced, to more than a minor extent".

[136] As a result, and after consideration the DLC declines the application for a Section 105 variation and strongly suggests to the Applicant that their intent for greater floor space can be realised by simply holding less stock.

[137] The Applicant is open to apply for a variation in the future. The DLC suggest in the short to medium term focus be maintained on new and existing practices to ensure they become sustainable, and the requirement of the Act are met.

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

[138] The Applicant has applied for hours which are within the current default maximum trading hours. The Applicant's initially offered to close the premises at 10:00pm. Subsequently a revised offer to close at 9:00pm was made within their final written submission. However, covenants were provided with this revised offer of trading hours. The DLC is minded of the responses provided by the Applicant during

questioning which focused on profitability, hours of lucrative trading, and the competition, there was an absence of references to the risks and harm of alcohol consumption, and the role Thirsty Liquor may play.

[139] The DLC is not prepared to accept the offer of hours, and covenants, being made by the Applicant.

[140] The nature of the area supported by very clear evidence provided to the DLC has influenced the careful decision making of the DLC. We are imposing a reduction of trading hours. Licence opening hours take into account issues relating to amenity and good order. We believe that it is likely there will be an increased in both amenity and good order by the reduction in the late hours operated. Accordingly, the DLC varies the operating hours as follows:

Monday to Sunday between the hours of 9:00am and 8:30pm.

Object of the Act

[141] We now take the step back as advised by Heath J. in *Re Venus NZ Ltd* and consider the Object of the Act in the light of all the other matters to which we are required to have regard. Can the supply of alcohol by **LIQUOR STUFFS LIMITED** be undertaken safely and responsibly and can the harm caused by the excessive or inappropriate consumption of alcohol be minimised should the licence be renewed? We believe that both requirements can be met for the reasons and imposed conditions, reducing late trading hours, and a refusal in allowing a variation, as outlined above.

Take note the following undertaking have been offered by the Applicant and agreed by the DLC:

[142] Maintain signage inside the bottle store to the effect:

This is an alcohol ban area;

It is an offence to consume alcohol in an alcohol ban area;

Anyone found doing so, having purchased alcohol from the store , will be trespassed and the Police called.

[143] The exterior of the bottle store is monitored by CCTV cameras.

[144] Staff will regularly check for litter within 100 metres of the bottle store, with the Wilsons carpark on the corner of Peterborough and Victoria Streets and the seating area on the corner opposite The Bog Bar and will collect and dispose of any litter, alcohol related or otherwise.

[145] Any person identified as a beggar or homeless will be refused entry to the bottle store.

DECISION

[146] The decision is that the Off-Licence for **LIQUOR STUFFS LIMITED** trading as **Thirsty Liquor Victora Street** will be renewed for **one-year** from the date of this decision. They will be renewed subject to the following conditions:

Section 116(1) Discretionary Conditions

(a) The following steps must be taken to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:

- Display of appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.

(b) The following steps must be taken to ensure the provisions of the Act relating to the management of the premises concerned are observed:

- Alcohol must only be sold and supplied on the premises within the area marked on the plan submitted with the application.

Section 116(2) Compulsory Conditions

(a) No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1 pm on Anzac Day.

(b) Alcohol may only be sold or delivered on the following days and during the following hours:

Monday to Sunday 9:00 am to 8:30 pm.

(c) Water must be freely available to customers on the premises while alcohol is being supplied free as a sample.

Section 117 – Other discretionary conditions

(a) The following steps must be taken to promote the responsible consumption of alcohol:

- The Applicant must implement and maintain the steps in their Host Responsibility Policy;
- No After Pay to operate from the premises;
- Packs of mainstream beers and RTD's will not be broken down and sold as singles except for the contents of any packages that have been damaged after delivery;
- The Applicant will not make single sales of beer, RTDs or cider smaller than 500ml and under \$6.00 per unit;
- The Applicant will ensure any shelving above 1.5m in height containing alcohol is secured to ensure there is no further potential hazard for staff and customers. This work shall be completed within **one-month** of this decision being issued;
- The Applicant will install a barrier in front of their store, a roller door or shutters, to mask the exterior of the premises when closed. The colour is to be neutral and not the orange livery colour of the Thirsty Liquor franchise. This condition shall be adhered to within **three-months** of this decision.

Section 119 – Restricted or supervised areas (other)

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

Conditions applying to all remote sales for the sale and supply of alcohol

The following information must be displayed on the internet site in a prominent place, in any catalogue used by the licence holder and on any receipt issued for any alcohol sold via the internet site:

- (a) The licence holders name, the licence number and the date on which the licence expires.
- (b) A copy of the licence or a clearly identified link to such an image must be displayed in a prominent place on the internet site.
- (c) The following steps must be taken to verify people are over the purchase age:

In the case of an order made using the internet site, telephone order or physical order, the prospective buyer must declare he or she is 18 years of age or over (and where the prospective receiver is involved that the prospective receiver is also 18 years of age or over).

- (i) Once when the prospective buyer first commences the order process; and,
- (ii) Again, immediately before the sale of alcohol is completed.

(d) There shall be no remote sales deliveries outside the opening hours of the store.

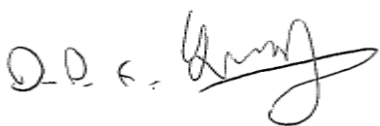
Other restrictions and requirements to be noted on the licence

- s56 - Display of signs.
- s57 - Display of licence
- s59 – Requirements relating to the remote sales by holders of off-licences.
- s214 - Manager to be on duty at all times and responsible for compliance.

[147] A copy of the licence setting out the conditions to which it is subject is attached to this decision.
The licence shall be issued for **one year from the date of this decision**.

[148] The Applicant's attention is drawn to s259 of the Act which makes it an offence not to comply with certain requirements and restrictions imposed by or under the Act. Specifically, s46 to s63 and s231(1).
The Applicant must comply with all conditions specified on the licence.

DATED at CHRISTCHURCH this 18th day of August 2025



D. Ivory

Chairperson

Christchurch District Licensing Committee
