

Decision Number:

60E [2024] 21267

IN THE MATTER OF

the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF

an application by SVJ Company Limited for Off-Licence renewals in respect of premises situated at, 13/126 Brighton Mall and 15 Beresford Street, New Brighton, Christchurch, known respectively as Super Liquor Seaside and Super Liquor Brighton.

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: Mr D Blackwell, QSM

**Members: Mrs M Redstone, JP
Mr G Clapp, JP**

HEARING at CHRISTCHURCH on 9 & 10 April 2025.

APPEARANCES

**Mr J. Young - Counsel for the Applicant.
Mr S. Alla –Director and Shareholder of the Applicant.
Ms J. Kondaveeti – Shareholder and Witness for the Applicant.
Mr G. Hoar – Witness for the Applicant.
Mr D. Hammond – Witness for the Applicant.
Mr R. Baigent – Witness for the Applicant.
Ms J. Zervos - Witness for the Applicant.
Mr G. Singh – Witness for the Applicant.
Dr E. Gordon – Counsel for Mr Marra-Stevenson an Objector.
Mr Marra-Stevenson – Objector.
Ms T. Burrows – Objector & Witness for the Licensing Inspector.
Ms F. Chapman – Objector.
Rev. K. Hill – Objector.
Ms S. McKay – Objector.
Mr C. Edge – Witness for Ms T. Burrows.
Ms C. Tauailoto uili – Witness for Ms T. Burrows.
J – Witness A – Witness for Mr Marra-Stevenson.
Sergeant D. Robertson – New Zealand Police.
Constable O. Bensley – New Zealand Police.
Mr A. Cummings – Counsel for the Licensing Inspector.
Ms M. Sefo – Counsel for the Licensing Inspector.
Mr P. Spang – Christchurch City Council Alcohol Licensing Inspector.**

The Committee was assisted by Mr L. Smeele, the Christchurch City Council Hearings Advisor.

RESERVED DECISION OF THE COMMITTEE

INTRODUCTION

[1] This is an application by **SVJ Company Limited** ('the Applicant') for two **Off-Licence renewals**. The premises are situated at **13/126 Brighton Mall**, New Brighton, Christchurch, known as '**Super Liquor Seaside**' and 15 Beresford Street New Brighton Christchurch, known as 'Super Liquor Brighton'. The application was received by the Christchurch City Council Alcohol Licensing Team on 6 August 2024 and 12 March 2024 respectively.

[2] The application states that the nature of the businesses is that of **Off-Licence bottle stores**.

[3] The Application for Super Liquor Seaside seeks a variation to lessen the opening hours from 9.00 am to 11.00 pm to 10.00 am to 9.00 pm. The Application for Super Liquor Brighton seeks the same as previously, being 9.00 am to 11.00 pm.

These hours are less than the default national maximum trading hours for an Off-Licence.¹

[4] A total of 39 public objections were received across the two license renewal applications. 8 advised they would not be attending the hearing, 7 advised they would be attending the hearing and 24 did not respond to multiple communication from the Committee Hearings Advisor.

[5] Two of the 7 objectors who indicated they would attend the hearing, Mr S. East and Ms L. Radcliffe, did not attend.

[6] The Chair advised the hearing that while the Committee had read all the objections, little or no weight could be given to those objectors that did not appear to have their objections/evidence tested.

[7] Both renewal applications were opposed by the Christchurch City Council Licensing Inspector. The New Zealand Police opposed the Super Liquor Seaside renewal application only while the Medical Officer of Health was not opposed to either renewal applications.

¹ s43 of the Sale and Supply of Alcohol Act 2012.

[8] The District Licensing Committee (**'the Committee'**) members each undertook a visit to the localities to assess the surroundings prior to the hearing. The Committee also conducted a formal unannounced internal and external site visit of the premises on 11 March 2025.

[9] To assist the lay-objectors the hearing was held at the New Brighton Club in New Brighton within sight of Super Liquor Seaside and only a few hundred metres of Super Liquor Brighton. Also to assist lay-objectors an early evening session was held on the first day of the hearing. This evening session proved very popular.

[10] The Chair explained the procedure for the hearing, as previously circulated to the parties, including that all opening submissions and briefs of evidence (BOE) would be taken as read with the person being given just a short time to precis their submissions or BOE.

PRELIMINARY MATTERS

[11] Prior to the hearing a request was made by Dr Gordon, on behalf of J. Witness A, for their evidence to be heard in private. Before considering the request the Committee sought submissions from the other parties. No submissions were received.

[12] The Committee agreed to hear J. Witness A with public being excluded.

[13] **A non-publication order was placed on J.Witness A's evidence, except for the redacted version, and a non-publication order was placed on J.Witness A's name.**

[14] Mr Cummings advised that Mr Spang was currently very unwell and could not speak but would listen to the hearing from his home. The parties agreed that Mr Spang would be able to answer questions from the Committee via Zoom Chat with Mr Smeele. Mr Smeele would then read out the answers to the hearing. A transcript would be made available to the parties at the end of the hearing.

[15] At the commencement of the hearing Mr Young, on behalf of the applicant, referred the Committee to a news report published the night before the hearing in which it was disappointing to note, in particular, comments attributed to legal counsel for an objector in relation to outcomes to be expected from DLC Committees. This was taken no further on the basis that the accuracy of news reports are often questionable.

[16] **The Applicant**

Opening submissions of Mr Young – Counsel for the Applicant

[17] Mr Young's opening submissions which were circulated prior to the hearing were taken as read. He noted the two stores had been operating for 45 years (Super Liquor Brighton) and 25 years (Super Liquor Seaside). The current owners have been operating the stores for 5 years and have never faced any opposition to applications, new or renewal.

[18] Mr Young said Mr Alla accepts that there are people that consume alcohol in public in New Brighton and he outlined the measures he has adopted to combat and minimise the issue.

[19] Mr Young outlined relevant case law for the Committee to consider in its deliberations.

Evidence of the Applicant – Mr S. Alla, Director and Shareholder, SJV Company Limited

[20] Mr Alla's brief of evidence was taken as read.

[21] Mr Alla said he and his wife Ms Kondaveeti own the shares in the Company and they live in the suburb around 2 km from the two stores. Mr Alla said before purchasing the two stores about five years ago he managed Salt on the Pier, a licenced café bar and restaurant located within 500 metres from the current premises. He said they have no history of non-compliance

[22] Mr Alla said he acknowledged that he had observed people consuming alcohol in public areas in Brighton. He said they had identified 16 individuals in their incident book whom they do not serve because of this behaviour. He said they were a core group and they know most of their names. He said the vast majority of their customers do not behave that way.

[23] Mr Alla noted the Inspector had opposed both renewals on the basis of the high deprivation level of the area but had not deemed him unsuitable for holding a licence. The Police opposed Super Liquor Seaside on various grounds but have not opposed Super Liquor Brighton. The Medical Officer of Health is not opposed to either application.

[24] Mr Alla said he has made meaningful efforts to engage with the issues raised by objectors. He said he has listened to their concerns and addressed them however many of which were occurring prior to the objections being lodged.

[25] Mr Alla said a liquor ban was imposed in the area in 2018 with Super Liquor Seaside falling within the ban area and Super Liquor Brighton just outside of it.

[26] Mr Alla said both stores are quite different from each other, with Super Liquor Seaside being smaller it attracted older customers. Super Liquor Brighton was bigger with plenty of car parking and attracted the likes of tradies and day workers. He said Super Liquor Brighton offers remote sales while Super Liquor Seaside does not.

[27] Mr Alla outlined the security systems in detail for both stores.

[28] Mr Alla outlined his commitment to minimise alcohol harm and the steps he intends to take. He said they do not sell single cans of beer or RTDs for less than \$6.50 and they do not sell Nitro as these are considered higher risk.

[29] Mr Alla said the added benefit of being in the Super Liquor franchise ensures they keep on top of various standards from store and location appearance to staff training, customer service and compliance.

[30] Mr Alla detailed the incident books and their internal process for reviewing them before and at the end of each shift which he found useful to identify matters that require further action.

[31] Mr Alla said they actively monitor drinking in public places outside both premises. He said he was aware of vacant land adjacent to the bus stop in Oram Avenue where members of the public would sit on wooden blocks and sometimes drink alcohol. He said he contacted the owner of the land and the blocks were removed on 3 November 2024. He said they have seen a massive difference since the blocks were removed.

[32] Mr Alla said if customers indulge in drinking in public places, they are given a warning followed by a trespass notice. He said the warnings and trespass notices are recorded in their incident books.

[33] Mr Alla said they keep an eye on neighbouring vacant sites and sometimes mow the grass and keep them tidy.

[34] Mr Alla detailed many of the people and groups in the community he had engaged with ranging from politicians, churches, youth groups, community workers, The Residents Association and the New Brighton Project Incorporated. He said he was excited by the proposed \$2.5 million Village Green development.

[35] Mr Alla said he believed he was a suitable person to hold both licences in a way that meets the object of the Act.

[36] While the current licenced hours were Monday to Sunday 9.00 am to 11.00 pm. He said his actual hours were

Super Liquor Brighton – Sunday to Thursday 10.00 am to 9.00 pm & Friday to Saturday 9.00 am to 10.00 pm.

Super Liquor Seaside – Sunday to Thursday 11.00 am to 7.00 pm & Friday to Saturday 10.00 am to 8.00 pm.

[37] Mr Alla said the Foodbank is across the road in Hawke Street and he understands it operates from 9.00 am to 12.00 midday and the queues slow down from 11.00 am and by 12.00 the foodbank customers have left the area. He said Ms Borrowes, who runs the foodbank and is an objector, is mainly concerned about the anti-social behaviour of people coming to the foodbank. He had explained to her that Super Liquor Seaside opens at 11.00 am and they had trespassed those people. He noted that the anti-social behaviour and people hanging about in the area is not a concern in weekends.

[38] Mr Alla said he accepted there is deprivation and alcohol related harm in the New Brighton area. He said the people causing most of the issues are a small and known group and they do not serve them.

[39] Mr Alla said he was an active member of the community having lived, worked and played in the area for the last ten years. He said he manages both premises in a manner that effectively monitors the areas, identifying any issues and addresses them by working alongside the community members.

Questions from the Committee - Mr Alla said or confirmed the following

[40] The previous owner did not leave in vendor finance when he purchased the businesses.

[41] There are usually two persons working at the Brighton store, Mr Alla and a staff member but often only one at the Seaside store. Staff would lock the door if on their own while checking for rubbish in the location.

[42] They purchased the stores in 2020 just before Covid lockdown.

[43] Soon after purchasing the stores he made contact with the Business Association and they have never expressed any concerns with the stores. He has also been in contact with Community

Board members over the past 4 – 5 years and no concerns were raised and they seemed to be happy with his standards for operating the stores.

[44] Currently he has a minimum price for cans/bottles of RTDs and beers of \$6.50. Their biggest selling product is Speights.

[45] He said he thought his 'fill your own beers' were probably similar in price to packaged products. With the cheapest was \$7.50 per litre. They range from 4.3% to 6.2 % ABV.

[46] He does sell tobacco products, vapes and snacks.

[47] He reconfirmed there appeared to be a group of about 15 persons who cause trouble and they pop up all around Brighton.

[48] The litter they see around Brighton is general litter but including alcohol litter. They cannot be certain it comes from his stores as he often sees people coming off the buses with bags of alcohol.

[49] He believes he has enough staff as he is also there most of the time.

[50] He has never seen one of the landlords in person and has not seen the other in 4 years. He contacts the property manager if he needs anything.

[51] He now opens the Seaside store at 12.00 midday, although until recently it was 11.00 am.

[52] He personally works 50 – 60 hours a week.

[53] He currently has two people who self-trespassed themselves. He has offered this service for about 1.5 years.

[54] He said they have trespassed most of the people involved in the public drinking, about 15 – 20 people and he has also trespassed people for aggressive behaviour. He said the people trespassed did not come into his store.

[55] His current leases were Brighton until 2040 and Seaside to 2029.

[56] He explained the incident with Mr Edge when the Police were called. He agreed it was a one off incident when Mr Edge was trespassed.

[57] He explained that they do a litter collection around the Brighton store twice a day and also mows the grass in a neighbouring empty site.

[58] He has not been selling single cans of RTDs since March 2024. They do not advertise single cans of high strength beers but if people ask they sell one for \$6.50.

[59] His stores have never failed a CPO and he does not know if they have ever had one.

[60] They only sell RTDs in 4 packs.

[61] A woman was murdered in 2022 in the area as mentioned in the Police evidence. He said this woman was a customer until about 6 months before the murder and he had heard she had stopped drinking.

Evidence of the Applicant – Ms J. Kondaveeti, 50% Shareholder, SJV Company Limited

[62] Ms Kondaveeti's brief of evidence was taken as read.

[63] Ms Kondaveeti confirmed she was a 50% shareholder in the applicant company but not a director.

[64] Ms Kondaveeti outlined an incident at Super Liquor seaside on 15 December 2024 where a Mr Cody Edge, a witness for one of the objectors, was yelling and abusing her husband. They locked the door and called the Police who arrived and arrested Mr Edge. The Police then spoke to Mr Alla and Ms Kondaveeti who told the Police to release him and they issued a trespass notice.

[65] After the incident Mr Alla and Ms Kondaveeti watched the video noting his abusive language and his desire to have a fight with Mr Alla.

[66] On 14 March 2025 Ms Kondaveeti went to see Ms Burrows regarding a problem of broken fence wiring in front of the store and Mr Edge was there. He stood up and apologised for being abusive towards her. She said this is where he became aware of his name.

Questions from the Committee - Ms Kondaveeti said or confirmed the following

Ms Kondaveeti said she was scared at the time of the incident she described but happy to go back to work. She said she had no concerns now.

Evidence of Mr G. Hoar.

Mr Hoar's evidence was taken as read.

[67] Mr Hoar said he was the National Operations Manager for Super Liquor Holdings Limited, a position he had held for 8 years. He said he was responsible for the operations function of the business and had a field team of 5 reporting to him.

[68] Mr Hoar said there are 180 Super Liquor stores across New Zealand. Each store receives and benefits from and honours the obligations of participating in the Super Liquor branded system. He said Super Liquor do not own any stores.

[69] Mr Hoar said franchisees are required to stock a core range of products but the categories sold varied depending on the characteristics of the local market and the preferences and/or interests of the store owner.

[70] Mr Hoar set out the systems they had in place to ensure its stores understand the importance of selling alcohol safely and responsibly to ensure alcohol related harm is minimised. These include background checks of franchisees, training for franchisees, ensuring national promotions are correctly priced and carrying out quarterly audits to ensure each store is operating in accordance with the Act. He said they have a zero tolerance for employment law breaches.

[71] Mr Hoar said Super Liquor supports the renewal of both licences.

[72] Mr Hoar outlined Mr Alla's track record of never failing a Controlled Purchase Operation (CPO) and never being subject to a suspension or cancellation order. He has a strong relationship with the Tri Agencies, he is actively involved in New Brighton, including the business association Residents Association, local sponsorship and working with leaders of sensitive sites.

Mr Hoar said Mr Alla is extremely professional and is always open to new ideas to support his community.

Questions from the Committee - Mr Hoar said or confirmed the following

[73] He said they are currently working on a new design strategy of their stores as brands move over time.

[74] Internally they now require their stores to be bright with a lux level of 700 and have no stock on the floor.

[75] Externally they were also looking at modernising their look and brand to better meet the requirements of the community. They already have no supplier advertising externally.

[76] They do not sell RTDs over 7% ABV.

[77] The average store has about 2,000 products of which 450 make up their core range. They have a banned product list which are products they do not allow their stores to sell.

[78] He said while communities are different, Super Liquor supports Mr Alla in not selling single cans and products like Nitro. Asked about setting minimum prices for their stores he said they need to be very careful of the Commerce Act if they dictate prices.

[79] Asked about one objector who mentioned 'buy one get one free'. He said he could not recall anything in their business that would fit that criteria.

[80] He said they used to use a mystery shopper type programme but dropped it several years ago as it was only one moment in time. Their Board has recently decided they will reintroduce it and they are currently deciding the process they will use.

[81] He said there were only 2 stores in Christchurch that sold bulk fill your own type beers. He said these two stores were historical and he personally would prefer they were not continued.

[82] He said he thought the two stores worked well and with the supermarket had a catchment area of about 12,000 people.

[83] In relation to amenity and good order he said he had noticed many other retail stores in the area that had closed and they were covered in graffiti. He felt it would be better for the community to have Mr Alla looking after the look of the stores and the surrounding area.

[84] He finished by saying Mr Alla was one of their best operators in New Zealand.

Evidence of Mr R. Baigent.

[85] Mr Baigent said, as a long standing member of the New Brighton community, he had observed Mr Alla's dedication not only to running responsible liquor outlets but also contributing positively to the local area.

[86] Mr Baigent said as a valued member of the business community Mr Alla takes great care ensuring his premises remain tidy, well maintained and free from graffiti. He said he also maintains the gardens around his stores and adjoining premises.

[87] Mr Baigent outlined Mr Alla's steps to minimise alcohol harm such as a strict policy on ID checks and keeping an eye on anyone making multiple purchases in a day. He noted that while Mr Alla has voluntarily removed the sale of single cans, the local supermarket still sells single cans of beers.

[88] Mr Baigent outlined Mr Alla's policy of having signs highlighting the alcohol ban area and the trespassing of those who cause trouble outside his stores.

[89] Mr Baigent said Mr Alla lives in the area, his children go to local schools and he actively supports numerous clubs in the area.

[90] Mr Baigent said New Brighton is an area, that has been in decline for 40 years and many developers and business leaders are working hard to turn that around. He said the possibility of a well-run store being closed down would put all of this work backwards.

[91] In his rebuttal evidence Mr Baigent said in his view the frequency of people drinking in public has reduced in recent times which he suspects is due to Mr Alla not serving them. He said he walks his dog through the Mall most nights and has definitely observed fewer people loitering or drinking.

[92] Mr Baigent said he takes offence that New Brighton is a vulnerable community. He lives and works there and most people he knows are similar. He said the problematic people are a small and known group.

[93] Mr Baigent said he did not support the closing of either bottle store and he feels it would be a backward step for the community and believes the vast majority of locals agree with him.

Questions from the Committee - Mr Baigent said or confirmed the following

[94] He lives about 400 metres from the Seaside store.

[95] There is a group of about 15 – 20 people who are causing the problems

[96] There are about 16,000 residents in the Brighton area, with just 3 bottle stores.

The problem group has reduced considerably since the closing of the backpacker on 4 April 2025. Last night walking through the Mall he saw just one person

Evidence of Ms J. Zervos

[97] Ms Zervos said she was a local resident and a local Community Board member. She has known Mr Alla for about five years and he had been along to several community meetings.

[98] She said New Brighton is not an easy place to run a business as they have their fair share of social issues which mainly come from the residents of the backpackers.

[99] She has spoken to Mr Alla about the problems the community faces and he has shown her photos of the people he has trespassed. That the same group frequent the community pantry in Hawke Street and linger in the area probably gives the public the perception they are obtaining alcohol from the Seaside store.

[100] She said she has had to deal with the effects of alcohol in her family and she knows the lengths they go to get their next fix. She said this is sad but there are a lot of people who enjoy a drink and do so sensibly.

She clarified several matters relating to Ms Burrow's evidence.

Questions from the Committee - Ms Zervos said or confirmed the following

[101] She outlined the New Brighton Safety Group that has been operating for about 7 – 8 months. The group involves several community groups including the Police and they are working with the Police to get them out to the Brighton area more often.

[102] She had noticed a big improvement in the last 2 months with less people around drinking and possibly less threatening behaviour.

[103] They have identified hotspots and they have been active in getting more signage.

[104] She said there are just not enough Police around.

[105] She said she believed the recent improvement has come through the community group work which has been helped with the closing of two bars recently.

[106] Mr Alla had been very helpful when she has taken concerns to him. An example being placing a map of the alcohol ban area in his store.

[107] She said opening later in the morning would be positive.

Evidence of Mr D. Hammond

[108] Mr Hammond said he lives directly across from Super Liquor Brighton and he is also familiar with Super Liquor Seaside as he is often in the area.

[109] Mr Hammond said when he first moved to the area five years ago he initially thought he would need security cameras as he was across the road from a liquor store, but this concern was unfounded as he has never seen any problems.

[110] Mr Hammond said there is no vandalism in the area or broken bottles. He said there is a mixture of litter from soft drinks, food wrappers and some alcohol products. He sees Mr Alla and his staff cleaning this up.

[111] Mr Hammond said in relation to Super Liquor Seaside he is aware that some people who use the foodbank do not behave well. He said the foodbank is a great initiative but it does attract some people that have alcohol problems.

[112] Mr Hammond said he is aware Mr Alla has identified various troublesome people and does not serve them.

[113] Mr Hammond said it would be a sad day for New Brighton and its visitors if the stores were to close.

[114] In his rebuttal evidence Mr Hammond said he hears other evidence stating that things are getting worse. He said he entirely disagrees. He has noticed recently there are fewer people loitering around and a more responsive attitude from Police.

[115] Mr Hammond said in his view the anti-social behaviour and public drinking is almost entirely attributed to a known group.

Questions from the Committee - Mr Hammond said or confirmed the following

[116] He said some time ago he had seen people sitting around near the bus stop but those seats had now gone and there was no problem now.

[117] He lives less than 100 metres from the bottle store.

[118] He is regularly walking around New Brighton with his dog and since the Wave Bar has gone there is now much less of a problem.

Evidence of Mr G. Singh

[119] Mr Singh said he was the manager of the backpackers for the last five years.

[120] Mr Singh said he does not have a view on the two applications and has not read any of the evidence.

[121] Mr Singh said they provided emergency housing but closed on 2 April 2025 to undertake major renovations, including new furniture. He said they hope to reopen in 6 – 8 weeks with a new look.

[122] Mr Singh said they have another backpackers in the city and they are modelling the operation of the Brighton site on that. He said they wished to attract tourists and will not be accepting emergency accommodation clients anymore.

Questions from the Committee - Mr Singh said or confirmed the following

[123] In the past they have experienced alcohol problems about once a week.

[124] They had 20 rooms at the backpackers.

[125] He had never had problems walking around at night in Brighton although he had heard of instances but had never seen anything himself.

[126] He had been manager for 5 years from the time the current owner purchased the facility. He thought it had been emergency housing for about 5 – 6 years before they purchased it.

Evidence of Ms F. Chapman.

[127] Ms Chapman said she is the practice leader for the Christchurch Methodist Mission based in Eastern Christchurch.

[128] Ms Chapman said she has seen the harm that alcohol brings to a vulnerable community. She said they have many vulnerable families and children that live in the area and the amount of violence and crime is not acceptable.

[129] Ms Chapman said in the summertime at least monthly there are frequent problems with major issues.

[130] Ms Chapman said the problems are made worse when people gather together to drink in public. She said some of these people appear homeless and even those who are homed may have addictions at home, be unemployed or unable to work.

[131] Ms Chapman said she sees people drinking RTDs, such as Cody's, which is popular.

[132] Ms Chapman outlined a meeting held in New Brighton over the last few years and that alcohol is a constant agenda item.

[133] Ms Chapman said Mr Alla's engagement with the community has come very late and is obviously aimed at getting his licences renewed.

[134] Ms Chapman said they were looking for a big reduction in the hours of the Beresford Street store and a closing of the Hawke Street store.

Questions from the Committee - Ms Chapman said or confirmed the following

[135] She had seen people carrying cans etc and they go into the church grounds. She agreed there was probably a mixture of alcohol and drugs but you were never sure.

[136] Asked about the man who slept in the church shed, she said they had eventually trespassed him.

[137] She presumed they purchase alcohol from the local bottle stores. She agreed that if there were no bottle stores in New Brighton those with addiction would still get alcohol.

[138] She also agreed, if all the local stores were closed down, the alcohol induced behaviour would not go away.

[139] They work alongside people who need help with addiction meaning they would rather try and solve issues rather than move them on into someone else's area.

[140] She would like to see the Beresford Street store close at 9.00 pm.

[141] She said she noted in Mr Alla's evidence that he said he did not sell single cans. She said to test that she sent her daughter and partner there the day before the hearing and they were able to purchase a single can of Kingfisher for \$6.50.

Evidence of Ms T. Burrows

[142] Ms Burrows works at the Community Fridge & Pantry located in Hawke Street opposite Super Liquor Seaside. The food bank has been there for about 8 years and it serves 80 – 100 customers each day and food is left for about 40 customers on weekends.

[143] Ms Burrows said in her experience the high risk people in New Brighton are the deprived, unemployed, homeless, and mentally ill. She said those arriving at the foodbank showing signs of intoxication are turned away.

[144] Ms Burrows said she sees empty alcohol containers and groups drinking in public and yelling abuse. She said people gather in front of Super Liquor Seaside.

[145] Ms Burrows said she does not always know where they buy their alcohol but she has seen some purchase from Super Liquor Seaside. She said the last time she had seen her customers purchasing from Super Liquor Seaside was September 2024.

[146] She had operated the foodbank since 2017 and had seen many unsavoury incidents outside Super Liquor Seaside and it seems the incidents have increased over the past year or so.

[147] She believed the causation factors are increased homelessness since Covid and the unsavoury characters from the backpackers. According to Mr Alla's figures there are 55 single accommodation units within 1.5 km of Super Liquor Seaside and these are occupied by male and typically Maori/Pacifica people.

[148] Until March 2025 she had never talked to Mr Alla. She notes of the 12 persons banned 10 were only from November 2024. She often encounters people intoxicated before the liquor store opens and she understands those banned have other people buying for them.

[149] Mr Alla is unclear saying they do not sell single cans but will sell a single can for \$6.50.

[150] Most of the banned people from the store are not customers of the food bank.

[151] Ms Burrows said she does not believe there needs to be a bottle store directly across the road from a foodbank and the store should close.

Questions from the Committee - Ms Burrows said or confirmed the following

[152] Many of her customers were on alcohol and she estimated one in eight were on drugs as well.

[153] The litter she had talked about was not just alcohol litter.

[154] The foodbank is open 9.00 to 12.00 daily.

[155] If customers are abusive they are turned away but if they are 'merry' they would be given food and often taken to the back of the church and given a hot drink.

[156] The addicts will get alcohol somehow and steal if need be.

[157] She thought closing of the Super Seaside might just help to limit availability of alcohol.

[158] She does not see any problem in re-letting the store should Super Liquor Seaside close.

[159] She said the amenity and good order has deteriorated in the past year. Some people say the backpackers was the issue.

[160] She clarified that the trespassed persons were not going into the store but sat outside it.

[161] She said the issues in New Brighton are wider than what they see at the foodbank.

They need to show the community that they are doing something to lessen the problems in the area.

Witness Evidence of Mr C. Edge

[162] Mr Edge said he had lived in New Brighton for 12 years and was a past resident of the backpackers for 9 months

[163] Mr Edge outlined his personal story, his issues with alcohol and his road to recovery over the past 5 years. He said having a liquor store adjacent to the church does not encourage the road to change.

[164] Mr Edge said he knows of some young girls who purchased liquor from the store. He also has a friend, who is trespassed but can still buy for his mother.

[165] Mr Edge outlined his story relating to the incident with Mr Alla when he was arrested.

Mr Edge said these liquor stores are not good for the community.

Questions from the Committee - Mr Edge said or confirmed the following

[166] He sees drinking in the carpark regularly, particularly at weekends.

[167] He further elaborated on the incident with Mr Alla when he was arrested.

[168] He cannot understand why a woman in her 40s or 50s who buys alcohol for others is not trespassed.

[169] He had been to the Police Station several times but it is no longer manned.

He outlined how an intoxicated person asked him to withdraw his statement for this hearing.

Witness Evidence of Ms C. Tauailoto uili

[170] Ms Tauailoto uili said she worked at The Pantry and outlined some of the services they offer to those in need. They also offer a lunch on a Wednesday.

[171] Ms Tauailoto uili said a number of the problems they see relate to those living at the backpackers which accommodates basically single males that are in emergency housing. She said she thinks a lot of the issues from the backpackers spill out onto the street.

[172] Ms Tauailoto uili said the alcohol ban area is constantly breached and this seems to go unchecked. She said the City Council did employ two security guards who worked with the people and moved them on but this service has been discontinued.

[173] Ms Tauailoto uili said multiple groups congregate together to drink and multiple problems emerge from this situation.

Ms Tauailoto uili thinks the Hawke Street store should close as there is more foot traffic there. She said she knows less about the Beresford Street store which is wide open and very visible but few people walk down there.

Questions from the Committee - Ms Tauailoto uili said or confirmed the following

[174] There were three groups around the area on Saturday and the groups had boxes of beer. She recognised some of them but not others.

She thinks there are far too many bottle stores in the wider area. She said there were also three bars.

Evidence of Reverend K. Hill

[175] Reverend Hill said she was objecting as there were too many alcohol outlets in New Brighton and she has seen the look of the area, across from where she works, getting worse.

[176] Reverend Hill said people in the area appear to be oppressed by external influences such as alcohol and drugs and they appear to find it hard to say no.

[177] Reverend Hill said they have worked hard for the wellbeing of the community. She particularly mentioned older persons aged 40 plus and she has seen countless men who had deteriorated in much capacity in the past 10 years and she had seen families deteriorate due to alcohol harm.

[178] Reverend Hill said Super Liquor Seaside is in an alcohol ban area and she has witnessed numerous instances of alcohol being carried, littered, drank and passed through different forms of human waste. She explained the various activities they ran and many of the participants and volunteers are exposed to people drinking during the day in an alcohol ban area.

[179] Reverend Hill said no one recognised the real issues of addiction and deprivation in the community, caused in part by alcohol. She said she is asking the Committee to refuse the renewal of the licence for Super Liquor Seaside as having two Super Liquor outlets in close proximity makes it more accessible to these troubled communities.

Questions from the Committee – Reverend Hill said or confirmed the following

[180] Until she started working in the community after the earthquake she would never have thought there was an alcohol problem in the community. Things have got worse in the last ten years.

[181] She said with Super Liquor Seaside being across the road from the church, and all its activities, there is a real external influence of alcohol every single day.

[182] There are probably about 200 people that use/ access their activities on a regular basis from craft groups to the foodbank. She said these people witness negative behaviour.

[183] She has called the Police in the past and even moved people on who were causing a disturbance to her church activities. She said she would ring the Police when there was physical violence and she has not been able to sort it out.

[184] She said as a community they have to stand up. She said the only businesses that are surviving in New Brighton are liquor businesses.

[185] She said she would like to see the Seaside licence not renewed and she does believe it would make a difference. She would like the community to be able see they were doing something to try and improve the situation.

She said the liquor ban in the area does not make a difference.

Evidence of Ms S. McKay

[186] Ms McKay said she was an advocate for the Social Wellbeing Network and she had worked throughout the New Brighton area on a wide range of projects. She said she had lived in the area for 18 years.

[187] Ms McKay said there have been problems in the area for a long time but there is currently a growing effect on the amenity of the area. She believed a significant cause is the supply of cheap alcohol such as single cans and bottles of low cost high strength alcohol.

[188] Ms McKay said public health concerns such as addiction and mental health are very evident and a number of community members had commented this to her.

[189] Ms McKay said it was not unusual to see intoxicated persons in the Mall at 10.00 am.

[190] Ms McKay raised concerns that the prominent signage of the two stores sends out the wrong image for New Brighton.

[191] Ms McKay said the solution would be to close one of the stores and either would do.

[192] Ms McKay said she would like to see a reduction in trading hours and the preventing of sales of single cans of high strength RTDs or beers.

Questions from the Committee – Ms McKay said or confirmed the following

[193] In her role she works with small to medium community groups. She hears from the members that they do not want to see people openly drinking in public.

[194] She said for the issues to be reduced it is not just one thing. She questions if things had improved, as stated by other witnesses, in the last two months.

[195] She related individual incidents she had been told about involving intoxicated persons.

[196] She said she does not think it would inconvenience the community to have just one alcohol store.

Opening Submissions Dr Gordon

[197] Dr Gordon's opening submissions were taken as read.

[198] Dr Gordon sets out the criteria for the Committee to consider as set out in sections 105, 106 and 131.

[199] Dr Gordon set out case law in several areas and in particular suitability of the applicant, and amenity and good order.

[200] Dr Gordon said the evidence of Mr Marra-Stevenson and other objectors makes it very clear that harm is not minimised in the New Brighton area.

[201] Dr Gordon said that the objector's preferred solution is the closing of one store and adequate conditions on the other will meet both the purpose and object of the Act.

Evidence of Mr B. Marra-Stevenson

[202] Mr Marra-Stevenson's evidence was taken as read.

[203] Mr Marra-Stevenson said he was objecting to both licence renewals as he did not believe the stores meet the object of the Act. He said those with addiction and substance abuse are often in situations where they are not making healthy decisions, consequently having impact on themselves.

[204] Mr Marra-Stevenson said we need to reduce harm by ensuring safety of vulnerable communities.

[205] Mr Marra-Stevenson said of seven complaints he made to the Police regarding breaches of the alcohol ban area, not one was attended by the Police. He indicated the agencies, including the Police, are grossly underfunded and cannot cover all incidences.

[206] Mr Marra-Stevenson said he lives within sight of the Beresford Street store. He said he and his friends who work in in the community alongside him work with the homeless and marginalised groups for whom societal structures do not actively benefit. He said they are exhausted having to deal with the harm at the pointy end of the stick, while the industry keeps getting away with not acknowledging their practices directly drive trauma in the community.

[207] Mr Marra-Stevenson outlined two incidences of what appeared to be alcohol abuse. He also raised the matter of the staffing levels in the two stores.

[208] Mr Marra-Stevenson outlined his own personal health issues caused by alcohol harm around him when he was a child and also issues in more recent times.

[209] Mr Marra-Stevenson questioned Mr Alla selling beer through fill your own containers at the Seaside store.

[210] Mr Marra-Stevenson was critical of those supporting the stores, including a Community Board member.

[211] Mr Marra-Stevenson said he believed the applicant was not suitable based on the lack of trying to really connect with the community they are harming.

[212] Mr Marra-Stevenson said he believed the Seaside store should close permanently and the New Brighton Store should be subject to substantial conditions on the licence.

Questions from the Committee – Mr Marra-Stevenson said or confirmed the following

[213] He questioned Mr Alla's evidence that his fill your own prices were similar to packaged products. He quoted one product which he felt was 50% cheaper in the bulk form.

[214] He raised concerns about adequate rostering within the store.

[215] He moved to New Brighton two months before objecting. He was shocked by the alcohol culture and he feels unsafe walking around Brighton at night.

[216] He said he had suggested to Mr Alla he could improve security in the stores and he also raised the issue of single sales.

[217] He agreed there was a group of about 15 - 20, as mentioned in other evidence, who cause a lot of the problems but the group was constantly changing.

[218] To solve the problem of alcohol abuse all levels of governance in New Zealand needs to be involved.

[219] He believes that neither of the licences should be renewed.

[220] Asked what could be done to help the situation he said less visibility, not run by Super Liquor, a window service system, reduced hours, one store closed and one renewed with conditions.

Evidence of J Witness A

[221] Witness A asked for his evidence to be heard in private and the Chair asked the public to be removed.

[222] Witness A said he quit using all substances in December 2024. He outlined two households he frequented. He said on at least two occasions he purchased large amounts of alcohol from Super Liquor seaside when he was clearly intoxicated.

[223] Witness A further described several incidences involving individuals including one who was charged with drink driving.

Witness A said while multiple issues contribute to the problems, such as mental health issues and polysubstance abuse, the role of the liquor store is undeniable.

Questions from the Committee – Witness A said or confirmed the following

[224] He said he did not live in the area but frequented the houses he mentioned.

He thought limiting the hours when alcohol was able to be purchased would be helpful.

[225] Opening submissions Mr Cummings

[226] Mr Cummings opening submissions were taken as read.

[227] Mr Cummings outlined the legal framework as set out in section 131 of the Act.

[228] Mr Cummings said the proposal to reduce the opening hours to avoid customers visiting during the foodbank operating would be an improvement however it is not sufficient to meet the object of the Act.

Mr Cumming said the premises contribute to a loss of amenity such that it is likely that refusal to renew the licences will increase the amenity of the locality by more than a minor amount. Any proposed conditions will not adequately 'cure' the applications to the extent that the off-licences should be renewed.

Evidence of Mr P. Spang – Christchurch City Council Liquor Licensing Inspector.

[229] Mr Spang's evidence was taken as read.

[230] Mr Spang opposes the renewal of both licences and his detailed reports are an appendix to his brief of evidence. He said the Police oppose Super Liquor Seaside and the Medical Officer of Health does not oppose either licence renewal.

[231] Mr Spang said while the applicant has agreed to conditions with the aim to help reduce related harm, he considers that the high level of deprivation and prevalence of alcohol related harm in the area as such that the proposed conditions will not adequately minimise, harm caused by excessive or inappropriate consumption of alcohol.

[232] Mr Spang said the deprivation level for the Super Liquor Seaside Store was 9 and for Super Liquor Brighton 7.

[233] Mr Spang said the general area of both premises appear to be run down and neglected and there appear to be many rough sleepers. He said the location of the foodbank, the Ministry of Social Development and social housing in close proximity to three alcohol outlets is concerning.

[234] Mr Spang said he has seen alcohol related rubbish and people drinking within the locality in and around the alcohol ban area.

[235] Mr Spang noted the 2022 homicide in the car park area behind New Brighton Mall. He said both parties were noted as being affected by alcohol.

[236] Mr Spang said refusing the applications may drive people to seek alcohol elsewhere, which would increase the amenity and good order of the locality.

[237] Mr Spang said when he visited the location in May 2024 there were three vehicles parked in the public car park that appeared to have people sleeping in them. He said he saw other alcohol litter. He also outlined what he saw in a visit to the area in March 2025.

[238] Mr Spang visited the stores in August 2024. He noted there were no single sales of beer, RTDs or ciders smaller than 600 ml or under \$6.00 per unit and they did not sell Nitro.

[239] Mr Spang said in September 2024 at 10.30 am and noted the queue at the foodbank.

[240] Mr Spang detailed a meeting with Mr Alla in October 2024 at 11.00 am and listed a number of matters that generally appeared positive such as the tidiness of the store, the incident book, that the staff clean up outside, including neighbouring car park. He also noted the foodbank had two customers at that time.

[241] Mr Spang said he visited the area in August 2024 and sought the views from the backpackers, the library, and the hot pools. All indicated they had some problems. The backpackers said they have an incident about once a week. The library said there was a group of 6 – 8 who appear to get drunk near the public toilets and they have removed the hand sanitiser as they suspected some people were drinking or sniffing it. He said the hot pools said they have an issue about once a month.

[242] In response to Mr Alla's evidence, Mr Spang said he does not accept that the amenity and good order of the locality may reduce if the renewals are refused. He does agree that refusing the applications will not stop alcohol consumption but that it will help to reduce it and minimise alcohol related harm.

[243] Mr Spang said he does not question Mr Alla's suitability.

[244] Mr Spang said there are issues of alcohol abuse in the area with aggravating factors of the food bank and MSD in close proximity.

[245] Mr Spang said if one or both of the premises were shut down, it is his opinion that this would help minimise alcohol-related harm and increase the amenity and good order by more than a minor amount.

Questions from the Committee – Mr Spang said or confirmed the following

[246] Due to Mr Spangs health, Mr Cummings, with the approval of the other counsel read a statement from Mr Spang describing the current state of the licence for the supermarket in the area. He said an application has been made for renewal but it has been delayed due to his health. He said there are no public objections. It is not opposed by the Police or Medical Officer of Health. He also said he has not written his report as yet but as things stand he would be opposing it.

[247] Mr Spang said no operator could sell alcohol safely in the area.

[248] Mr Spang said it would be better that responsible drinkers are deprived of alcohol so that harm can be addressed.

[249] Asked what a balance of having alcohol available to responsible drinkers he said less availability and increased price.

[250] He said there would be an improvement if the number of stores were reduced rather than eliminated altogether. He does not think less advertising on the stores would help problems in the area.

[251] He said he suspects the supermarket sells single cans for under \$6.00.

[252] He said he believed both stores should close but if even one store closed it would make a huge difference.

He does not believe the stores have had a CPO under the current management which is not ideal but is due to resourcing.

Witness statement Ms Burrows

[253] Ms Burrows was also an objector and her witness evidence was very similar.

[254] Ms Burrows commented on the evidence by other persons and in particular those blaming the foodbank for many of the problems. She said she considers the best way to help the community is to reduce accessibility.

[255] Ms Burrows said Mr Alla says he has trespassed certain people but she sees them loitering in the area most days.

[256] Ms Burrows said she disagrees that most of the people who consume alcohol and engage in disorderly behaviours are customers of the foodbank. She said some are customers and some are not.

[257] Ms Burrows said she disagrees with Ms Zervos who blames the social issues on the backpackers. She said many of the backpackers residents are very vulnerable and in poor living conditions. She said it does not help having immediate temptation of access to alcohol.

Ms Burrows said there needs to be fewer stores and not directly opposite the foodbank. She said reducing the hours will help reduce alcohol related harm.

Questions from the Committee – Ms Burrows said or confirmed the following

[258] She said when setting up the foodbank she did not even think about the Super Liquor store being over the road. She had thought of setting it up in the Mall but people did not want those people hanging around there.

[259] She said the foodbank does attract people and as these people are now out in the open they are getting help.

[260] Following a visit from Mr Alla to talk to her a few weeks ago she said a regular group that drank on the stairs near Seaside have been moved on by Mr Alla.

[261] The alcohol problems do not seem to be as much in the greater Brighton area but they are localised around the central area.

[262] She said the group of 15 or so, that others have mentioned, are the ones that are visually seen around the area.

Opening submissions of Sergeant Robertson – New Zealand Police

[263] Sergeant Robertson gave verbal opening submissions.

[264] Sergeant Robertson said the Police are opposed to the Seaside application but not the Brighton application. He said they have not indicated the applicant is unsuitable to hold a licence.

[265] Sergeant Robertson said should a licence be granted for both sites they would recommend a reduction of hours.

[266] Sergeant Robertson said he had previously worked in the New Brighton area and he was aware there is a strong community spirit which he thought reflected in persons presenting against the licences in addition to those in support of the licences.

Sergeant Robertson said it was clear New Brighton was a deprived area and the Committee would need to consider the relationship with the Seaside store and the sensitive sites.

Evidence of Constable O. Bensley

[267] Constable Bensley outlined and explained the Police National Information Application (NIA) noting that the data showing that the volume of incidents are not as high as some other areas of Christchurch. She said the New Brighton Mall area is certainly a hotspot.

[268] Constable Bensley outlined a murder in January 2022. She said alcohol was a factor and the Police had established that alcohol was purchased at Eastgate Mall in Linwood.

[269] Constable Bensley said the Police were aware that people congregate and drink alcohol in the alcohol ban area. She said data showed between 2020 and 2023, 32 infringement notices were issued.

[270] Constable Bensley said she had visited the foodbank and it was clear that some of the people who frequent the foodbank have alcohol issues.

Constable Bensley said the applicant, Mr Alla, is experienced and appears motivated to work with the community around his sites.

Questions from the Committee – Constable Bensley said or confirmed the following

[271] She believed closing one store would be a step in the right direction.

[272] She said she thought no single sales at any price would assist.

[273] She said it would assist if there were two people on duty at all times in both stores.

[274] She confirmed she had no issues with Mr Alla.

Final submissions

[275] **Dr Gordon** – Dr Gordon quoted case law to support Mr Marr-Stevensons case.

[276] Dr Gordon advised that Mr Marra-Stevenson has now changed his mind and opposes both applications.

[277] Dr Gordon raised matters of enhanced suitability of the applicant due to the vulnerability of the area and also raised what she believed were inconsistencies in Mr Alla's evidence.

[278] Dr Gordon said there was significant evidence of the declining of the amenity and good order of the community. She referenced the evidence of several objectors to support that view.

[279] Dr Gordon said the alcohol ban has not worked.

[280] **Mr Cummings** – Mr Cummings said the premises contribute to the loss in the amenity and good order of the location, the premises are located in an area of high deprivation and there is evidence of alcohol related harm within the direct vicinity of the premises.

[281] Mr Cummings précised the evidence of most of the objectors and witnesses.

[282] Mr Cummings said the actions taken recently by the applicant were reactive rather than proactive.

[283] Mr Cummings said the Inspector does not oppose suitability but submitted that operating an off-licence in this area is simply not appropriate.

[284] Mr Cummings said while maintaining his position the Inspector has put forward a number of conditions that might be helpful to the Committee.

[285] **Mr Young** – Mr Young submitted that a number of themes emerged during the hearing. He said most people accepted that Mr Alla was a trustworthy person, the vast majority of witnesses agreed that the troublesome street drinking behaviour related to a small group of 15 – 20 people and the closing of one store was on the basis of symbolism.

[286] Mr Young also submitted that the backpackers was a contributor to the presence of street drinking.

Mr Young submitted a number of conditions acceptable to the applicant should a licence be granted. These included hours of operation, the number of staff on duty, restrictions on singles sales, a proposed change of livery for Super Liquor seaside and restrictions on supplier brands on outside advertising.

Discussion

[287] We are dealing with the applications for the renewal of two off-licences in the central New Brighton area that are owned by the same company. The shareholders are a husband and wife duo of Mr Alla and Ms Kondaveeti who have owned the two businesses for about five years.

[288] The two stores have operated from their current sites for approximately 25 (Super Liquor Seaside) and 45 years (Super Liquor Brighton). The length of tenure has not been verified but we accept it has been a very long time.

[289] The Committee has read all the evidence and submissions relating to the hearing which was held over two days in April 2025. The Committee determined that while the two applications were held together it was important that they be treated in its deliberations as if they were two separate applications.

[290] During the site visit the Committee noted the Central New Brighton area is run down with many vacant shops, although we did hear of plans for a redevelopment of the Mall area. The deprivation level of the Super Liquor Seaside store is 9 while the Super Liquor Brighton store is 7. There is a liquor ban in the area which encompasses the Super Liquor Seaside store.

[291] It was generally accepted by all the parties that the biggest issues driving the objections was a group of about 15 – 20 persons who spent a lot of time in the Mall area drinking and generally creating nuisance. The Committee heard that many of the issues are caused by this group even though group members may change over time. All parties also appeared to agree the liquor ban covering that area was not working.

[292] Another generally accepted fact was that Mr Alla was a good person and a good operator. It was noted that none of the agencies had any issue with suitability. Some of the objectors did make the point that it is only since making the renewal applications had Mr Alla made significant moves to communicate more with the community, start cleaning up the area adjoining his stores and start trespassing those he saw drinking in the liquor ban area. While we accept many significant features have only been instigated in the last year or so there was no evidence presented at the hearing that any serious issues were advised to Mr Alla before that time.

[293] The Foodbank, which is almost directly opposite the Super Liquor Seaside store, was discussed by almost all of the objectors. Comments ranged from that it was very wrong to have a liquor store opposite a foodbank to a statement that the liquor store was there first, approximately 12 years before the foodbank opened. The Committee fully accepts the foodbank has a right to be there after operating for 8 years and that it clearly delivers a great service to the community.

[294] The amenity and good order of the locality was a much discussed subject, particularly around the Super Liquor Seaside store. Issues were raised that the customers of the foodbank and the various other church services were faced with strong highly visible Super Liquor branding and the yelling and abuse from the persons drinking on the streets near Super Liquor Seaside. This was said to have a detrimental effect on vulnerable persons accessing the church programmes and activities.

[295] There were very little issues raised regarding the amenity and good order around the Super Liquor Brighton store and the evidence of Mr Hammond, who lived across the road, was useful. Some issues were raised regarding the 'in your face' type branding on the building.

[296] The number of staff on duty at any one time was raised by one or more objectors and we note in his final submissions Mr Young has addressed this on behalf of his client.

[297] The evidence of Ms Zervos, who is also a Community Board member, was extremely valuable as she explained the Safety Group she is part of that included the New Zealand Police. Ms Zervos said she had noticed a significant improvement in the last couple of months.

[298] The Committee was very surprised and disappointed to hear that no controlled Purchase Operations have been carried out at the stores since SVJ Company Limited purchased them five years ago.

[299] The evidence presented at the hearing was generally excellent and the answers to the Committee questions were nothing short of outstanding. All the Church related objectors were able to fully explain the services their organisations ran and how they were working with those with addiction and mental health issues.

[300] The evidence of Mr Marra-Stevenson was confusing and mostly speculative. His answers to questions at times contradicted his brief of evidence. The Committee was careful with the weight given to his evidence.

[301] We did note that there seemed a reluctance by the Church related Groups to just move on people with issues as they would rather deal with the individual issues. We also note that most agreed that closing the stores would probably not stop the drinking as they would get their alcohol from somewhere else.

[302] In the view of the Committee, the closing of the centrally located backpackers emergency housing with 20 rooms in early April 2025 is likely to have a significant impact on the number of idle persons hanging around the Mall area. We also note the recent closing of what were described as 'two troublesome bars' in the Mall will probably be assisting the amenity of the area as noted by some witnesses.

The Committee acknowledges that its role, when considering an application, is for harm to be minimised but not necessarily eliminated.

[303] 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.

[304] 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.*

[305] 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).*

[306] 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.*

[307] The matters to which we must have regard when deciding whether to renew a licence 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.*

[308] We shall deal with these in order:

The object of the Act

[309] 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?”

It follows that we defer this consideration to last.

The suitability of the applicant

[310] We are satisfied that Mr Alla is a competent and experienced operator operating the stores for about 5 years and we were presented with no evidence of any issues prior to the current renewal procedures. We accept that since the renewal applications and the objections Mr Alla has made significant changes to the operation of the stores and we see this as a positive rather than a negative. No issues were raised around suitability by the agencies. Mr Alla meets the Committee’s expectation of suitability to hold a liquor licence in this location.

Any relevant local alcohol policy

[311] Christchurch has no Local Alcohol Policy

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

[312] The hours on both licences are 9.00am to 11.00pm, Monday to Sunday. These hours are within the default hours set out in the Act. Mr Alla has advised that the current actual hours are considerable less than the permitted hours.

[313] In his final submissions Mr Young put forward amended hours of operation for both stores. Those hours are 10.00 am to 9.00 pm for Super Liquor Brighton and 12.00 to 9.00 pm for Super Liquor Seaside.

The Committee is comfortable with the Super Liquor Brighton proposed hours but believes the hours of Super Liquor Seaside should be amended further to make allowances for its location across the road from the foodbank. An opening time of 1.00 pm and closing of 8.00 pm would be more suitable.

The design and layout of any proposed premises

[314] No issues were raised by the agencies or the objector regarding the internal layout of the store. The Committee, during its site inspection, noted that the interior of the stores appeared to be very neat and tidy.

[315] The Committee during its site visits noted the exterior signage of both stores was excessive and this was also raised as a concern by many of the objectors. Mr Hoar talked about a potential new livery that Super Liquor were working on with a view to rolling it out nationally. Mr Young presented, with his final submissions, a mock-up of the new livery and that Super Liquor were prepared to apply this to the Super Liquor Seaside store, subject obviously to the licence being renewed.

[316] The Committee very much likes, prefers and accepts the new design. Mr Young, again in his final submissions, has offered on behalf of Mr Alla, to apply this new livery to the Super Liquor Seaside within three months of a new licence being issued.

[317] The Committee's view is that the external signage at Super Liquor Brighton is excessive and is of the view that this signage should also be amended to the proposed new livery. Due to the new livery still to be finalized we believe a period of 12 months should be allowed for this signage to be applied.

[318] The Committee is of the view that there should be no external advertising of supplier brands or pricing.

[319] It is the view of the Committee that with the changes to the design, as discussed, the external advertising meets the requirements under the Act.

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

[320] Mr Alla does sell tobacco products and some vape products. We accept they represent a very small portion of his turnover as is normal with most off licences. We also accept they will not be displayed in an openly visual manner.

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:

[321] No issues have been raised.

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

[322] The Applicant appears to have good systems in place to cover administrative as well as staff training. Issues were raised that at times there is only one staff member on duty. The Committee agrees that to have two staff members at each venue is a must. This allows better vetting of potential customers in this locality

[323] We note Mr Young has put forward, on behalf of Mr Alla, a proposal to have two staff at each venue at all times. This is most acceptable to the Committee.

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

The Medical Officer of Health is not opposed. The Police are not opposed to suitability but opposed on amenity and good order. The Christchurch City Council Licensing Inspector is not opposed to suitability but opposes on amenity and good order. We believe we have dealt with the issues raised elsewhere in this document.

Amenity and Good Order

[324] Section 131(b) 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.

[325] We have carefully reflected on the amenity and good order of the locality and considered factoring in the changes to the current signage, the hours of operation and other conditions.

There is no question that the New Brighton Central area is a deprived area but 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 licences.

Super Liquor Brighton

[326] With new less intrusive livery, some amendments to hours of operation, two staff members working at all times the store is open, restrictions on single sales together with all the other good management procedures, the Committee is of the view that the off-licence of Super Liquor Brighton should be renewed for a period of three years. Due to the time delays in this application coming to a hearing the next renewal will be in May 2027.

[327] We are aware there is currently a loophole in the current legislation around the hours of potential delivery for remote sales. There shall be no remote sales deliveries outside the opening hours of the store.

Super Liquor Seaside

[328] Assessing this store against our requirements under the Act was much more difficult and it is this store where much of the objectors' issues were raised. It is fair to say that the Committee's final decision was a line call, hence some different conditions and requirements to the conditions for this store.

[329] We accept that those causing the majority of the issues were a group of about 15 – 20 persons who frequent the New Brighton Mall area on a regular basis. We also accept that Mr Alla has made some significant advances in how he deals with problem drinkers and that he trespasses anyone he sees drinking in the immediate vicinity of his store.

[330] We also accept that the closing of the backpackers to a large number emergency housing clients and the current upgrading of the facility to attract more tourist orientated customers is likely to make a big difference to the future of the locality.

[331] Due to our decision on this store being a 'line call' we think it would be more appropriate to renew it for two years, meaning that it would need to be renewed again next year (01-09-2026), at which time the Committee will be able to assess better how the store is operating and as such, minimising harm in the area.

[332] At the time of the next renewal the Committee would encourage Objectors to the current application to, at the very least, provide feedback to the Inspector on whether the closing of the backpackers to those seeking emergency housing, together with the conditions imposed on the licence, have impacted on the current level of alcohol harm, or whether there has been any increase in alcohol harm and, if so, to again object and provide evidence in support of such further objection.

[333] In addition to conditions regarding installing a new livery within 3 months, the number of staff on duty and restrictions on single sales we believe the opening time should be moved to 1.00 pm each day to make sure the foodbank clients have well departed from the locality.

[334] In addition the bulk 'fill your own' type products should be discontinued. We do not see this a major issue for the applicant as Mr Hoar said that this service was historical and he personally did not like it.

Object of the Act

[335] 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 Super Liquor Seaside and Super Liquor Brighton 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 outlined above.

Decision

[336] The decision is that the Off-Licence for SVJ Company Limited trading as Super Liquor Seaside and Super Liquor Brighton will be renewed two years and three years respectively. They will be renewed subject to the following conditions:

Super Liquor Brighton

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 10.00 am to 9.00 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 licensee must implement and maintain the steps proposed in their host responsibility policy aimed at promoting the reasonable consumption of alcohol.
 - There shall be no sales of Nitro.
 - The individual sale of packaged mainstream beer is not permitted; these products must remain in their original multipack form and cannot be broken up for single-unit sale. Ready-to-drink (RTD) beverages must be sold in packs of no fewer than four units. Any single units of beer or cider not covered by the above restrictions—excluding craft beer—must be sold at a minimum price of \$6.50 per unit.
 - Sales of fill your own type beers shall not be permitted.
 - There shall be no external promotional advertising on the store except the store name and the franchise name.
 - A new livery will be installed on the external of the store as similar as possible to the mock-up presented. This shall be completed within 12 months of the date of this decision.
 - There shall be two staff on duty at the store at all times it is open for business.
 - The store will comply with the alcohol ban restrictions, its Visual Amenity Policy, its Social Responsibility Policy, its Harm Minimisation Policy and its Community Engagement Policy.

Section 119 – Restricted or supervised areas (other)

- (a) The interior of the premises 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 remote sales by holders of Off Licences
- s214 - Manager to be on duty at all times and responsible for compliance.

[337] 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 **three years**.

[338] 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.

Super Liquor Seaside

Section 116(1) Discretionary Conditions

- (c) 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.
- (d) 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

- (d) 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.
- (e) Alcohol may only be sold or delivered on the following days and during the following hours:
- Monday to Sunday 1.00 pm to 8.00 pm.**
- (f) Water must be freely available to customers on the premises while alcohol is being supplied free as a sample.

Section 117 – Other discretionary conditions

- (b) The following steps must be taken to promote the responsible consumption of alcohol:
- The licensee must implement and maintain the steps proposed in their host responsibility policy aimed at promoting the reasonable consumption of alcohol.
 - There shall be no sales of Nitro.
 - The individual sale of packaged mainstream beer is not permitted; these products must remain in their original multipack form and cannot be broken up for single-unit sale. Ready-to-drink (RTD) beverages must be sold in packs of no fewer than four units. Any single units of beer or cider not covered by the above restrictions—excluding craft beer—must be sold at a minimum price of \$6.50 per unit.
 - Sales of fill your own type beers shall cease within one month of the date of this decision.
 - There shall be no external promotional advertising on the store except the store name and the franchise name.
 - There shall be two staff on duty at the store at all times it is open for business.
 - There shall be no remote sales from this store.
 - A new livery will be installed on the external of the store as similar as possible to the mock-up presented. This shall be completed within 3 months of the date of this decision.
 - The store will comply with the alcohol ban restrictions, its Visual Amenity Policy, its Social Responsibility Policy, its Harm Minimisation Policy and its Community Engagement Policy.

Section 119 – Restricted or supervised areas (other)

(b) The interior of the premises is designated as a supervised area.

Other restrictions and requirements to be noted on the licence

- s56 - Display of signs.
- s57 - Display of licence
- s214 - Manager to be on duty at all times and responsible for compliance.

[339] 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 **two years**.

[340] 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 16th day of May, 2024.



D.L.Blackwell, QSM.

Chairperson

Christchurch District Licensing Committee