

Decision Number: 60E [2025] 24361

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

AND

IN THE MATTER OF an application by **Southern Sun Distillery 2012 Limited** for an **Off-Licence renewal** in respect of premises situated at **1/21 Aldwins Road, Christchurch**, to be known as **'Thirsty Liquor Linwood'**

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: **Mr D Blackwell, QSM**

Members: **Ms T. Mcilraith**
Mr B. Vaughan

HEARING at CHRISTCHURCH on **26 January 2026**.

APPEARANCES

Mr S. Joseph – Director and Shareholder of the Applicant

Mr P Egden – Counsel for the Applicant

Ms M. LeMalie – Objector

Dr L Gordon – Counsel for Ms LeMalie

Ms S. Millar – Objector

Ms M. Spenner – Objector

Ms C. Hannon – Licensing Inspector - to assist

Senior Constable O. Bensley - to assist

Mr M. Saunders – Christchurch City Council Hearings Advisor

RESERVED DECISION OF THE COMMITTEE

INTRODUCTION

[1] This is an application by **Southern Sun Distillery 2012 Limited** ('the Applicant') for an **Off-Licence renewal**. The premises is situated at **1/21 Aldwins Road**, Christchurch, known as **'Thirsty Liquor Linwood'**. The application was received by the Christchurch City Council Alcohol Licensing Team on 5 September 2025.

[2] Mr Sabu Joseph advised us that he is a director and shareholder of **Southern Sun Distillery 2012 Limited**.

[3] The application states that the nature of the business is that of an **Off-Licence (bottle store)**.

[4] The Applicant has sought the following trading hours:

Monday to Sunday, between the hours of 10.00am and 9.00pm.

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

[5] A total of 21 public objections were received within the required timeframe. Two withdrew their objections, three attended the hearing and gave evidence.

[6] The application drew no opposition from the reporting agencies (the Licensing Inspector, the Medical Officer of Health and the Police)

[7] The District Licensing Committee (**'the Committee'**) members conducted a formal internal and external site visit of the premises on 30 January 2026. The Chair undertook two additional external site visits prior to the hearing where he walked around the nearby streets and looked at the location of Te Aratai College.

[8] The premises are located adjoining a block of several shops with on-site parking. The adjoining shops would be an estimated 20 years old while the Thirty Liquor store building would be much older. The applicant has held an off-license for the premises since 2012. The Christchurch District Licensing Committee, about 11 or 12 years ago, declined an application for a new off-licence at the shop closest to Ferry Road (currently Coupland's).

PRELIMINARY MATTERS

[9] No preliminary matters were raised.

[10] There were two matters that the Committee were made aware of during the hearing and we raise those matters here.

[11] Mr Egden expressed concern that Dr Gordon had not distributed her opening submissions to the parties, as directed by the Committee, putting him at a disadvantage. He only received a copy from the Hearings Advisor when he arrived at the hearing.

[12] The Chair asked Mr Egden how he would like to handle this disadvantage and he said he would proceed with the hearing and try and spend some time during the break to read Dr Gordon's submissions. He did note that there was a particular recent decision in Dr Gordon's submissions that he would have liked to research further.

After the hearing was completed Mr Egden emailed the Hearings Advisor asking if the Committee would accept a further written submission in relation to the **Alcohol Licensing Inspector, Auckland Council v**

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

Singh 13 Investments Limited [2025] NZHC 2868 (30 September 2025)² decision (Known as ‘Wickman Way’) Dr Gordon referred to.

[13] After consideration the Chair, through the Hearings Advisor, advised Mr Egden (copy to the parties) he would not reopen the hearing but noted the Committee had a copy of the decision in question.

[14] The second issue to arise was that all but one of the objectors used a format and wording that was clearly given to them. One common clause read;

‘I am concerned about the levels of alcohol-related crime, disorder, nuisance, and/or litter in the area. I believe the amenity and good order of the area would be improved by more than a minor extent if this application was approved’.

[15] Upon questioning by the Committee it was clear that the wording was not intended by the objectors and the last word of ‘approved’ should be changed to ‘declined’. The Committee accepts this gross negligence by the objectors was not intentional by them and the responsibility should be directed to the lack of care by those orchestrating the bulk objections.

[16] **THE APPLICANT**

Opening submissions of Mr Egden – Counsel for the Applicant

[17] Mr Egden’s opening submissions, that had been circulated prior to the hearing, were taken as read and he gave a brief overview of his client’s position. He noted that most of the matters were raised by the objectors at the last renewal and there is no evidence that circumstances have changed since then that would give rise to concerns.

[18] As Mr Egden summarised them by making a number of key points, he pointed the Committee to s131 and s106³ of the Sale and Supply of Alcohol Act 2012 (**‘the Act’**) as the criteria for renewal.

[19] He said the current application was not opposed by the reporting agencies and the lack of concern by the agencies makes it considerably more difficult for the objectors to justify the grounds on which they have objected.

[20] Mr Egden quoted several relevant points of case law.

² Alcohol Licensing Inspector, Auckland Council v Singh 13 Investments Limited [2025] NZHC 2868 (30 September 2025)

³ Section 131 of the Sale and Supply of Alcohol Act 2012.

Evidence of the Applicant – Mr Sabu Joseph, Director and Shareholder, Southern Sun Distillery 2012 Limited

[21] Mr Joseph's brief of evidence was taken as read. He said he had held the off-licence for the premises since 2012 and there had been no incidents of note relating to the premises, prosecutions or enforcement orders. They had not failed a controlled purchase operation.

[22] Mr Joseph said having worked in the industry since 2012 he considers he has a detailed knowledge of the alcohol business and the responsibilities that go with holding a licence to sell alcohol.

[23] Mr Joseph said the bottle store is situated in a deprived area and that he fully understands the vulnerability of some of the people that live there. He said he has a responsibility not to serve alcohol to persons who for what ever reason they consider at risk or anyone who is intoxicated, abusive, aggressive or suspected of being under the influence of drugs. His staff are fully aware of their responsibilities and their trouble-free record is a testament to this.

[24] Mr Joseph said they have a policy to not sell to homeless or vagrant persons.

[25] Mr Joseph said since the last renewal there has been no evidence of an increase in alcohol related harm, nor has there been a decrease in the amenity and good order, relating to alcohol in the surrounding community.

[26] Mr Joseph said they have fully complied with the terms of the licence imposed at the last renewal and he has amended his hours since the Local Alcohol Policy came into force.

[27] Mr Joseph said the agencies are not opposed to the renewal and he sees this as recognition that he is a responsible licensee and that they are meeting the Object of the Act.

[28] Mr Joseph said the objections appear to be orchestrated by the Hauora Trust. They follow the same template, and apart from one or two they have all been filed by the Trust using the Trust's email address.

[29] Mr Joseph said it is difficult for him to answer the objections as they are all generalised and lack specific details of the matters complained of.

In answer to questions from the Committee Mr Joseph answered or said: (not an exhaustive list)

[30] He has CCTV coverage internally and externally although the external cameras are currently being repaired.

[31] Any deliveries are delivered to the storeroom through the rear of the building.

[32] His store does not initiate internet sales but any would come through head office in Auckland. They have such orders delivered and buyers are checked for ID and intoxication. They do have some orders come back due to failing those tests. He thought sales through the internet would be 5 – 6 percent of total sales.

[33] He said he considers his customers loyal and he knew most of his customers.

[34] Currently he has three staff plus himself. Should staff take their break they put a note on the door.

[35] They would not sell to anyone in school uniform. He said he has had a group enter the store in school uniform and he explained to them his store policy and declined their sale. He said they were not happy.

[36] He sells the specials in the regular Thirsty Liquor promotions. Other than specials of older stock he does not have specials just for his store.

[37] He said if they are aware of any person asking for money outside the store they would not sell to them. He said they trespass people who are shoplifting but as they do not have the ability to hand them the formal document they put their photos on the front door. They have not been asked by anyone to trespass themselves but would offer that service if asked.

[38] He conducts monthly training with his staff.

[39] He does not need to call the Police very often. He outlined a situation in 2025 where a person wanted to trade alcohol for electronic goods. His staff refused this offer and when they saw he was getting aggressive and intimidating with other people outside the store they called the Police.

[40] He said he would have called the Police 2 – 3 times last year.

[41] He does not sell bulk spirits, Nitro or single RTDs. RTDs are sold in packs of 4, 6, 10, 12, or 18. He does not breakdown packs of mainstream beers.

[42] He picks up any rubbish outside the store daily and goes 60 – 70 metres each way. Sometimes there is alcohol litter and sometimes there is none. He noted there are two rubbish bins outside the store.

[43] He said the orange colour was dictated by head office but he was comfortable to make some changes to the building colours

[44] He said he closes at 8.00 pm on Sunday and Monday as they are quieter days. Asked if he would consider closing every day at 8.00 pm he said he would be concerned people would just go to other stores to buy.

[45] He confirmed there is no alcohol ban near his store.

[46] They stop anyone who looks underage or in school uniform at the door.

[47] He said staff identify anyone who comes multiple times a day and stops selling to them and the same for anyone who appears intoxicated.

[48] He has been into Edmonds Gardens a couple of times and did not see anyone intoxicated or any alcohol litter.

[49] He sells 7 items of cigarettes and 2 vape items which are in a cabinet, not visible and people need to ask for them. He said he made a mistake not noting them in the application form.

THE INSPECTOR

[50] Ms Hannon appeared as the Alcohol Licensing Inspector and did not oppose the application.

[51] Ms Hannon said the Applicant had sought the renewal on the same terms and conditions as the licence currently in force. Ms Hannon supplied to the Committee a comprehensive report and detailed her assessment in relation to the requirements of 105.

[52] Ms Hannon said having enquired into the application she had no matters or concerns to raise in opposition to the application.

[53] While Ms Hannon did not give a Brief of Evidence, she made herself available to answer questions.

THE POLICE

[54] Senior Constable Bensley appeared for the New Zealand Police and did not oppose the application.

[55] Senior Constable Bensley presented Alcohol Contributing Factor data (ACF) for the previous five years. She said a comparison with the previous ACF report completed in August 2024 shows a decrease in alcohol related harm incidents and, although the volume of harm remains significant, this reduction indicates a modest downward trend in incident frequency over time.

[56] Senior Constable Bensley said there were multiple sensitive sites within one kilometre of the premises including three schools, seven early childhood education centres and five places of worship.

[57] Senior Constable Bensley said since the last renewal Police have not identified any new compliance concerns or issues significant enough to form grounds for opposition under the Sale and Supply of Alcohol Act 2012.

[58] Senior Constable Bensley said the operation of the premises had not raised any additional enforcement problems nor has it demonstrated non-compliance that would justify opposition to this renewal.

In answer to questions from the Committee Senior Constable Bensley answered or said: (not an exhaustive list)

[59] There are very few issues for the Police coming from this store. Just perhaps the odd shoplifting incident.

[60] She said her records show no CPO at this store. (The Inspector confirmed their records show one in 2023 that was a pass).

[61] She said while the Thirsty Liquor does not come to the Police's attention the stores further along do attract unsavoury characters, mainly shoplifting at the butchers and bakery.

[62] She was unaware of any issues with Edmonds Park but a hotel nearby is used for emergency housing and the park is probably frequented by those people.

[63] She said the decrease in incidents surprises her a little but it is just what the computer spat out.

[64] She said in her view Ta Aratia College is now a much better school and that may have helped bring down the incidents recorded.

[65] Asked how the Police statistics differentiate between drugs and alcohol she said she was unsure but drugs might be more than a third. They can detect alcohol much easier than drugs.

[66] She said the ACF data was about the worst in Christchurch outside the central city.

THE OBJECTORS

[67] There were three public objectors who attended the hearing, Ms LeMalie (represented by Dr Gordon), Ms Spenner and Ms Millar.

Opening submissions of Dr Gordon - Counsel for the Objector (Ms LeMalie)

[68] Dr Gordon's opening submissions were taken as read and she was given a short time to verbally summarise those submissions.

[69] Dr Gordon said the store is located in an area determined as decile 9 and she said the Inspector notes the store is within the presumptive area for a freeze on new licences.

[70] Dr Gordon said according to the High Court in a recent decision, known as 'Wickman Way', despite clear intentions of the 2012 Act to change the direction, in practice the Act as applied has failed to bring alcohol-related harm into the centre of decision making around licences.

[71] Dr Gordon then went into considerable detail around the Wickman Way decision and said that decision is calling for a new focus on the object of this Act, and in particular a new focus on the minimising of harm in the communities. She said her client identifies numerous similarities between the facts underpinning the 2025 High Court decision in Wickman Way and this licence renewal.

[72] Dr Gordon said this is the first renewal to come up in a location similar to the Wickman Way decision.

[73] Dr Gordon said should the licence be renewed Ms LeMalie would want to see the bright orange colours removed, signage saying beers wine and RTDs removed and just one sign at the top of the building. She would want the store to open after school has commenced and to close early and no alcohol product shall be sold under \$7.00.

Evidence of Ms LeMalie

[74] Ms LeMalie's brief of evidence was taken as read.

[75] Ms LeMalie said she was the principal of Te Aratai College and is in her second year in that role.

[76] Ms LeMalie said Thirsty Liquor sits just 350 metres from her school gates and is a lived reality to students and community whom navigate an environment where alcohol harm is visible and normalised.

[77] Ms LeMalie said Te Aratai College serves one of Christchurch's most deprived communities and research consistently demonstrates that proximity to alcohol outlets is associated with increased hazardous drinking and crime, and that alcohol outlets are more often located within specific geographical areas unfairly targeting more deprived areas.

[78] Ms LeMalie said her observations have shown her that students whose home lives are disrupted by the effects of alcohol harm impacts the ability to emotionally regulate their behaviour and engage in meaningful study. This leads to short term attendance issues and in the longer term a reduction in life opportunities.

[79] Ms Lemalie said Thirsty Liquor is located near local shops, such as Coupland's, which is a popular lunch spot. She said her senior students have permission to access local shops in their lunch break which further heightens exposure during school hours.

[80] Ms LeMalie said the school adjoins Edmonds Garden, a public park which is routinely used by her students as a short cut during their travels and it is an area students gather for lunch on occasions when

skipping class. She said she has personally observed alcohol litter in Edmonds Gardens and on some occasions public drinking in school hours.

[81] Ms LeMalie said she had on one occasion called the Police after an intoxicated adult attempted to enter the school grounds, falsely claiming to be a teacher.

[82] Ms LeMalie outlined the extensive signage of Thirsty Liquor and stated the whole style of the premises is to promote alcohol consumption in this community.

[83] Ms LeMalie listed several on and off licences up to one kilometre of Thirsty liquor plus three vape stores and ten takeaway stores. She said families had expressed concerns about the surrounding area in relation to safety and exposure of alcohol related harm. She said ultimately these concerns influence enrolment decisions and community confidence.

[84] Ms LaMalie listed numerous research documents to support her objection.

[85] Ms LaMalie noted the Christchurch City Council's new Local Alcohol Plan which restricts new bottle stores from opening within 200 metres of secondary and primary schools.

[86] Ms Lemalie said Te Aratai College is not alone with schools across Christchurch's eastern and southern suburbs all being situated in communities with a high concentration of liquor outlets.

In answer to questions from the Committee Ms LaMalie answered or said: (not an exhaustive list)

[87] She said she has had about 35 years of experience within the East side of Christchurch.

[88] She has no specific evidence that the person or persons drinking in the Edmonds Gardens were drinking alcohol from Thirsty Liquor. The school has assigned several deans to patrol the Edmonds Gardens to ensure the pupils are safe.

[89] They have moved to make Edmonds Garden and Park out of bounds for their pupils.

[90] Queried about her original objection stating that the area would be enhanced should the licence be renewed she said it was a tick box that generated that statement.

[91] She had never objected to any other licence in the area.

[92] She said the school has grown in recent years to about 1400 pupils.

[93] She did not make a submission as part of the public consultation towards the new Christchurch City Council Local Alcohol Plan.

[94] She said she wrote her own evidence.

[95] She said should a licence be granted signage should be minimised. Young people are attracted to fancy advertising.

[96] She said she could not say the issues she talked about in relation to intoxication were directly related to Thirsty Liquor.

[97] She agrees there is no evidence of under-age persons purchasing from Thirsty Liquor Linwood. She agreed it was a credit to Thirsty Liquor Linwood that they are not selling to underage people.

[98] Ms LeMalie said she was aware of the recent closure of the Woodham Road off-licence but it was too far for children to walk.

Evidence of Ms Spenner

[99] Ms Spenner's evidence was taken as read.

[100] Ms Spenner said she was a counsellor based at Waipuna (St John of God Hauora Trust) working primarily with young people 12 – 25. She has worked for the Trust for three and a half years and noted the level of need, in quantity and type, in communities has risen dramatically in past years.

[101] Ms Spenner said the significant part of her work involves children and young people affected by alcohol use in their families and said addiction within the home has a major and ongoing impact on young people's mental health. She said she is a witness to a variety of stages of alcohol harm.

[102] Ms Spenner outlined a number of the type of incidents around alcohol that impact young people at the various ages up from about 12 years to 25 years of age. She said her clients come from across Christchurch, most being from the eastern side of the city and she visits Te Aratai College approximately once a week.

[103] Ms Spenner said Thirsty Liquor Linwood is highly visible due to it being bright orange. She said obtaining alcohol is easy to access as if they are underage they can get other people to purchase it for them.

[104] Ms Spenner said she has constantly observed that children whose parents have alcohol (and other drug) addiction issues are less engaged in school life due to the absence of parental involvement and support. She said most of the young people she sees are referred because of refusing to attend school and she would see 15 – 20 per year who fit this pattern.

[105] Ms Spenner outlined her personal experience and the experience of her family with alcohol although not in New Zealand.

In answer to questions from the Committee Ms Spenner answered or said: (not an exhaustive list)

[106] Her goal was to reduce alcohol harm as much as possible. She would like to see a reduction in hours and a good watch for children in school uniform.

[107] She said her clients tell her how easy alcohol is to obtain and it is now recognised that some parents will just buy alcohol for their children.

[108] There has been a big increase in mental health issues.

Evidence of Ms Millar

[109] Ms Millar said she is the trust manager for a local youth trust operating from Waltham. She said she works alongside seven colleagues at several schools including Te Aratai College. She said they also have a mobile youth centre operating at Eastgate Mall on alternate Wednesdays.

[110] Ms Millar said based on her experience she is concerned about the cumulative harm caused by alcohol availability in Linwood. She said she believes the high density of outlets and the location of the premises contribute to an environment where alcohol is perceived as readily available to minors.

[111] Ms Millar said she has observed alcohol related litter around the Te Aratai College grounds and it is not an uncommon practice for her staff to collect alcohol related litter prior to community and school initiatives.

[112] Ms Millar said through conversations in her role she is aware that alcohol is accessed through means such as fake IDs, shoulder tapping adults around the liquor stores and alcohol being supplied within an individual's household.

[113] Ms Millar outlined several instances where clients have confided in her.

[114] Ms Millar said they regularly deliver initiatives around the area at Eastgate Mall, Linwood Library and community parks. She said prior to events her staff regularly inspect the area and remove broken glass and other alcohol related litter. They regularly observe members of the public engaging in public drinking.

[115] Ms Millar said, in her view, the amenity and good order of the area has been degraded by the visible alcohol related harm. She said community meetings have been held to address increasing concerns about antisocial behaviour and the number of displaced individuals congregating around Eastgate Mall.

[116] Ms Millar said the bright orange signage of Thirsty Liquor is visually dominant and stands out within the streetscape.

In answer to questions from the Committee Ms Millar answered or said: (not an exhaustive list)

[117] Her trust works entirely in the Linwood area.

[118] She said they try to be pro-active but probably 90% of their work is reactive.

[119] She said she is the only full-time employee of the trust but they have 5 others who are part time.

[120] She said removing Thirsty Liquor will not fix the alcohol problem as she thinks drinking culture in New Zealand is very entrenched and it will take generations for that to change completely. The problem is national and not just Linwood but she is very passionate about Linwood.

[121] The alcohol problem is a generational issue as young people see drinking in the home and to them it appears normal.

[122] She said she was not aware young people were not permitted by law to enter a liquor store.

[123] She said compared to a supermarket the liquor store is contributing more to alcohol exposure due to the large number of signs at the likes of Thirsty Liquor.

[124] She said one of her staff, when in discussion with a young person, was told they all had easy access to fake IDs.

[125] She said she believes there is more risk with bottle stores being in residential areas, like Thirsty Liquor, rather than commercial complexes.

Closing submissions

Dr Gordon for the Objector

[126] Dr Gordon said the 2012 Act was a new system of control where licences were hard to get and easier to lose. There was no presumption a licence would be granted either new or a renewal.

[127] Dr Gordon said in the past unless harm could come back to a particular store the licence would be granted. She said the Wickman Way decision has changed that thinking.

[128] Dr Gordon said there are a lot of similarities with this case to the Wickman Way decision.

[129] Dr Gordon said the crime rate in the area is the second highest in Christchurch.

[130] Dr Gordon said this operator might be the best conveyer of alcohol but the store is in the wrong place.

[131] Dr Gordon said should a licence be granted the signage and colour should be changed to just one sign with the name and nothing else. She said this will reduce harm as it will not be in the face of the students.

[132] Dr Gordon said should a licence be granted there should be a minimum price of \$7.00 on any alcohol.

Mr Egden for the Applicant

[133] Mr Egden said most of the things he wanted to say were in his opening submissions and he would not repeat those. He said nothing in the evidence presented would change those submissions.

[134] Mr Egden said alcohol related harm should be factored into any decision. He said shutting down one store does not mean there will be a lessening of alcohol related harm as people will just buy elsewhere.

[135] Mr Egden said Mr Joseph meets the enhanced suitability test. His experience and knowledge of the community and its needs assists in promoting the amenity and good order of the location and diminishes alcohol related harm.

[136] Mr Egden said the agencies have no objections and they are the experts in the field.

[137] Mr Egden said in the broader area three licences owned by a Mr Singh have been closed down. The store in question is one of two in the locality so there has not been a proliferation of licences in the locality.

[138] Mr Egden said Mr Joseph was open to making some changes to the livery of the building, particularly the orange colour of the building.

NON PUBLICATION ORDER.

A non-publication order shall be in place that prohibits the publication of any details that would identify persons or families that the objectors work with.

The Committee does not think any of the evidence presented does identify individuals but agrees the non-publication order gives some comfort to the objectors.

EVALUATION AND FINDINGS

[139] We are dealing with an application for renewal of an Off-Licence which has now been in place for around fourteen years. It is a given that there can be no presumption that a licence will be renewed. Nevertheless, we must also have regard to the fact that this is a long-established business in which the Applicant has a significant investment, which offers employment to several staff members and which has received no significant direct criticism at the hearing, other than its signage.

[140] We note none of the tri-agencies opposed the application. As these people are the professionals in the field we place considerable weight on their non-objections.

[141] There was some discussion at the hearing about the proliferation of off-licences in the area. The Committee has studied the documents supplied by the Police which shows two full service bottle stores (one of which is Thirsty Liquor Linwood) and one brewery within the 1 kilometre circle. Both those bottle stores have been operational for many years.

[142] The Committee is aware in the wider area three stores owned by a Mr Singh were closed in recent years due to employment transgressions. One of those closed stores in Woodham Road was extremely close to one of Te Aratai College's feeder school, North Linwood. In the opposite direction, and very recently, the Committee understands another off-licence has closed near another Te Aratai College feeder school, Waltham.

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

[144] 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.

SITE VISITS.

[145] As stated the full Committee made a formal visit to the site at about 12.00 noon on the Friday the same week as the hearing and looked at the facility internal and externally as well as assessing the location. The Chair undertook two additional site visits prior to the hearing to assess the external of the building and walk the nearby streets. Those visits were on a Friday about 11.00 am and late on a Sunday morning.

[146] The Committee noted the internal of the store was well laid out and extremely tidy. On those three site visits there was not any sign of litter near the store or in the surrounding streets. The Chair said he had visited Edmonds Park on numerous Saturdays to watch his grandchildren's sport and he always noted the Park was in excellent order. On those occasions the Trustees were even there to assist with parking.

[147] On the site visits the Committee noted the excessive signage and the very dominant orange colour of the signage on much of the building. The Committee was also concerned that some alcohol was visible when they approached the front door. One of the objectors noted that there was some alcohol pricing visible from the outside although that was not there when the Committee did the site inspection. We did note that the front door is accessed up a walkway parallel to the footpath and the visible alcohol would probably not be visible if people were just walking past.

LOCAL ALCOHOL PLAN (LAP)

[148] Following considerable community consultation the Christchurch City Council recently implemented a Local Alcohol Plan. The Committee understands the only impact on Thirsty Liquor Linwood is that the closing time is now 9.00 pm.

[149] The LAP places a freeze on the issue of new off-licences over a significant portion of Christchurch including the location of this store. Being a licence renewal Thirsty Liquor Linwood is excluded from this clause.

[150] In areas where new licences are permitted the LAP places a minimum distance those new licences should be from certain sensitive sites. We note the distance from a secondary school should not be within 200 metres. Although not relevant to this application/site Thirsty Liquor Linwood is more than 200 metres from Te Aratai College.

SUITABILITY OF THE APPLICANT

[151] It was evident during the hearing, signage aside, that there was no negative evidence what so ever in relation to how Mr Joseph operated the bottle store. The Committee was very comfortable with the procedures he detailed for dealing with any potential under age or intoxicated persons.

[152] Mr Joseph has around 14 years' experience running the store and that length of service is certainly a positive. Over that time he has passed the only CPO that has been conducted.

[153] The Committee notes Ms LeMalie's comments agreeing there is no evidence of under-age persons purchasing from Thirsty Liquor Linwood and she agreed it was a credit to Thirsty Liquor Linwood that they are not selling to underage people.

[154] The Committee accepts that Mr Joseph understands that he operates in a vulnerable area and clearly has developed procedures to ensure he minimises harm as much as possible. It does appear to the Committee that theft or attempted theft is a problem for him but which he deals with efficiently.

[155] The Committee accepts that he meets a high level of suitability or as it is often referred to as enhanced suitability.

SIGNAGE

[156] The extensive signage on the building was discussed by all three objectors and the Committee agrees it is excessive. The objectors all said such highly visible signage created alcohol harm through being so visible to children and the community who are walking past.

[157] The Committee would want any signage substantially reduced and the rest of the building painted a more subdued grey or charcoal colour. All of the orange signage on the glass windows should be removed and the glass frosted to a height of 1.5 metres, including the front door. No alcohol should be stacked inside the store that would be reasonably visible from the footpath.

[158] Signage at the top of the building shall state no more than Thirsty Liquor Linwood and contain one Thirsty Liquor logo. This same signage shall be permitted at the top the building at either side at right angles to the footpath.

AMENITY AND GOOD ORDER

[159] The evidence of the three objectors generally focussed on two areas relating to amenity and good order. Those being the excessive signage of Thirsty Liquor Linwood and the damage done to children walking past by normalising alcohol in the community. The Committee agrees the signage is excessive and should be significantly reduced. We have discussed this elsewhere.

[160] The other point raised by the objectors was that in the general area many households were impacted by alcohol harm and that harm in young children was often intergenerational. Both Ms Spenner and Ms Millar clearly articulated the type of young persons they worked with. Other than the persons Ms Millar and Ms Spenner worked with there was no evidence presented how widespread or the number of households that were impacted by alcohol related harm.

[161] The Committee accepts that there is likely to be alcohol harm right across Christchurch. In this location with a decile rating of 9 alcohol related harm would be more prevalent in households in the general area.

[162] After considering the amenity and good order very carefully and weighing it up against the Wickman Way decision the Committee believes, with a significant change to conditions imposed in this decision, the alcohol harm in the location can be reduced and minimised.

WICKMAN WAY DECISION

[163] The Wickman Way decision was presented to the Committee by Counsel for Ms LeMalie as a new decision that will significantly impact all Committee decisions across New Zealand. The Committee has very carefully analysed this decision and agrees it will enable and remind committees that it is vital they look beyond the operation of each store when making decisions.

[164] The Committee particularly notes the following from the Wickman Way decision:

‘It is sufficient for there to be an evidential foundation to suggest that there is a real risk of harm from the grant of the licence. If there is a real risk of harm from the grant of the licence, the object of minimising harm is engaged, meaning reduced to the smallest possible degree’

[165] The Committee has compared the location and issues raised in Wickman Way with Thirsty Liquor Linwood.

[166] The Wickman Way (WW) application was for a new Off Licence because although the premises had been operating since 2014 the business was purchased by a new owner and licence applied for in 2021.

Thirsty Liquor Linwood (TLL) has been operated by Mr Joseph since 2012 and the application is for a renewal.

[167] The WW application was objected to by MOH, Licensing Inspector and public.

None of the agencies oppose the TLL application.

[168] In the WW application there is a very high intensity of existing Off Licenses - 12 within 2km.

[169] **In TLL the Police evidence shows there are two full service bottle stores within the 1 kilometre circle. We also note several bottle stores have closed or been closed in the wider area in recent years.**

[170] The WW location is a decile 10 area.

TLL is situated in a decile 9 area.

[171] There was evidence submitted in WW of alcohol related harm in the form of stats that related to crime and medical incidents where alcohol was a factor.

We accept Police ACF data is high in the TLL general area but we do note the number of calls is reducing.

[172] In WW the evidence from Police at the ARLA hearing was compelling in relation to high incident's of crime in the area.

In TLL other than the ACF data the Police evidence was that they had very few issues associated directly with TLL.

[173] In WW there are 2 schools more or less directly across the road opposite the premises and the pedestrian crossing to the schools is directly outside the store.

The recently published Christchurch City Council LAP, produced after widespread community consultation, states that for new licences schools should be 200 metres from a school. Te Aratia College is more than 200 metres from TLL.

[174] The WW store can be seen from the football field of 1 of the schools.

We have covered the TLL signage elsewhere and agree it is excessive in the extreme however we can deal with this through conditions.

[175] Photographic evidence of the alcohol related litter in WW not only outside the store but also in the schools and daycare centre which was described as "particularly disturbing" even though there is no need to show a causative link to the store.

[176] **There was no photographic evidence of litter presented in the TLL hearing and none was seen, alcohol or other, during the three site visits by the Committee as discussed elsewhere. Ms LeMalie did talk about some litter, not necessarily directly related to TLL, but the Committee does not consider that the litter is more than that is seen at any part of Christchurch and certainly not at the level outlined at the WW hearings.**

[177] 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.*

[178] 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).*

[179] 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.*

[180] 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.*

[181] We shall deal with these in order:

The object of the Act

[182] 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?”

[183] It follows that we defer this consideration to last.

The suitability of the applicant

[184] As discussed elsewhere, we are satisfied that Mr Joseph is a competent and experienced operator and no objections or evidence was presented to cause any concern as to his suitability to hold a licence. No issues were raised by the agencies. Mr Joseph meets the Committee's expectation as being suitable to hold a liquor licence.

Any relevant local alcohol policy

[185] Christchurch has a recently produced Local Alcohol Policy. Other than changing the closing time for all off-licences to 9.00 pm, including Thirsty Liquor Linwood, the balance of the LAP excludes licence renewals.

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

[186] The Applicant sought the same hours as his current licence – 10.00am to 9.00pm, Monday to Sunday. These hours are within the default hours set out in the Act. At that hearing, Mr Joseph said he closed at 8.00 pm on Sunday and Monday.

[187] In its deliberations the Committee discussed at length the 9.00 pm closing time and did consider an 8.00 pm closing on all days. There was no evidence presented at the hearing to convince the Committee of any need to change the current hours and the Committee notes the LAP recently reduced the hours of operation. The Committee does think the current 8.00 pm closing on Sunday and Monday should be part of the opening hour conditions.

The design and layout of any proposed premises

[188] 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 store appeared to be very neat and tidy.

[189] One objector did raised the issue that some alcohol pricing was visible from outside the building. Although it was not there during site visits, Mr Joseph said at the hearing it was a printed sheet with the Thirsty Liquor specials.

[190] At the hearing Mr Joseph agreed that he would change the highly visible profile of his building and the signage. As discussed elsewhere the Committee does agree with all three objectors that the visibility of the building and the signage is excessive.

[191] As part of this licence renewal the Committee will impose significant conditions requiring the building to be painted in muted type colours and the only signage permitted shall be at the top of the building. There shall be no chevrons.

[192] It is the view of the Committee that with the changes to the design, as detailed, the building will have a very much lower profile and it will assist greatly in reducing the normalization of alcohol in the community to children and others who walk past the store. These changes are very much in-line with what all three objectors recommended should the licence be renewed.

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

[193] Mr Joseph does sell some cigarettes and vapes but stated these are kept in a cabinet and customers need to ask for them specifically.

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:

[194] No issues have been raised.

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

[195] The Applicant appears to have good systems in place to cover administrative and compliance matters as well as staff training. No issues were raised by the agencies or the objectors.

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

[196] No issues were raised by any of the agencies.

Amenity and Good Order

[197] 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.

[198] We have carefully reflected on the amenity and good order of the locality and considered factoring in the changes to the current signage. 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. We think the significant changes to the signage and the profile of the building will make a significant improvement to the area.

[199] 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 Thirsty Liquor Linwood 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. The renewal of the Off-Licence can be granted.

DECISION

[200] The decision is that the Off-Licence for Southern Sun Distillery 2012 Limited trading as Thirsty Liquor Linwood will be renewed for a period of **three years**. It 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:

Tuesday to Saturday 10.00 am to 9.00 pm.

Sunday and Monday 10.00 am to 8.00 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.
- Packs of mainstream beers and RTDs must not be broken down and sold as singles. RTDs must only be sold in not less than 4 packs
- Minimum pricing of \$6.50 shall apply to any alcohol sales.
- The applicant shall daily collect any litter with a reasonable distance either way of the store.
- The applicant shall not permit beggars or homeless people in the bottle store.
- The applicant will, within three months of the date of this decision, amend the signage and bright colour of the building as detailed elsewhere in this decision.
This will include the removal all signage, including chevrons, below the signage on the top portion of the building.
The windows including the door shall be frosted to a height of 1.5 metres high.
The balance of the building shall be painted a more neutral colour, ideally a grey or a charcoal colour.
The signage at the top of the building on the three sides shall include the name of the store and one logo only.
- There shall be no alcohol products stacked against the glass frontage of the building which would make alcohol products visible to those walking past.
- There shall be no pricing, flyers etc. visible to those walking past the store.
- No remote sale deliveries shall be made after one hour before the closing time of the store.

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.

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.

[201] 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**.

[202] 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 4th day of March, 2026.



D.L.Blackwell, QSM.

Chairperson

Christchurch District Licensing Committee