

Decision Number: 60F [2024] 19824

IN THE MATTER OF

the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF

an application by **BIG DADDYS LIMITED** for renewal of an On and Off-Licence in respect of the premises situated at 151 Waltham Road, Christchurch and known as '**Big Daddys Liquor Brougham Tavern**'

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: Mrs M Redstone
Members: Mr D Blackwell
Mr D Ivory

HEARING at CHRISTCHURCH on **3 and 4 October 2024**

APPEARANCES

Ms P Davies – Counsel for the Applicant
Mr H Singh – Director of the Applicant
Dr L Gordon – Counsel for the Objectors
Mr J Minto – Objector
Ms B Summers – Objector
Mr J Young – Counsel for the Inspector
Ms A Lavery – Licensing Inspector, opposed
Ms P Williams – on behalf of the Medical Officer of Health, opposed
Sergeant D Robertson – NZ Police, opposed

RESERVED DECISION OF THE COMMITTEE

INTRODUCTION

[1] This is an application by **BIG DADDYS LIMITED** ('**the Applicant**' or '**the Applicant Company**') for an On and Off-Licence. The premises is situated at 151 Waltham Road, Christchurch and known as **Big Daddys Liquor Brougham Tavern**'. The application was received on 1 March 2022. The current Licences have an expiry on 27 March 2022. The delay in hearing the application resulted from the Agencies awaiting the decision of ARLA in relation to licences held by Big Daddys and Karman Enterprises Limited.

[2] The current Off-Licence¹ for the bottle store attached to the premises, although the stock is quite depleted. The current On-Licence² for the Brougham Street Tavern has not operated since at least February 2023.

[3] The Applicant company has one director, Hardeep Singh.

[4] The application states that the nature of the business is that of a Tavern and Bottle store. The current trading hours under the Licences are as follows:

Tavern: Monday to Saturday, between the hours of 8.00am and 2.00am the following day;
Sunday, between the hours of 08:00am and 11:00pm.

Bottle Store: Monday to Sunday, between the hours of 8:00am and 10:00pm

[5] The Tri-Agencies, Inspector, Police and Medical Officer of Health, are opposed to the renewal applications.

[6] Ten public objections were received within the required timeframe, with two objectors appearing at the hearing.

[7] The Committee individually undertook a site visit of the premises and surrounding area prior to the hearing, although none of them entered into the premises on those visits, noting that only the bottle store was open. At the end of day one of the hearing, the Committee made a site visit and observed the premises.

[8] By agreement Opening Submissions were taken as read, with Counsel highlighting certain aspects of their opening submissions. Similarly, Briefs of Evidence were taken as read, with witnesses given the opportunity to highlight or elaborate on their briefs of evidence before cross-examination.

THE APPLICANT

[9] Ms Davies, Counsel for the Applicant, submitted on behalf of the Applicant to the Committee.

[10] Mr Hardeep Singh gave evidence for the applicant. He set out his background in the industry, saying he was a very experienced operator with 26 years working in the alcohol industry. He was the Director and Shareholder of both Big Daddys Limited and Karman Enterprises Limited and had owned restaurants and bottle stores in Auckland, Christchurch and Timaru.

[11] Mr Singh was very critical of the Agencies opposition, saying he was innocent of any wrongdoing. Under cross-examination he disagreed that there had been only one duty manager for the On and Off Licences on more than one occasion, refuted any deficiencies that led to ARLA suspending his licences, and felt the Agencies were on a mission to put him out of business.

¹ 60/OFF/48/2019

² 60/ON/295/2019

[12] Although a Duty Manager told the Inspector that the staff were experienced and did not need training, Mr Singh was able to provide training records for staff. He said in his brief of evidence that staff training was carried out when new staff were onboarded and then every six months.

[13] In his evidence in reply, Mr Singh reiterated that he did not allow one duty manager to manage the Off-Licence and the On-Licence at the same time. He said “there is always a duty manager on duty when we are selling and supplying alcohol. If no duty manager is available, we put up a sign saying, ‘no alcohol will be sold today’”. However, when the Inspector visited, she found people playing the gaming machines, with neither alcohol nor food being available.

[14] Mr Singh said in evidence that his statement to the Chief Inspector and Sgt Robertson that he intended to sell off the various premises and exit the industry was said out of frustration following the ARLA hearing. Although a number of premises have been sold, Mr Singh assured the Committee that he wishes to retain the Brougham Street premises as he says it is his “only source of income”.

[15] In response to questions put by the Tri-Agencies, Mr Singh became agitated and/or sought to remedy matters by providing new information during the course of the hearing, or by offering to provide documents “tomorrow”. The Committee solicited similar responses, and it became increasingly frustrating for all involved to find that documentation that would normally be expected to be provided with the original application was either missing, was incorrect, or did not belong to Big Daddy's Brougham Street, but rather to other business either owned, or previously owned, by the applicant.

THE INSPECTOR

[16] The Inspector, Ms Anneke Lavery, was represented at the hearing by Mr John Young. Mr Young's opening submissions were taken as read, with him highlighting the evidence to be provided by the Inspector.

[17] Ms Lavery relied on her report which was taken as read. At the time of writing her report there were matters of concern raised, some of which have been addressed.

- (a) Planning and building matters which have been responded to in the time between the report and the hearing and it was confirmed the building had a current Building Warrant of Fitness and that Fire and Emergency NZ have advised that compliance issues have been addressed.
- (b) Notification of Duty Managers – there had been ongoing discussions between the applicant and Mr Dave Joker (the previous Chief Licensing Inspector). There was disagreement between the applicant and the Inspector as to errors in the current list of Duty Managers held by the Council to the extent that the Committee acknowledges that there have been issues over an extended period of time, and these are largely now resolved.
- (c) The Licensed area - the plan provided with the application differed vastly to information provided during monitoring visits, with no Variation applied for in conjunction with the renewal

application. Mr Singh has changed his mind several times as to how he intended to use the premises.

- (d) Duty Managers – the Inspector advised that on a number of visits to the premises she had found only one Duty Manager operating both the On and the Off Licences (the Tavern and the Bottle Store). The applicant strongly disputed this, except, he said, on one occasion only when a staff member was sick. However, the Inspector’s visiting notes showed a number of occasions on which there was only one manager on duty for both premises, and this evidence was supported by both the Police and the Medical Officer of Health.
- (e) Availability of Food – on numerous visits it was found that although staff advised that the premises were shut because of staff shortages, in fact the premises were not in a state to be opened with insufficient food being available, and on one visit, a deep fryer being in parts on the floor.
- (f) The vulnerability of the surrounding area and how that had changed over the period of the licence being held. There had been a hotel on this site since 1868. However, with changes in the use of the surrounding land, the Inspector now held concerns as to whether the licence was still viable and appropriate for the area, given the changes in deprivation, along with the amenity and good order of the surrounding area. The Inspector provided information from the University of Auckland Medical and Health Sciences which indicated an overall IMD ranking of 7 but noted this information was produced in 2018, some six years ago and there had been a considerable increase in social housing and the consequent vulnerability of the area since that report.

THE MEDICAL OFFICER OF HEALTH

[18] Ms Paula Williams appeared as the representative for the Medical Officer of Health (‘MOH’) opposing the renewal application. She produced notes in relation to visits to the premises. She supported the concerns raised by the Police and Inspector and her notes from visits supported these concerns. She spoke of the high risk in a highly deprived area and said she "was surprised at his (the Applicant's) lack of awareness".

[19] In closing, Ms Williams said she maintained her concerns around the ability of the Applicant to provide sufficient food from the kitchens. In final submissions Ms Williams said she had not heard anything in the course of the hearing that would change her view that the Applicant was not suitable and the licence should not be renewed.

THE POLICE

[20] Sergeant Dave Robertson appeared on behalf of the New Zealand Police. On 6 April 2022, when Police first opposed these applications, their report reflected the then pending applications to cancel all

licences held by the applicant under both Big Daddy's Limited and Karman Enterprises Limited were awaiting determination by the Alcohol Regulatory and Licensing Authority (ARLA).

[21] Without wishing in any way to relitigate the ARLA complaints and decision, he noted the Authority's previously expressed view that "while it remains their function to hear and determine enforcement applications, the Committee for the relevant local authority should still consider the circumstances and background to any alleged failings as part of the subsequent renewal process".

[22] In response to Mr Singh's evidence that following the ARLA hearing many of his licences were renewed unopposed, Sgt Robertson said they were renewed unopposed on the basis of Mr Singh's undertaking to him and Mr Joker to sell off all the businesses he owned and exit the industry.

[23] Sgt Robertson said that on monitoring visits by the agencies over the last renewal period it was apparent that the premises held insufficient food and cooking facilities to ensure that food was readily available to patrons. However, patronage was noted as minimal with often no more than one or two persons present playing the pokies, and the premises has been closed for almost two years now.

JOINT CONCERNS OF THE AGENCIES

[24] The Agencies had similar concerns about lack of sufficient duty managers when the premises were open, lack of food and water available for patrons, the proposed reconfiguration of the premises with no variation having been sought, the history of minimal patronage, the vulnerability of the surrounding area, the intention of the applicant to continue to operate the premises himself, and the ongoing suitability of the applicant to hold a licence.

THE OBJECTORS

[25] As stated above in paragraph [6] there were ten public objections, with Mr John Minto and Ms Bronwyn Summers appearing at the hearing with Counsel, Dr Gordon.

[26] Dr Gordon referred to, and highlighted, some aspects of her opening submissions. She pointed to the extended suitability threshold required of an applicant operating within an extremely highly deprived area and said her clients would tell the Committee of their personal observations of the area surrounding the premises, and reasons for their belief that the amenity and good order of the area would be considerably increased by a refusal to renew these licences.

[27] Mr Minto gave evidence of living on York Street, some 730m from the Big Daddys premises. He noted that there were 15 off-licences within a five-minute drive from his home, not including supermarkets and other outlets not classed as bottle stores. He said he has objected to another off-licence renewal in the area.

[28] He and his wife have observed what he described as heavy drinking within their neighbourhood, with a couple of cases of people who regularly walk around the neighbourhood at various times of the day and night, drinking from either beer or RTD cans. Mr Minto and his neighbours have had to call

ambulances on at least two occasions in the past couple of years to tend to people who have fallen whilst intoxicated. When asked if he took photographs to produce in evidence, he said he did not as it would be disrespectful to those persons and their families.

[29] Mr Minto described the social housing in the area, with many hundreds of particularly vulnerable people living within a three-minute walk of the premises, and said, in his view, Big Daddys offered no value at all to the local community. The On-Licence has not been operating for some time, and the local community was better off without it. He felt it's re-opening would negatively affect the amenity and good order of the locality.

[30] Ms Summers (Mr Minto's wife) noted the numerous sensitive sites in the area including schools and pre-schools, churches, a satellite campus of Ara, Kianga Ora housing, Council housing, community organisations such as the Laura Ferguson Brain Injury Trust rehab centre in Brougham Street, Waltham Cottage, Community Corrections and the many reserves and playgrounds.

[31] She said the social housing housed many people with serious mental health and addiction issues. She assists at the Waltham Cottage, located 300m from Big Daddys, and which gives free meals and provides other assistance to those in need. When asked if a premises containing an extensive restaurant would benefit the area, she said that, from her own observations, most people living in the community could not afford to go out to restaurants. Because of the various proposed changes of use for the Big Daddys premises over recent times, she did not believe that the applicant wished to run it for any other reason than to retain his alcohol and gaming licences in order to sell it as a going concern.

[32] In summary, there are large numbers of refugee immigrants for whom English is a second language, as well as a great deal of social housing. Mr Minto and Ms Summers both work extensively in different organisations within the community, including at Waltham Cottage about 600m away from the premises.

[33] It was clear that the Applicant was unaware of this facility. In fact, he had very little awareness of the local community, how it was made up, and what its challenges are.

[34] In response the Applicant offered to work with the local community, offering to provide food and run House nights for the benefit of the community.

[35] Objectors noted the serious socio-economic deprivation, the amount of social housing, the number of sensitive sites, cheap alcohol sales and the number of off-licences within a 2km radius of the premises. The Committee notes the objections of those who did not appear, and whilst less weight can be put on these because there is no ability to test the evidence, it has in a general way considered these in reaching a decision, as most were similar to the objections of Mr Minto and Ms Summers. The input of objectors is appreciated in assisting the Committee to get a picture of the local area and the challenges faced by it.

CLOSING SUBMISSIONS

[36] The Committee has read all the closing submissions and has taken the opposing views and authorities to support those views into account in reaching a decision.

EVALUATION AND FINDINGS

[37] Having considered the Application together with Agency Reports and Objections placed before it, and the oral evidence and submissions received at the hearing, the Committee must now stand back and determine whether the application for a new licence should be granted.

[38] The High Court (Clark J) in *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* (“*Lion Liquor*”) in 2018 stated that, “[t]here is no presumption that an application for a licence will be granted ...”³

[39] Indeed, the changes implemented in the 2012 Act were intended to create a robust regime under which “*licences will be harder to get and easier to lose.*”⁴ The grant of any licence is a privilege, not a right.

[40] The Committee specifically states, at the outset of its deliberations, that there is no intention, as suggested by the applicant, to relitigate the matters raised before ARLA, except to note the s.288 negative holding insofar as that reflects on suitability, particularly at the higher threshold.

[41] The Committee highlights a number of concerns, and deficiencies in the application. It has taken into account that apart from the off-licence the premises has not in fact been open for almost two years, and it accepts the Applicant's submission that it has been awaiting the outcome of this application:

- (a) The plan provided with the application was incorrect, according to Mr Singh’s evidence of having moved the gaming machines upstairs and the proposed restaurant downstairs;
- (b) No Variation had been applied for in conjunction with the renewal application;
- (c) The menu provided with the application clearly did not belong to Big Daddys Brougham Street, with references linking it to the Queenspark Big Daddys site. An extensive Indian Cuisine Menu was provided on the second day of the hearing. The Committee questions whether this Menu could be provided from the kitchens as seen at the time of the site visit. If a Licence were to be granted it would be subject to the kitchens meeting required health standards.
- (d) Of further concern was the observation of Ms Williams on behalf of the MOH who notes in her report following a visit at 2:52pm on 28 June 2019, at a time when the premises was open for business -

"Water in bar but no glasses available. Inspected fridge and freezers - fish bites, chips and chicken bites in freezer. No cooking utensils or crockery seen. No appliances turned on. DM advised that 2nd staff member arrives at 1:30 and they do any cooking required. I

³ *Medical Officer of Health (Wellington Region) v. Lion Liquor Retail Limited* [2018] NZHC 1123 at [46], citing *Christchurch Medical Officer of Health v. J & G Vaudrey Ltd* [2015] NZHC 2749 at [54].

⁴ *Miklos v. Shen* [2015] NZARLA 284, quoting Hon. Simon Power (2010 668 NZPD 15251).

advised it looks very dirty and unused in the kitchen and he replies 'we do not cook much'. Till receipt shown for 2 alcohol sales so far today 2 x \$8.00 sales. DM also covering the bottle store".

- (e) The Committee noted on the site visit that there is no separation between the Bar area and the Gaming area such that the Gaming area would be easily identified as a Restricted Area. This would need to be remedied to the satisfaction of the Agencies.
- (f) During the site visit Mr Singh pointed out to the Committee the new tables that would be used in the downstairs restaurant area. He also noted tables and chairs which he said would be moved to the "outside" area. The current licence does not include any "outside area" and the Committee notes that any such area **would not be within the licensed area**.
- (g) Mr Singh's assertion that ARLA suspended the licences for the issues relating to failing to notify some of the appointments of duty managers. At paragraph 27 of his Brief of Evidence:

"The Authority heard all evidence and found that there were some failures to notify appointed managers, but it was not to the level the applicants were making it out to be".

At paragraph 141 of the decision the Authority states:

"[141] Our overall conclusions in relation to the allegations against the respondent companies can be summarised thus:

- (a) There have been consistent and significant shortfalls between the actual trading hours and the hours of a duly appointed and notified duty manager. The exact extent of those hours is difficult if not impossible to determine.
- (b) Sales during those shortfall hours were unauthorised sales under the Act"

And further at [143]

"Here, we are satisfied that the licensed premises have been conducted in breach of provisions of the Act relating to unauthorised sales and such conduct fails to meet the object of the Act. We are also satisfied that a licensee who authorises, or enables that outcome, is not a suitable person to hold a licence. We are therefore satisfied that the grounds are made out ..."

The Committee acknowledges that those breaches have been dealt with by ARLA and any further "penalty" is inappropriate. The Committee notes that the premises have remained closed and therefore there have been no further breaches.

- (h) Mr Singh's responses to questions put to him by the Committee, the Agencies and the objectors were at times inconsistent. However, his general frustration was noted and he appeared to be under considerable stress.

Suitability and Extended Suitability

[42] The Committee agrees that matters in relation to extended suitability apply to this application. The premises is situated in one of the most highly deprived and vulnerable areas of Christchurch, raising the threshold of suitability.

[43] The concept of suitability has been discussed by the Authority and the High Court on a number of occasions. In Nishchay's Enterprises Limited, the Authority said:⁵

[54] Casino Bar No 3 Ltd did not specifically refer to the test for suitability contained in Sheard [1996] 1 NZLR 751 where Holland J said at 758: "The real test is whether the character of the applicant has been shown to be such that he is not likely to carry out properly the responsibilities that go with the holding of a licence." However, the judgement inferred that the test applied when the learned Judge referred with approval to Holland J's statement in Sheard: "Suitability is a relatively broad concept and, in the context of an assessment of an application under s 13 of the Act, it relates to the suitability of the applicant to be granted the privilege of an on-licence to dispense liquor". Traditionally, that test has been interpreted as meaning whether or not an applicant will comply with the penal provisions of the Act. In fact, the test is much wider. To carry out the responsibilities that go with the holding of a licence includes whether or not liquor abuse issues are likely to arise. Thus, it includes the object of the Act as set out in s 4. The Sheard test is not simply about how a business is likely to operate in the future. It is dependent on an assessment of the more generalised factors referred to in the previous paragraph. It includes how a licensee will deal with liquor abuse issues that may arise from the establishment of the business. The usefulness of the Sheard test is that it gives a focus to the wider exercise contemplated in the Casino Bar No 3 Ltd decision by reminding one of the reason for the exercise."

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

[45] In the Applicant's favour, there have been no failed Controlled Purchase Operations.

[46] The Committee, together with the Tri-Agencies and Objectors, had concerns as to the Applicant's knowledge of the community surrounding the premises and the lack of inquiries made, especially given the length of time the Applicant has leased the premises. It also notes that the On-Licence premises have been closed for almost two years.

[47] Mr Singh's lack of engagement with the Agencies. In this regard his general frustration was noted. If the Licences were granted Mr Singh would have to prove to the Agencies that he can engage with them in a reasonable manner to ensure ongoing amicable relationships.

[48] Mr Singh's offer to engage with the local community in a meaningful way, including as noted above, his offer to provide food, and to run house nights for the benefit of the community.

[49] The Committee has noted the submissions made in paragraph 49 to 51 of the final submissions from Counsel for the Applicant. It has noted how the Authority addressed and/or resolved the concerns and notes that it has taken a structured approach to understanding past issues, and acknowledges resolutions. As the premises have remained closed it is unable to make an assessment on improvements made stated in paragraph 50.

⁵ Nishchays' Enterprises Limited [2013] NZARLA PH 387 at [53] – [54]

[50] By the very narrowest of margins the Committee concludes that the Applicant is a suitable entity to hold a Licence, subject to recommendations made, undertakings given and conditions imposed in the course of the decision being adhered to.

▪ **The Object of the Act**

[51] The Object of the Act is set out in sections 4(1) and (2) of the Act. We keep those at the forefront of our minds in considering the application.

[52] There are two arms to the Object of the Act and both must be met. In terms of the first arm we need to be satisfied that the sale and supply of alcohol by the Applicant should be undertaken safely and responsibly. The second arm requires that harm caused by excessive or inappropriate consumption of alcohol should be minimised. *'Minimised'* means reduced to the smallest amount, extent or degree. It does not mean eliminate altogether.⁶ In the *Lion Liquor* case, Clark J held that *"the legislative framework enacted by the 2012 Act was intended to restrict rather than relax drinking laws. The legislative measure proceeded on the basis of clear evidence showing a link between availability of alcohol and alcohol-related harm."*

[53] Our role is an evaluative one, and we need to have regard to the extent to which granting a licence with conditions should minimise alcohol-related harm.⁷

[54] The changes implemented by the 2012 Act were intended to create a robust regime under which "licences will be harder to get and easier to lose"⁸ "While there is no onus of proof on an applicant, it does have an evidential burden and that is for an applicant to put its best foot forward if it expects a DLC to favour the application over opposition which is itself supported by evidence".⁹ The late submission of numerous changes was noted. The Committee notes that the original application was received in March 2022, almost three years ago, and the On-Licence has not operated for almost two years, making assessments and any improvements undertaken difficult to assess.

▪ **Any relevant local alcohol policy**

[55] There is currently no local alcohol policy active in Christchurch, although Council is currently undertaking an exercise to introduce one and is currently consulting with residents.

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

[56] The Applicant has applied for hours which are within the default maximum trading hours. The Applicant's offer to close the Off-Licence at 9:00pm is noted.

⁶ See Shorter Oxford Dictionary; *Re Peony Spirits Limited* [2014] NZARLA 696 at [19]; *Linwood Food Bar Ltd v Davison* [2014] NZHC 2980 at [18] and *Auckland Medical Officer of Health v Birthcare Auckland Limited* [2015] NZHC 2689 at [115].7.

⁷ Alcohol related harm is defined in s5 to mirror that in s4(2) of the Act.

⁸ *Miklos v. Shen* [2015] NZARLA 284, quoting Honourable Simon Power (2010 668 NZPD 15251)

⁹ *Patels Superette 2000 Ltd v Muir* [2019] NZARLA 75 at 228

[57] In deciding the hours for the On-Licence account is taken of the reservations expressed by the Committee, the change of use of the premises (with the downstairs area to become a restaurant), and the vulnerability of the locality. Off-Licence opening hours take into account the number of children passing the premises to attend the pre-school and school diagonally opposite the premises. Accordingly, the Committee varies the operating hours as follows:

Off Licence:

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

On-Licence:

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

Thursdays, between the hours of 9:00am and 12 midnight.

Friday and Saturdays, between the hours of 9:00am and 1:00am the following day.

DECISION

[58] The On and Off Licences for the premises will be renewed for a period of three years subject to conditions. **The Applicant is reminded that this period expires on 27 March 2025.**

▪ **The Licensed Premises:**

[59] The Applicant will provide an updated plan of the premises and alcohol will only be sold, supplied and consumed within the areas marked on the plan.

[60] When the restaurant downstairs and the bar/gaming area upstairs are both operating, there will be at least one duty manager working in each of those areas. This is in addition to a further duty manager working in the bottle store.

▪ **Designation:**

[61] The Licences Premises is designated as follows:

- (i) The Gaming Room will be designated as a Restricted area;
- (ii) The downstairs Restaurant will be designated as a supervised area after 9:00pm;
- (iii) The upstairs area will be designated as a supervised area at all times;
- (iv) The Bottle Store will be designated as a Supervised area.

▪ ***The design and layout of the premises***

[62] The layout as seen during the site visit differs from the plan attached to the application. The Committee, wishes, in particular, to be certain that the gaming machines are in a clearly defined separate area. An updated plan is to be approved by the Inspector.

[63] The Principal Entrance for the display of signage and a copy of the licence will be each of the separate entrances to the Restaurant, the upstairs bar area and to the Bottle Store.

- ***Whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence***

[64] Amenity and good order is defined in section 5 of the Act as:

“in relation to an application for or for the renewal of a licence, means the extent to which, and ways in which, the locality in which the premises concerned are situated is (or, in the case of a conveyance, the localities where the conveyance is likely to travel are) pleasant and agreeable.”

[65] Section 106 requires that when the Committee is considering whether the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of this licence, it must have regard to:

- (a) The following matters (as they relate to the locality):
 - (i) current, and possible future, noise levels;
 - (ii) current, and possible future, levels of nuisance and vandalism.

[66] The Committee acknowledges the deprivation and vulnerability of the area. It has read the deprivation and crime statistics provided and listened to the concerns of the Objectors. The premises is situated on the corner of a very busy intersection diagonally opposite a large area of social housing and a low decile area pre-school and school. It acknowledges the separation of these sites by a major road. The premises is located in the South Colombo permanent 24/7 liquor ban area. The Committee has reached the conclusion that the amenity and good order of the locality would not be reduced, by more than a minor extent, by the effects of the renewal of this licence. The premises have not operated for some time and future amenity and good order will be closely monitored.

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

[67] In response to concerns raised by the Licensing Inspector, the Applicant has introduced appropriate systems, and training to comply with the law. The Applicant provided copies of staff training documents. However, again it is noted that the premises has not operated for some time, so realistically apart from staff working at the Off-Licence, the documentation belonged to staff working at other premises who the Applicant said would be available should the premises recommence operation.

- **Conditions Agreed:**

[68] The Applicant agreed to the following conditions:

- (a) The Off-Licence would close at 9:00pm.
- (b) As imposed by the ARLA decision, there will be no single sales for less than \$6.00 per unit.

- **Conditions Imposed:**

[69] The following conditions have been imposed:

- (a) Changes to the operating hours to those set out in paragraph 55.
- (b) Re-opening of the premises is subject to the Tri Agencies being satisfied as to the following:
 - (i) The Tri-Agencies and Gambling Authorities being satisfied with the new placement of the gaming machines so that they are in a separate, easily monitored, restricted area.
 - (ii) The Tri-Agencies being satisfied that the kitchens are at a suitable standard to safely prepare and deliver food, and that any menu provided can be produced.
 - (iii) The Tri-Agencies are satisfied as to the new layout of the premises.

Discretionary conditions – section 110 (1)

- (c) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - (i) 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 that the provisions of the Act relating to the management of the premises concerned are observed:
 - (i) Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application.

Compulsory conditions – section 110 (2)

- (e) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day to any person who is not present on the premises to dine.
- (f) Alcohol may only be sold or supplied on the following days and during the following hours when the premises are being operated as a Tavern:
 - (i) **Monday to Sunday, between the hours of 08:00am and 1:00am the following day.**
- (g) Water will be freely available to customers on the premises while the premises are open for business.

Section 117 – Other Discretionary conditions

- (h) The following steps must be taken to promote the responsible consumption of alcohol:
 - (i) The licensee must implement and maintain the steps set out in the Big Daddy's Brougham Street Host Responsibility Policy¹⁰ aimed at promoting the reasonable consumption of alcohol.

¹⁰ As attached to the application.

Other restrictions and requirements

- (i) Section 51 – Non-alcoholic drinks to be available
- (j) Section 52 – Low alcoholic drinks to be available
- (k) Section 53 – Food to be available
- (l) Section 54 – Help with information about transport to be available
- (m) Section 56 – Display of signs
- (n) Section 57 – Display of licences
- (o) Section 214 – Manager to be on duty at all times and responsible for compliance

[70] The applicant's attention is drawn to section 259 of the Act which makes it an offence not to comply with certain requirements and restrictions imposed by or under the Act. Specifically, sections 46 to 63 and 231(1). The applicant must comply with all conditions specified on a licence.

DATED at CHRISTCHURCH this 4th day of March 2025



Merelyn Redstone

Chairperson

Christchurch District Licensing Committee