

Decision number: LIQ-15623-ONO

**IN THE MATTER** of the Sale and Supply of  
Alcohol Act 2012 (the Act)

**AND**

**IN THE MATTER** of an application  
by **Remarkable Wines  
Limited**  
pursuant to s.100 of the Act  
for the grant of a new ON  
Licence for premises situated  
at 118 Waterfront Drive,  
Mangonui known as  
**"Remarkable Café &  
Seafood Restaurant"**

**DECISION OF THE FAR NORTH DISTRICT LICENSING COMMITTEE**

Chairman: Murray Clearwater  
Member: John Thorne  
Member: Ann Court

HEARING at Taipa on Monday the 14<sup>th</sup> of April 2025

**APPEARANCES**

Mr. Richard Hugh Guthrey for the applicant, **Remarkable Wines Limited** ("the applicant")

Ms. Andrea Rapira- for the applicant

Mr. John Law- for the applicant

Mr. Steve Ericksen – Far North Alcohol Licensing Inspector ("the Inspector") – to assist.

Ms. Christina Rosenthal- Team Leader Environmental Health Services in support of the Inspector.

Sergeant Michelle Row – Police Alcohol Harm Prevention Officer (AHPO) – in opposition

Ms. Giselle Timperley -witness for the Police

Dr. Carrie Bryers- Medical Officer of Health (MOoH) to assist. (via AVL)

## **RESERVED DECISION OF THE COMMITTEE**

### **Background**

On the 24<sup>th</sup> of October 2024 **Remarkable Wines Limited** applied for a Class 3 restaurant style ON Licence for premises known as the Remarkable Café & Seafood Restaurant.

The lodging of the application came about after the applicant had failed to lodge a renewal application prior to the expiry date of the previous licence on 3 October 2024.

The Police have opposed the granting of the new ON licence on the grounds that Mr. Guthrey has brought the suitability of his company into question by his alleged actions and interactions with council staff and the Police once he was advised that the substantive licence had expired.

The chronological list of events are well canvassed in the Agenda and were fully discussed at the hearing. We do not intend to outline them all in this decision and advise the parties that the Committee members have read all the evidence presented and we are satisfied that we have sufficient information to consider and determine this new application.

It was helpful for the Committee that Mr. Guthrey had co-operated with the Police and the Inspector and consented to much of the evidence being presented to the Committee in hand up form.

We made it clear to Mr. Guthrey that his, and his company's ongoing suitability to hold an alcohol licence, would be examined during the hearing, along with the evidence that was to be put before us.

## Applicants Evidence

1. Mr. Guthrey presented his Evidence in Chief by reading through the notes he had prepared.
2. He told us he was a retired grape grower from Central Otago, and he moved up to Totara North about 2 years ago. Shortly after arriving he purchased the Little Kitchen Café in Mangonui. He made some renovations and then applied for, and was granted, an ON Licence in September 2023.
3. He wanted us to believe that he was unaware that new licences were valid for only one year and renewed for three years. This was despite the fact that he had applied for at least three new licences and multiple renewals over the preceding 16 years.
4. He accepted that the council had posted a renewal reminder on 26 August 2024. It was sent to the postal address that he had put on his ON Licence application in 2023. He argued that it should have been sent to his home address at Totara North.
5. He said that the restaurant was closed 'over the winter' with a planned reopening in late October 2024.
6. During this time, he was in the South Island for about three weeks before returning to the Far North prior to a Wine Club meeting at the restaurant on the 18<sup>th</sup> of October 2024.
7. On Tuesday the 1<sup>st</sup> of October 2024 he was rung by Compliance Administration and Reporting Officer Giselle Timperley who told him his licence was about to expire if he didn't lodge his renewal immediately.
8. He said that Ms. Timperley only said he had to pay the requisite fees and did not mention that he also had to fill out, and lodge, the renewal application before the 3<sup>rd</sup> of October 2024. As we heard later in the hearing, Ms. Timperley was adamant that she would have said he had **to lodge the completed application form and the fees.**
9. Mr. Guthrey told us that he promptly paid the fees and in his 'view' he believed the licence would be renewed and issued forthwith.

10. To support his belief, he produced a number of exhibits including Exhibit B that was an email from Ms. Timperley to him stating *"Hi Richard. Your ON licence is ready to be issued. It does not appear that payment has been received for the attached invoice."*
11. He said he immediately made payment with Ms. Timperley and received another email, Exhibit C, from Ms. Timperley stating *"Thanks Richard. Will email through Licence now."*
12. His next contact with FNDC was a phone call from Inspector Steve Ericksen on 16 October 2024 saying that his licence had expired, and he must cease selling alcohol until he obtained a new ON Licence.
13. He remonstrated with the Inspector and said he would complain to the CEO and the Mayor and take his case to the media as he believed his renewal was valid. He wanted to speak directly with the Chairperson of the DLC.
14. On the 18<sup>th</sup> of October 2024 he had a planned event for his wine club. He was contacted by Police AHPO, Sergeant Michelle ROW, and she told him that he could not sell alcohol on that night.
15. Despite those two clear directions from the Police and the Inspector he carried on and held the event and sold a wine and food package to the attending patrons. When he was spoken to on the night by Police conducting a compliance check he wisely ceased any further sales of alcohol.
16. Mr. Guthrey then tried to persuade us that because he had paid his fees, and had received those emails from Ms. Timperley, he had a 'contract' with FNDC, the council was obliged to issue his licence.
17. He also tried to argue that because he did not intend to break the law, he had not committed the offence of selling alcohol without a licence.
18. We had to explain to Mr. Guthery that selling alcohol without a licence is a 'strict liability' offence and there was no contractual liability on the council to issue a licence upon the payment of a fee. The fee is an application fee, not a licence fee.
19. He was asked to confirm if the emails from Giselle Timperley were the basis of his belief that the renewal had been accepted and was being renewed. He replied "Yes."

20. He was asked to look at the date on both emails. Both were dated 4 October **2023**. Those emails were from when he was first granted a new ON Licence in 2023, not the current application.
21. Mr. Guthrey immediately conceded, in his own words, "That is a major cock up on my part". He promptly apologised to the Committee and wisely made a direct personal apology to Ms. Timperley.
22. As we are sure Mr. Guthrey is now fully aware, there is a process in that an application must be lodged with the necessary supporting documents, and the fees, and then publicly notified and enquired into by the agencies. After a 25 working day public notification period, only then can it be put before the DLC to consider and determine. This process takes several weeks.
23. Meantime he has been without a licence to sell alcohol for 6 months for the District Court matter to be resolved and this hearing to be convened.
24. Mr. Guthrey called two witnesses to attest to his character and reputation. Mr. John LAW is a personal friend of Mr. Guthreys. He told us he was the founding director of the Alcohol and Drug Education Board. He was also a director of the Life Education Centres and a past chairman in the volunteer police in Whangaparaoa.
25. He had dined in the restaurant many times and believed Richard Guthrey was a competent and responsible host and had not seen or heard of any incidents at the restaurant.
26. Andrea Rapira has been the General Manager of the business for the last 5 years and told us that she holds a Managers Certificate. She said they have great staff and there has never been an unsavory incident at the restaurant to her knowledge.
27. She was asked to tell the Committee about the impact of Mr. Guthrey coming into the business in 2023. She said he had put a lot of money into the business, and everyone got a pay rise when he took over.
28. She said she was not present on the day when the Good Host Visit (GHV) was undertaken and agreed it should have been detected by staff member that the licence was about to expire.
29. She said they have all learnt a lesson following this episode and checklists are now in place to ensure that critical dates such as licence expiry's and managers' certificate expiry's are tracked and monitored.

30. Both she, and Mr. Guthrey, conceded that the ultimate responsibility to keep the licence valid was theirs.

**That was the case for the applicant.**

### **Evidence of the MOoH**

31. Dr Carrie Bryers appeared as the Medical Officer of Health for the Far North District. In her capacity to assist the Committee she confirmed that the MOoH had no matters in opposition to the application.

### **Evidence of the Inspector**

32. Mr. Steve Ericksen appeared for the Inspectorate.
33. The Inspector had prepared a lengthy Brief of Evidence relating to his interactions with Mr. Guthrey.
34. He advised that despite Mr. Guthrey's threats of escalation he went out of his way to help Mr. Guthrey get the new ON licence application to a completed state so that it could be reported on and put before the DLC.
35. During questioning he confirmed that the required procedure for a renewal application was for the necessary form and related documents to be completed, fees attached and lodged with the Admin Team at least 20 working days before the expiry of the licence. i.e. in this case before 6 September 2024.
36. Whilst the fees had been paid there was no renewal application form lodged with the Council Admin team.
37. Whilst he had not opposed the new ON Licence he was concerned about the overall suitability of Mr. Guthrey. We reminded the Inspector that the Committee are obliged to consider the position of the Inspector as unopposed.

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## **Evidence of the Police**

38. Sergeant Michelle ROW appeared as the AHPO for the Far North District.
39. She called Giselle Timperley to give evidence pertaining to her interactions with Mr. Guthrey.
40. Ms. Timperley told us that she is a Compliance Administration officer for the FNDC.
41. As per standard procedure she posted a renewal reminder letter and a blank renewal application form to Remarkable Wines Limited on the 26<sup>th</sup> of August 2024. She said this was a courtesy reminder that is sent out to all licensees about 6 weeks prior to the expiry date.
42. In the weeks leading up to 3 October she rang and spoke with Mr. Guthrey. It was her sworn evidence that she would have told him that he was required to file the renewal application form together with the prescribed fees prior to 3 October 2024.
43. It was put to her during questions from the Committee that Mr. Guthrey believed she had only said to lodge the fees, and nothing was said about lodging an application form. Ms. Timperley was strongly of the view that she would not have said that.
44. She said Mr. Guthrey was pleasant to speak to on the phone.
45. Sergeant ROW formally lodged the evidence of Constable Williams relating to the compliance inspection on the night of 18 October and that of ex council Compliance Manager Rochelle Deane.
46. Their evidence was not in dispute and accepted into evidence with consent from Mr. Guthrey.
47. Constable Williams described seeing beer and wine on the tables that night. He said when he spoke to Mr. Guthrey he was controlled, but obviously angry at the Police presence.
48. Sergeant ROW spoke to the Committee and outlined the chronological order of events.

49. She said Mr. Guthrey was “not happy” during the conversations with her and again threatened that if action was taken against him, he would be taking the matter to the Mayor, media and Local MPs.
50. He said that he had paid the fees and believed that he was still licensed to sell alcohol.
51. After receiving advice from her team that the event did go ahead on the 18<sup>th</sup> of October 2024, she later interviewed Mr. Guthrey and filed an Information with the District Court alleging that he had allowed another person to sell alcohol from unlicensed premises.
52. This is one of the most serious offences under the Act and carries a penalty of 3 months imprisonment or a \$40,000 fine.
53. Mr. Guthrey appeared on the 6<sup>th</sup> of December 2024 where the matter was administratively adjourned to the 12<sup>th</sup> of December 2024. On the 12<sup>th</sup> Mr. Guthrey entered a plea of guilty and sought a discharge without conviction.
54. This was finally heard and granted by DCJ Shortland on the 19<sup>th</sup> of March 2025. We are somewhat surprised that Judge Shortland described the offence as “at the lowest end in terms of gravity of the offending.”
55. Similarly, he accepted that a conviction of this type would have consequences for Mr. Guthrey’s passenger service licence at renewal. This appears contrary to guidelines under the Section 29A of the Land Transport Act 1998.
56. Nevertheless Mr. Guthrey pleaded guilty to the offence and the discharge without conviction does not prevent us from taking the offence and his actions into account.

### **Closing Submissions**

57. No final submissions were made by the MOoH.
58. Inspector Ericksen was reminded that the Inspectorate was appearing in an assisting capacity, and he told the Committee that Mr. Guthrey had been well informed that he was not to sell alcohol until he had obtained a new ON Licence.
59. He said the council had improved some of the questions on the Good Host Visit checklist to include the date of expiry of the base licence is now recorded.



60. Sergeant ROW said the Police had tried to assist Mr. Guthrey to “get over the line” but that advice was willfully ignored. She said Ms. Timperley had done more than could be expected to get a licensee to lodge their renewal on time.
61. Mr. Guthrey was largely contrite in his closing statement but still tried to suggest that if only the council had posted the renewal documents to his home address the whole process would have gone better. He then still wanted to argue that the council and Police did not do enough to assist him.
62. He still insisted that Ms. Timperley did not mention that he also had to lodge a renewal application and not just pay the fees.
63. We prefer the evidence of Ms. Timperley over that of Mr. Guthrey’s on this matter. It was disappointing that he was still minimising his own liability in failing to lodge his renewal application on time, i.e. in September 2024.

### **Relevant legislation**

Section 3 of the Act states the purpose of the Act as follows:

- (1) ***The purpose of Parts 1 and 3 and the schedules of this Act is, for the benefit of the community as a whole, –***
  - (a) ***to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and***
  - (b) ***to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.***
- (2) ***The characteristics of the new system are that–***
  - (a) ***It is reasonable; and***
  - (b) ***Its administration helps to achieve the object of this Act.***

Section 4 states the object of the Act as follows:

- (1) ***The object of this Act is that –***
  - (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.***
- (2) ***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 and indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

Section 105 of the Act provides the criteria that the licensing committee must have regard to in deciding whether to grant a licence as follows:

**105 Criteria for issue of licences**

- (1) *In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
  - (a) *the object of this Act:*
  - (b) *the suitability of the applicant:*
  - (c) *any relevant local alcohol policy:*
  - (d) *the days on which and the hours during which the applicant proposes to sell alcohol:*
  - (e) *the design and layout of any proposed premises:*
  - (f) *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:*
  - (g) *whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*
  - (h) *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:*
  - (i) *whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—*
    - (i) *they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
    - (ii) *it is nevertheless desirable not to issue any further licences:*
  - (j) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
  - (k) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#).*

(2) *The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.*

**106 Considering effects of issue or renewal of licence on amenity and good order of locality**

(1) *In forming for the purposes of section 105(1)(h) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee 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:*  
*(iii) the number of premises for which licences of the kind concerned are already held;*  
*and*

*(b) the extent to which the following purposes are compatible:*  
*(i) the purposes for which land near the premises concerned is used:*  
*(ii) the purposes for which those premises will be used if the licence is issued.*

*(2) In forming for the purposes of section 131(1)(b) an opinion on whether the amenity and good order of a locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew a licence, the licensing authority or a licensing committee must have regard to the following matters (as they relate to the locality):*

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

## **REASONS FOR THE DECISION**

49. We have considered the criteria prescribed in Section 105/106 of the Act and in particular the **suitability of the applicant and it's alter ego, Richard Guthrey**.
50. The application itself is unremarkable. We have before us an application for a low risk class three restaurant ON Licence where alcohol is to be served at the table with food.
51. There was no evidence of aggravating features in the previous operation of the licence, and indeed we have received evidence that it is a well-run premises with good staff and is an asset to the community.
52. In line with the 2023 Supreme Court ruling, we are now also required to consider Sections 3 & 4 together. I.e., that our administration of the Act is reasonable, and helps achieve the Object of the Act for the benefit of the community as a whole.
53. After standing back and evaluating the evidence that has been placed before us, we believe that a competently managed low risk Class 3 restaurant (as sought by the applicant) **could** be granted for this site.
54. We are satisfied that the amenity and good order of the locality will not be reduced by more than a minor extent if we decide to grant a licence.

55. The applicant is an experienced licensee but has let himself, and his team, down badly by firstly not having the checks and balances in place to ensure that the renewal was lodged promptly.
56. Secondly, he compounded that error by attacking the messengers and not the issue at hand.
57. In **NBT Limited PH 584-585/20025**<sup>1</sup> the Liquor Licensing Authority (LLA) said *“From time to time in proceedings before us, parties seek to attack the messenger rather than the message. In doing so, they need to know that they are more likely to send out a signal about their own suitability to hold a licence. We accept that all parties are entitled to be dealt with fairly and professionally by District Licensing Agency Inspectors, the Medical Officer of Health, and the Police. Where this does not happen, we have not hesitated to make comment. However, the great majority of all inspectors, and health professionals, and members of the Police who have appeared before us have been totally professional. We rely on them to monitor and enforce the Act. Without their assistance, there would be no point in having a licensing system. Those who seek to indirectly undermine and intimidate the reporting agencies need to understand that they are unlikely to receive any sympathy in this forum.”*
58. Overall, we have the alter ego of the licensee company behaving in a manner contrary to our expectations when dealing with the expired ON Licence.
59. It is entirely understandable that Mr. Guthrey was shocked and ‘unbelieving’ when told his licence had expired and could not be revived despite how many strings, he thought he could pull.
60. The breach was absolute. The licence expired on 3 October 2024 and no sales of alcohol could be made until a new licence was applied for **and granted**.
61. He should have had better processes in place in order to alert him, and his staff, of critical milestones such as licence and certificate renewals. When he was away, he should have ensured that his general manager was aware of the impending licence expiry.
62. His attempts, right to the end, to blame everyone else brings him no credit. Fortunately, he acknowledged his error in believing the 2023 emails from Ms. Timperley related to **this** application. His apology to Ms. Timperley appeared to be sincere.

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<sup>1</sup> NBT Limited PH 584-585/20025

63. The question now for the Committee is has the suitability of the applicant company, **Remarkable Wines Limited**, been impugned by the actions of Mr. Guthrey during the renewal period of August to October 2024?
64. If we find that to be the case, is the transgression sufficient to refuse to grant the licence or should we exercise a discretion and grant a new licence?
65. We are a creature of statute and are guided by case law from ARLA and other higher authorities.
66. In **Nishchay Enterprises Limited, [2013] NZARLA PH 837**<sup>2</sup> the Authority said that: *... suitability is a broad concept and the assessment of it includes the character and reputation of the applicant, its previous operation of premises, its proposals as to how the premises will operate, its honesty, its previous convictions and other matters.*
67. In **Re Sheard [1996] 1 NZLAR 751**<sup>3</sup> the Court said: *"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."*
68. The Police were absolutely correct to take the breach on the 18<sup>th</sup> of October 2024 to the District Court. We commend them for doing so as there must be consequences for non-compliance of a clear instruction.
69. We commend the Inspectorate and Ms. Timperley for the efforts they made to get the renewal across the line and more latterly expediting the processing of the new ON licence in the face of Mr. Guthrey's comments.
70. *Suitability is not established in a vacuum but rather in the context of each case. A **positive finding** is required* the High Court decided in (**Page v Police HC Christchurch AP84/98 24 July 1998**).<sup>4</sup>
71. In (**TK Sodhi Holdings Ltd LLA PH12/09 14 January 2009**)<sup>5</sup> the Authority held that *"if we are to achieve the object of the Act and help encourage a social change.....then we must have faith in the ability of operators of licensed premises to uphold the provisions of the Act."*

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<sup>2</sup> Nishchay Enterprises Limited, [2013] NZARLA PH 837

<sup>3</sup> Re Sheard [1996] 1 NZLAR 751

<sup>4</sup> Page v Police HC Christchurch AP84/98 24 July 1998).

<sup>5</sup> TK Sodhi Holdings Ltd LLA PH12/09 14 January 2009

72. Throughout the hearing we heard repeatedly from Mr. Guthrey that he 'unintentionally sold alcohol' at the Savor Northland event. One of the key tenants of suitability lies in the requirement to be honest.
73. Indeed, in (***Ferguson v McCullough* LLA PH915/07**) at [29]<sup>6</sup> the Authority held that honesty was regarded as one of the prime obligations of a licensee "*to treat the licensing system with such contempt is quite intolerable...if a licensee is unable to be honest and transparent in his dealings with the reporting agencies and his appearance before us, then there is a complete absence of suitability. Such a person will bend and break other rules at will.*"
74. In evidence at the hearing, we were provided with a detailed timeline of phone conversations and emails to Mr. Guthrey from both the licensing inspector and the Alcohol Harm Prevention Officer for the Police. These are matters of record and will not be recaptured here other than to emphasize that statements such as "**It is important that you are aware that as Remarkable Café & Seafood Restaurant does not currently have a licence that you must not sell and/or supply alcohol or you would be in breach of the Sale and Supply of Alcohol Act 2012 and there could be potentially serious repercussions**" are unequivocal.
75. In his opening submission Mr. Guthrey acknowledged that had received a phone call from Sergeant Michelle Row on the morning of the 18<sup>th</sup> 'telling me to cease selling alcohol'. Despite these repeated warnings Mr. Guthrey chose to proceed with the event on the 18<sup>th</sup> of October. It is therefore simply untenable to support Mr. Guthrey's contention that he 'unintentionally sold alcohol'.
76. The evidence before us demonstrates that the licensing process was populated with threats of legal action and intimidation with further threats of taking matters to a higher authority including the media, MP's and the Mayor.
77. Mr. Guthrey, whilst acknowledging his error in regard to the dates of Ms. Timperley's email (at [21]), repeatedly blamed the licensing administration for errors in relation to this application as detailed elsewhere in this decision. Compounding this Mr. Guthrey made a number of unhelpful statements regarding his interactions with the Police with statements such as "*It is Sergeant Row who has carried out a witch hunt against me*" and "*The failure by the Police to do their job properly caused a delay of more than three months in my ultimate acquittal.*" In his closing, Mr. Guthrey restated the number of ways in which the licensing system had failed him.

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<sup>6</sup> Ferguson v McCullough LLA PH915/07) at [29]

78. Mr. Guthrey is understandably angry and frustrated that his licence expired, and this has undoubtedly caused him significant emotional, reputational and financial stress. However, throughout this process and through the hearing Mr. Guthrey has repeatedly failed to fully accept responsibility for his actions, seeking instead to blame others.
79. Mr. Guthrey knowingly and willfully sold alcohol without a licence, which is an offence pursuant to Section 234 of the Act. Treating the process, the agencies and the law with such contempt will inevitably lead to a finding of a lack of suitability.
80. It is the majority decision of the Committee that the application for an ON Licence be refused at this time. However, the decision to refuse the licence is not unanimous.
81. The dissenting view is that, as accepted above, suitability is a broad concept. The dissenter is of the view that the extremely low risk nature of the activity should also be considered.
82. There has been no evidence of intoxication, or alcohol fueled disorderly behaviour at the premises.
83. The Object of the Act is primarily to promote the safe and responsible sale, supply and consumption of alcohol in order to minimise alcohol related harm from the excessive or inappropriate consumption of alcohol.
84. None of those factors feature in this application. Yes, it was a grave error to allow the base licence to expire. Yes, it was foolish to complain and remonstrate with the agencies, and the Committee, that it was everyone else's fault and not his.
85. But is it sufficient to refuse a licence for this low risk remote harbourside café and restaurant that is acknowledged to be an asset for the area?
86. Has Mr. Guthrey suffered an expensive and deflating experience? Yes, he has. Has he learnt a valuable lesson? One would hope so. If he hasn't, he has no-one to blame but himself.
87. Had we been considering a high risk tavern or bottle store that was reducing the amenity and good order of the area by more than a minor extent, the dissenter's view would certainly be different.

88. Parliament has decreed that the quorum for a DLC contested hearing shall be three and an application shall be determined by the votes for, or against, the proposal.

89. The application is therefore refused.


### **THE DECISION**

The Far North District Licensing Committee, acting pursuant to the Sale and Supply of Alcohol Act 2012, **by majority decision refuses** an application by **Remarkable Wines Limited** for an ON Licence for premises situated at 118 Waterfront Drive, Mangonui known as “**Remarkable Wine and Seafood Restaurant**”.

**The finding of the unsuitability of Mr. Guthrey, as the alter ego of Remarkable Wines Limited, is not infinite. Perhaps a fresh application lodged in June of 2026, after a year of exemplary operation of the unlicensed daytime café, might find favour with the agencies and this Committee.**

**Sections 153 to 155 of the Act relating to the right to appeal this decision are in effect. This decision has immediate effect even if an appeal is lodged with ARLA.**

DATED at Mangonui this 22<sup>nd</sup> day of April 2025



Murray Clearwater  
**Chairperson/Commissioner**  
**For The Far North District Licensing Committee**

