APPLICATION NUMBER	**LIQ-15675-OFF**
IN THE MATTER	of the Sale and Supply of Alcohol Act 2012 (the Act')
AND	
IN THE MATTER	of an application by **KEGS AND BARRELS LIMITED** for the renewal of the OFF Licence pursuant to s.127 of the Act in respect of premises situated at 25 Commerce Street, Kaitaia known as **"Black Bull Kaitaia".**

BEFORE THE FAR NORTH DISTRICT LICENSING COMMITTEE

Chairman: John Thorne
Member: Lisa McNab
Member: Graeme Wright

HEARING at Kaitaia on 21st September 2026

Member Lisa McNabb opened the hearing with a karakia and concluded with a karakia whakamutunga.

APPEARANCES

Mr. John Young counsel for the applicant
Mrs. Jasleen Kaur for the applicant
Mr. Avondeep Singh – Witness for the applicant

Mr. Steve Ericksen – Far North District Licensing Inspector – to assist
Mrs. Chrissie Rosenthal – Far North District Licensing Inspector – to assist
Sergeant Michelle Row – Police Alcohol Harm Prevention Officer (AHPO) – to assist -via AVL
Mr. David Golding - delegated officer for the Medical Officer of Health (MOoH)- to assist – via AVL

Dr Liz Gordon counsel for the Objectors – via AVL
Mrs. Amy Tepania – Objector on behalf of Te Rarawa Anga Mua Trust (TRAM)
Ms. Riley Tepania - Witness for the objector

RESERVED DECISION OF THE COMMITTEE

Introduction

1. By an application dated the 20th February 2026, **Kegs and Barrels Limited** applied for the renewal of the OFF Licence for its bottle store situated at 25 Commerce Street, Kaitaia. Under the licence issued on the 25th March 2025, the store was previously known as "The Bottle-O Kaitaia". It has now rebranded as **"Black Bull Kaitaia".**

2. The current licensed hours are Monday to Sunday 9.00am to 10.00pm. These hours are within the default national maximum trading hours for off licences.

3. This is the first renewal since the license was granted unopposed on the papers.

4. The premises are situated on the main shopping street of Kaitaia and have operated in the same location for many years.

5. The application was duly advertised and reported on by the agencies. Neither the Police nor the Medical Officer of Health lodged matters in opposition.

6. The Inspector did not oppose the application. His report could be described as favourable to the applicant.

7. Two public objections were received from Te Rarawa Anga Mua Trust (**TRAM**) management citing concerns around the number of alcohol outlets generally, the location of the premises in relation to sensitive sites, and the effects on the at risk and vulnerable public in a deprived community. The objections were lodged within the legislative time frame. One page abbreviated briefs of evidence dated 7 September 2026 were provided citing a new matter of particular objector concern - a Controlled Purchase Operation (CPO) failure that occurred on the 19th December 2024.

8. TRAM is a funded Iwi-led social services provider of many years standing providing vital support to whanau across Kaitaia and Te Hiku Far North area.

Applicant's Evidence

9. **Mr. Young** for the applicant provided helpful written opening submissions and spoke to them. He reminded us of current case law around the high threshold that must be met by objectors when there is no opposition from the agencies and no serious challenge to the suitability of the applicant. He identified that the TRAM objection was signed by a Melanie Sweet but was now being presented by Amy Tepania. This is explained away going forward and we allowed it. He strongly defended his client over the CPO failure and we similarly deal with that matter later in this decision.

10. **Avondeep Singh** appeared for the applicant company. He read from his prepared statement and told us that for commercial purposes his wife Jasleen Kaur is the principal shareholder and director of the business. They reside in Whangarei. Between them they own and operate multiple off and on licensed businesses across the Far North and Whangarei with another in Blenheim. Another outlet in Stratford has just been sold. Two bottle stores are owned in Kaitaia. They have 10 years experience working together. The committee assumes this in operating licensed premises.

11. They purchased this business on the 22nd August 2024 and as per normal initially operated under Temporary Authorities. He himself attends this shop twice a week for operational overview, but otherwise they employ competent senior management and other staff to handle the day-to-day running.

12. On the 19th December 2024 the store failed a Controlled Purchase Operation (CPO) by selling alcohol to a minor. They were badly let down by a remiss staff member. An employee disciplinary process was undertaken after they were spoken to by the agencies on the 21st January 2025. That employee no longer works for them. Enhanced and refresher staff training was immediately implemented and maintained to this day. He said, "this was a huge wake up call."

13. In subsequent applications for a roll over Temporary Authority and the main base licence, the CPO failure was fully declared. The second Temporary Authority and the new off licence was issued without opposition albeit with cautionary warnings attached. No enforcement action was taken over the CPO failure.

14. They review their training and policies regularly and engage third party trainers to upskill staff.

15. Mr. Singh said that he was fully aware of the social and economic challenges that Kaitaia faces. He is aware of the proximity of sensitive sites and intends to find out more about them. He said he cares about the Kaitaia community, has joined the Kaitaia Business Association and has participated in Far North Alcohol Accord meetings by AVL. He has not previously met the objectors but told us he is more than willing to do so to work through any concerns.

16. He agreed with the Inspector that there was no evidence that linked the running of the store to adverse Amenity and Good Order issues, or that there were any impacts upon sensitive sites.

17. **Jasleen Kaur** is the business partner and wife of Avondeep Singh. Mrs. Kaur read from her prepared statement. She confirmed that she is the principal shareholder and director of the applicant company and responsible for administrative functions. She agreed with and fully supported Avondeep Singhs evidence. Regret was expressed over the 2024 CPO failure. They worked hard to run a safe and responsible store.

Police

18. **Sergeant Row** confirmed her report and the stance of no opposition to the renewal of the licence. There was no application to ARLA following the 2024 CPO failure. The Sergeant told us about the Police Graduated Response Module approach to offending - education and warning before escalating to enforcement. She confirmed the Sale and Supply of Alcohol Act statutory time limit of 6 months for the laying of prosecutorial Information's in the District Court.

MOoH

19. **Mr. Golding** confirmed the MOoH stance was that of unopposed. In response to a question from member Wright, he said there was no evidence to his knowledge of alcohol harm caused in and around Black Bull.

Licensing Inspector

20. **Mr. Ericksens** Inspectors Report was taken as read. He confirmed the sequence of events and the CPO failure in December 2024 during the tenure of a Temporary Authority. He was the reporting Inspector on the application for the new off license issued in March 2025 to the applicant. The 2024 CPO failure was fully disclosed and reported on at all stages, was an isolated event, addressed promptly through corrective action and has not been repeated. He has no matters in opposition to the renewal of the licence.

21. Currently there are no issues with Black Bull. Mr. Singh participates in the Far North Alcohol Accord meetings via AVL and Mr. Ericksen stated they are, in his words, an engaged licence holder. His Inspectors Report dated 29th April 2026 records a "compliant" outcome when the premises was checked by him on the 07th April 2026.

22. Mr. Ericksen told us he himself is a long term Kaitaia local who has a good knowledge of his community.

23. He said in response to a committee question that there were 2 other bottle stores in Kaitaia town.

Objectors Evidence

24. **Dr. Gordon** - opened for the objectors **Amy and Riley Tepania**. She provided written submissions with case-law references. A vulnerable environment, and the CPO failure thus lack of suitability submitted on behalf of the objectors. She urged the committee to recognize Tikanga principles.

25. **Amy Tepania** - said she was speaking to us with the authority of TRAM and had adopted the brief of evidence of Melanie Sweet, a previous manager who has now left the

organisation. Riley Tepania was her daughter. She explained the workings of TRAM and the social services it provides for whanau. She read from her brief and said Kaitaia was a vulnerable community and there were numerous alcohol outlets nearby as well as sensitive sites including schools, health and community services. In addition, a Controlled Purchase (CPO) failure in 2024 meant the application for renewal should be declined or have substantially stronger harm minimisation conditions imposed.

26. In response to questions from the committee Mrs. Tepania could not give any examples of harm caused by the operation of Black Bull. Her knowledge was from past experience and there was nothing recent. She agreed that the issue was not with Black Bull personally, but with the harm that alcohol causes generally. She raised the possibility of meeting with the applicant to see if warning signs regarding pregnancy and alcohol could be displayed at Black Bull. It was clearly pleasing to the objector that the applicants immediately agreed to this request in the course of the hearing.

27. **Riley Tepania** – confirmed her association with TRAM and the previous witness being her mother. Ms. Tepania is 20 years of age. She repeated and reinforced the views of the previous witness, citing Kaitaia whanau vulnerability and the failed CPO as reasons for the objection. She too agreed that her objection was not personal but about the harm that alcohol causes generally. In response to a question from member Wright, she said she had no evidence of specific matters regarding sales of alcohol to minors.

28. In closing for the objectors **Dr. Gordon** submitted that the higher threshold of extended suitability was in play and the CPO failure was of serious concern. She referred the committee to *Shady Lady* case law in which the applicants lack of engagement with residents is seen as a negative. Ironically this applicant offered to meet with the objectors, but the offer was declined. Dr. Gordon contended that the Committee was required to reduce the possibility of alcohol-related harm to the smallest degree and should refuse to renew the licence.

29. Alternatively, if we were to renew the licence it should be for a truncated period and have an added condition that no one **appearing** to be under 25 years of age should be sold or supplied alcohol unless they produce (the required) evidence of age.

30. Concluding, Dr. Gordon urged the committee to view the evidence totality through the lens of tikanga.

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).

31. Section 131/132 of the Act provides the criteria that the licensing committee must have regard to in deciding whether to **approve a renewal** of the licence:

131 Criteria for renewal
(1)In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:
*(**a)the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):***
(b)whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:
(c)any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:
*(**d)the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol**.*

The clauses in 105 that we must consider are:

(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)…..
(i)…….
(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.

Section 105(1)(a) The Object of the Act

32. Section 105(1)(a) of the Act requires that the licensing committee must have regard to the object of the Act and in particular that the **sale, supply and consumption** of alcohol should be undertaken safely and responsibility.

33. As we have said before, it is not hard for off licence operators to argue that they sell and supply alcohol safely and responsibly. Off-licensed sellers can exercise some influence over the **sale and supply of alcohol,** but they **can do little, if anything, to control the later on-supply, and consumption of alcohol, as it occurs away from the seller's premises and out of their sphere of control.**

34. In this case there is no evidence of sales to intoxicated persons.

35. The December 2024 CPO failure was concerning but it has long been dealt with. The offending staff member went through a disciplinary process and is no longer employed at Black Bull. Immediate refresher training with outside providers was undertaken. The transgression was fully declared every step of the way. It was 21 months ago. One full year since initial grant of the base license has gone by without adverse report. There has been no reported repeat offending. No section 280 or 285 application was made by the Police to ARLA. The applicant was clearly remorseful. It is time to move on.

Section 105(1)(b) Suitability of the Applicant

36. The applicant must be a suitable entity to hold an OFF Licence. We heard that the applicant is regarded by the agencies as a competent and engaged operator.

Section 105(1)(c) Relevant Local Alcohol Policy

37. There is no Far North Local Alcohol Policy (LAP) to consider.

Section 105(1)(d) The days and hours of operation of the licence

38. The current operating hours are **Monday to Sunday 9.00am to 10.00pm** and are within the national maximum trading hours for off licences.

39. There is no substantive evidence before us to suggest we should reduce the opening hours.

Section 105(1)(e) The design and layout of any proposed premises

40. There has been nothing put to us in this regard, so the status quo remains.

Section 105(1)(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.

41. Similarly, there is nothing for us to consider.

Section 105(1)(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, and food, and if so, which services.

42. No other services are offered.

Section 105(1)(j) Whether the applicant has appropriate systems, staff, and training to comply with the law

43. The applicant advised us that most staff at the store hold manager's certificates. There is no evidence before us to show that the store is not adequately staffed.

44. We were comforted by the training policies and procedures implemented since the CPO failure, but as we have said in other decisions, it is easy to talk the talk. Sellers of alcohol must also walk the walk, and ensure their policies and procedures are always be followed by their staff.

Section 105(1)(k) Any matters dealt with in any report of the Police, an Inspector and the Medical Officer of Health under Section 129

45. None of the agencies raised any matters in opposition to this application for renewal of the license.

Discussion

46. Section 3 of the Act requires us to act reasonably in the exercise of our duties and to administer the Act with the aim of helping to achieve the Object of the Act.

47. We have considered the merits of Dr. Gordons submission that a condition of license be imposed by us prohibiting sales of alcohol to persons ***appearing to be under 25 years*** unless proof of age evidence is provided. We are not persuaded from the evidence we heard that this condition is required. It would be unenforceable and we reject it. The law states no sales of alcohol to persons under the age of 18 years and we leave that matter where it lies.

48. We note that there is an industry standard that is well used in NZ i.e. **Anyone under 25 years of age will be asked for ID. No ID. No Service.** It is a sound standard and we endorse it.

49. We also note the findings in *Wickham Way* where the High Court determined that there needs to be an **evidential foundation** of a **real risk of harm** before the object of the Act is engaged and the decision maker must reduce that potential for harm to the smallest possible degree.

50. In our opinion there has been no evidential foundation of a real risk of harm within the particular locality adduced regarding this renewal.

51. We thank the two public objectors for bringing their concerns to the Committee, but we are satisfied that the matters raised have been well canvassed and mitigated as far as practicable, by the applicant.

The Decision

52. After standing back and examining the totality of the evidence before us, we are satisfied that the amenity and good order of this area has not been reduced by more than a minor extent and that the Object of the Act can be met by the renewal of this licence.

The Far North District Licensing Committee, acting pursuant to the Sale and Supply of Alcohol Act 2012, approves a renewal of the Off Licence held by Kegs and Barrels Limited on its current conditions.

The Licence is renewed for three (3) years from the expiry of the current licence, 25 March 2026, and a Replacement Licence is to be issued. The trading name Bottle O shall be changed to Black Bull.

The following conditions are to apply:

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours: **Monday to Sunday 9.00am to 10.00pm**;

2. No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day.

3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied;

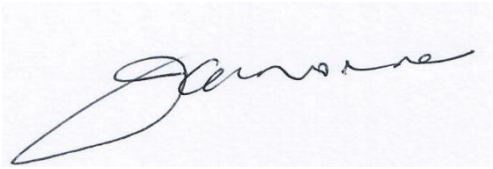
4. The whole of the premises is designated as a **Supervised Area;**

5. The Licensee must have available for purchase on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages;

6. A properly appointed Certificated, or Acting or Temporary, Manager must be on duty at all times, **within the licensed area**, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;

7. The Licensee must display:
   a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
   b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol.
   c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.

DATED at Kerikeri this 29th day of September 2026.





John Thorne
Commissioner/Chairperson
For the Far North District Licensing Committee

NOTE:
Sections 152, 154 and 155 relating to the right to appeal this decision are in effect.
This decision has no effect during the period allowed for the filing of an appeal.

Any appellant has 10 working days after the date, on which notice of this decision is given to the parties, to lodge an appeal with the Alcohol Regulatory Licensing Authority.