

Decision number:

LIQ-10987-OFF

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012 (the Act)

AND

IN THE MATTER

of an application
by **Cheers Liquor Limited**
pursuant to s.127 of the Act
for the renewal of an OFF
Licence for premises situated
at 23 Skippers Lane,
Waipapa known as
“Liquorland Waipapa.”

DECISION OF THE FAR NORTH DISTRICT LICENSING COMMITTEE

Chairman: Murray Clearwater
Member: Graeme Wright
Member: John Thorne

HEARING at Kerikeri on Thursday 12 March 2026

APPEARANCES

Mr. John Young-counsel for the applicant- Cheers Liquor Limited (“the applicant”)
Mr. Clayton Pearson for the applicant

Ms Michelle Ashdown – Far North Alcohol Licensing Inspector (“the Inspector”) – to assist

Mr. David Golding- delegated officer for the Medical Officer of Health (MOoH) – to assist

Sergeant Michelle Row – Alcohol Harm Prevention Officer NZ Police (AHPO) – to assist

Objector

Dr Grant Hewison- counsel for the Objector
Charm Skinner Objector The Salvation Army
Belinda Fowler witness for the Objector
Nathan Cowie witness for the Objector.

RESERVED DECISION OF THE COMMITTEE

Introduction

1. In an application received on the 23 October 2025, **Cheers Liquor Limited** applied for the renewal of an off-licence in respect of premises situated at 23 Skippers Lane, Waipapa known as “Liquorland Waipapa.”
2. The current days and hours are **Monday to Sunday 8.00am to 10.00pm** and are within parameters of the default national maximum trading hours for off licences. **No changes were sought.**
3. The application was duly advertised and was reported on by the agencies. None of the agencies opposed the renewal.
4. The application attracted one public objection from Charm Skinner on behalf of The Salvation Army. The Objector requested that the DLC impose two discretionary conditions in line with the Far North District Licensing Committee’s Practice Notes relating to having a Social Responsibility Policy as a condition of licence and a second condition limiting the sale of single units of alcohol under 600ml and for less than \$6.00.
5. The applicant consented to the imposition of the Social Responsibility Policy condition but exercised its right to not consent to the single sale condition and to go to a hearing before the DLC, to hear the rationale from the objector for their stance on this issue.
6. The application was set down for a formal hearing as the Committee needed to hear the concerns of the objector around single sales of alcohol at the store and the resistance expressed by the applicant to not consent to such a condition.

Applicant’s Evidence

7. Mr. John Young appeared as counsel for the applicant company and provided us with his usual helpful opening and referred to recent case law that aligns with this Committee’s view that discretionary conditions should only be applied if there is an evidential foundation for doing so.
8. They should not be consented by applicants to just avoid a hearing, and it is a primary role of the DLC to administer the Act in a reasonable manner.
9. Regarding the DLC Practice Notes Mr. Young supports the view that they are for guidance only and do not have ‘weighting’ as suggested by Dr. Hewison, as a Local Alcohol Policy.
10. He submitted that the objectors ‘evidence’ was tainted with hearsay and third party material and should be given little weight.

11. Mr. Clayton Allan Pearson is the owner operator of the store and described the business as the Wine Cellar of the North. He is a director and shareholder of the business with his wife. He has been in this role since 2006 and works in the store on a daily basis.
12. He said he, and the team, take their responsibilities seriously. He had conducted his own site inspection of the surrounding area and found no evidence of high abv 500ml single cans. He inspected the local park and sports ground and the most populous street, Mawson Avenue, and found very little evidence of alcohol related litter nor was there visual evidence of hardship or deprivation in that street.
13. He said he knows their customer base well as he is in the store 6-7 days a week.
14. They have no problem demographic customers, and he was unaware of any rough sleepers or beggars in the area. He said he had only turned away 1-2 intoxicated potential customers in the last 12 months. Similarly, they do not come under pressure from potential minors and only turn away 2-3 a week without ID.
15. He said because the premises is in a light industrial area there are very few 'walk in' impulse purchasers. They are a destination store with customers generally driving to the store to make their purchases.
16. He said they don't sell Nitro or single shots. They do sell buckets of shots though. The single sale products that they have are generally craft beers or the 5% Heineken 500ml cans but only sell 1-2 a day. He was asked if he sold the 330ml beers singularly. He said no, there was no demand for it.
17. He agreed that Waipapa Road was a busy road and very few pedestrians walked along the roadway. He had not seen people drinking outside the premises or in nearby public spaces.
18. He also confirmed that the store hours were generally 9.00am to 8.00pm Monday to Saturday and 9.00am to 6.00pm on Sundays.
19. In closing for the applicant Mr. Young said the objectors were searching for evidence where there was nothing to be found. He said discretionary conditions needed to be supported by evidence and there was none to be had from the objectors submissions.
20. He submitted that the Fresh Beer decision was not applicable and could easily be distinguished from the current case in that it was for a new bottle store adjacent to a petrol station. This was a straight renewal of a compliant existing store.
21. He said the decile rating was 'dubious' as there was really only one street of houses in the area. The rest were retail premises or light commercial businesses.

22. Mr. Young added that the 'evidence' of Nathan Cowie was more related to national issues and of no direct implication to this application.
23. The agencies were unopposed and there was no need for a condition relating to single sales.

Medical Officer of Health's Evidence

24. Mr. David Golding appeared for the Medical Officer of Health. He confirmed that the MOoH stance on the renewal was unopposed.

Police Evidence

25. Sergeant Michelle Row is the Alcohol Harm Prevention Officer for the Far North District, and she has been in this role for nearly 2 years. The Police confirmed their unopposed position on this renewal application.
26. She advised the Committee that the business was not a problem premises for the Police and had passed all CPOs conducted there. To her knowledge there was no problem demographic in the local population that targeted the store for cheap alcohol or single sales.
27. Sergeant Row confirmed that Waipapa is one of 23 Alcohol Control areas in the Far North where the possession of alcohol in public spaces is prohibited.

Inspectors Evidence

28. Inspector Michelle Ashdown confirmed that her report was true and correct and that during her dealings with Mr. Pearson he was always helpful and the business was operated compliantly.

Evidence of the Objector

29. Dr. Grant Hewison opened the case for the objector and outlined the lodging of the Salvation Army's objection and the consent given by the applicant to have a condition relating to complying with their Social Responsibility Policy.
30. He then submitted that the DLC's 2023 Practice Notes "*would appear they are intended to be similar in nature or approach to the liquor policies that existed prior to the Sale and Supply of Alcohol Act 2012.*"
31. He called the objector, Charm Kataraina Skinner, who is the Te Ao Maori Policy Analyst in the Social Policy and Parliamentary Unit of The Salvation Army (TSA).

32. She told the DLC about the work of TSA does in the Far North generally and the alcohol related harms caused to clients that come forward for TSA services.
33. She was asked to refer to paragraph 12 of her BOE and to confirm whether that statement about a variation of the licensed area was applicable to this application. She said “No” and said it related to the other application before the DLC for Liquor World Waipapa.
34. She was asked if she had ever been to the store and did she know what products they sell there. She answered “No” to both questions. She also did not know what range of single sale items they sold there.
35. She was asked if she had any knowledge of rough sleepers or beggars in the area. She replied, “Only what others have told me.”
36. Next, we heard from Belinda Fowler who works for Communities Against Alcohol Harm (CAAH) and provided an analysis of the deprivation indices of the area. It was her evidence that the premises fell into a Statistical Area (SA1) with a deprivation index of 9, meaning highly deprived.
37. Nathan Cowie is also an advisor for CAAH and appeared as a witness for TSA.
38. He told the Committee that he sought to introduce ‘evidence’ based on the (Far North) council’s Research Report- Review of Alcohol Control Areas - July 2025. Mr. Cowie is not the author of that report nor was he calling the author to substantiate its findings. Obviously, it would be a matter of what weighting the DLC would choose to place on what he told us.
39. In his second sprawling BOE he submitted that the DLC should take notice of the finding in a previous Far North DLCs decision relating to Fresh Beer Limited in 2022 and the findings of Jeffrey Garnham in that hearing.
40. Once again this was not firsthand evidence of the witness and will be subjected to a weighting process by the DLC.
41. He was asked if he had ever been to Kerikeri and/or Waipapa. He said he had in 2022, four years ago.
42. In closing for the objector Dr Hewison said the evidence of the objector and her witnesses could be relied upon and he urged the committee to impose a condition banning the single sale of products under 600ml and \$6.00.

Relevant legislation

43. Section 3 of the Sale and Supply of Alcohol Act 2012 (“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.**

44. 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).**

45. Sections 131 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.**

46. The Act requires that when deciding whether to renew a licence or not, the licensing committee must have regard to the matters contained in Section 131 of the Act. We now consider the clauses of the section in greater depth.

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

47. This section 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 responsibly** and that the harm caused by the **excessive or inappropriate consumption of alcohol** should be minimised.
48. The evidence from the applicant was that they were aware of their responsibilities, and they ensured that they only sell and supply alcohol in a safe and responsible manner.
49. However, as we have often said, the operators of off-licensed premises can do little, if anything, to influence the moderate and appropriate **consumption of alcohol as the consumption occurs away from the licensed premises.**
50. We will return to the **Object and the Purpose of the Act** once we have discussed the other relevant criteria.

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

51. The applicant must be a suitable entity to hold an Off-licence. No evidence was presented to the contrary. Despite the deprivation index of the area being high, that alone, in our opinion, was not sufficient to trigger the elevated mantle for suitability. In any case there is no challenge to the suitability of the applicant company and its officers.
52. We balance that against the evidence of the Police and the Inspector that this store has not come to notice in recent times in an adverse manner and we were impressed with the skill set and determination of the applicant, to not cater for, or serve potentially problematic customers.
53. It was also clear to us that they were acutely aware of the risks to the business, and the township from the abuse of alcohol.

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

54. The Far North District does not have an LAP. There is nothing for us to consider.

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

55. The days and hours of **Monday to Sunday 8.00am to 10.00pm** in the current licence are within the default national maximum trading hours for off-licensed premises.
56. We note that they often trade within those hours and generally shut at 8.00pm Monday to Saturday and 6.00pm on Sundays.

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

- 57. The Committee is aware of the design and layout of the premises.
- 58. The shop is conveniently configured so that staff can see people coming into the car park and getting out of vehicles.

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.

- 59. No goods other than alcohol, low-alcohol beverages, non-alcoholic refreshments, snack items and tobacco products are sold on the premises.

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.

- 60. No other services are offered.

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

- 61. The applicant advises that all staff hold manager's certificates and that they hold regular training sessions.
- 62. Evidence was provided of the training policy at the store. There was no challenges made in relation to the systems, staff and training.

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

- 63. The Police, the Alcohol Licensing Inspector and the Medical Officer of Health do not oppose the renewal, nor do they seek the imposition of a condition relating to single sales.
- 64. We discuss the issue of single sales in depth later in this decision.

131(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:

- 65. No evidence has been adduced to show that this premises is reducing the amenity and good order of the locality by more than a minor extent. Therefore, the amenity and good order of the area would be unlikely to increase, by more than a minor extent, if we were

to refuse the renewal.

131(1) (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

66. We are satisfied that the applicant **is not** overtly displaying or advertising the single sale of alcohol products, or offering them at low prices. Indeed, the prices could be described as moderate to high and very close to the \$6.00 price point sought by the objector.

Reasons for the Decision

67. Single sales are a vexed issue for DLCs and the retail alcohol industry generally.
68. On the one hand it could be said that it is socially responsible to allow a customer to buy a single beer or a RTD if that is their wish.
69. On the other hand, some retailers have exploited the opportunity and deliberately 'broken' boxes of product so they can make single sales for at low as \$1.00 per bottle or can.
70. This is colloquially known as 'pocket money liquor.' Situations have arisen where street dwellers and beggars can beg, borrow or steal a few coins and then make repeated visits to the nearest bottle store and access more and more alcohol as the day goes on.
71. The immediate amenity and good order of the area is often significantly reduced, offences are committed, and the Police end up having to deal with intoxicated persons and disorderly behaviour. **Clearly this is an unacceptable situation but there is no evidence of this occurring at this store.**
72. So how do we find the balance between the rights of a responsible purchaser and the need to deter the problematic singles sales that can, and do, occur from some bottle stores?
73. Around New Zealand the regulatory agencies, and objectors, have been seeking, and DLCs have been imposing, a variety of restrictive conditions when circumstances support such restrictions, but **we believe that they should not be imposed arbitrarily, or as a 'policy instrument' and should also be absolutely site specific.**
74. As Gendall J so aptly stated in **J & G Vaudrey Limited CIV-2015-409-000098 [2015] NZHC 2749¹**

At [14] In particular I have found:

¹ J & G Vaudrey Limited CIV-2015-409-000098 [2015] NZHC 2749

*(a) **The role of the District Licensing Committee and the Authority (the relevant body) upon receipt of an application for licensing or re-licensing is an evaluative one, requiring the decision maker to make a merits-based determination of the application.***

(b) ... (c) ... (d) ...

(e) There is no ability under ss 112–114 of the Act to impose general conditions (but that power is to be found in s 117).

(f).....

*(g) **The relevant body has a discretion to impose any further conditions which are reasonable and that are “not inconsistent” with the Act. In deciding whether to impose such conditions, the relevant considerations are these:***

(i) the relevant body must have identified a risk which it seeks to abate, or a benefit which it seeks to secure;

(ii) that risk or benefit must be consistent with the purpose and object of the Act, and not inconsistent with the Act in its entirety;

(iii) the relevant body must direct itself as to all relevant circumstances;

(iv) it must then weigh the risk to be abated, or benefit to be secured, against the relevant circumstances as identified.

(v) the condition must be a proportionate response;

(vi) an absolute prohibition would not ordinarily be reasonable, nor a condition which secured a benefit or abated a disbenefit (risk) only marginally; equally, a condition may not be absurd, ridiculous, patently unjustifiable, extreme or excessive; and

(vii) Ultimately whether a condition is reasonable will depend on an objective assessment of whether there is a rational and proportionate connection between the identified risk or benefit, when weighed against all relevant considerations.

(the underlined text is our emphasis)

75. The objector asks the Committee to place significant weight on our own Practice Note 9 in which we suggest that a single sales condition should be considered in appropriate cases.

76. It is not the role of the objector, or CAAH as its backer, to try and get DLCs to impose a raft of generic conditions on every off licensed premises that come before them when publicly notified.
77. It is the role of the DLC, and the DLC alone, to decide what is appropriate, or not, for a particular premises. We do encourage the agencies, and **genuine local objectors** to present their views and recommendations but when they do, we expect to see evidence relating to **a risk to be abated, or a benefit to be secured**.
78. Unfortunately, a number of appeals have gone to ARLA and been upheld, rejected and/or modified to a point where now some agencies, and objectors, are pushing for mandatory inclusion of conditions around single sales as they have been “approved by ARLA.”
79. This is **not the case** as often the conditions have been consented to by the applicant, and may, or may not, have been appropriate for that location and merely rolled over by ARLA **without being tested** as to their appropriateness, or not.
80. While there is merit in having such conditions as part of Local Alcohol Policies and being consistent across the district, **we believe that all discretionary conditions must be necessary and site specific**. Applicants are entitled to a level playing field if, and where, the playing field is level!
81. However, if we were to have a bottle store in an Alcohol Ban Area, with a highly deprivation vulnerable population nearby **and evidence** of ‘at risk’ persons seeking pocket money alcohol **and** operators catering to those demands by breaking boxes and offering \$1, \$2, \$3 beers and RTDs, discretionary conditions around single sales will very likely be appropriate and will be imposed either by consent or via the hearing process.
82. In this case we have a bottle store operating in a 24/7 Alcohol Ban Area, albeit in a high deprivation area, but no substantive evidence of localised alcohol related issues. We would have expected opposition from the Police and the other agencies if there was a vulnerable population present and there was evidence of them accessing cheap alcohol from this store.
83. There is no evidence that this is the case here.
84. We do have strong evidence of an established operator who is very much aware of their customer demographics and that problem customers should not be sold alcohol.
85. Where we have had a similar environment with a less skilled or committed operator, we have not hesitated in putting discretionary conditions in place.
86. We have previously considered this discretionary condition at the last renewal in 2022

and found that it was not necessary. Our view on this renewal is unchanged.

87. On this occasion we will not make it a condition of licence to control single sales of high strength beers. We are satisfied the applicant has sufficient self-regulation in place to sell and supply these products responsibly.
88. Similarly, if there is a view from the community that things such as single sales of alcoholic products should be restricted then a **community consulted** Local Alcohol Policy might be something the Far North District Council might want to put to the forefront of its thinking around the safe and responsible use of alcohol in the district.
89. We understand that this process is already underway and we look forward to clear indications from the community as to what they do, and do not, want to see in the way of alcohol availability restrictions.
90. For the reasons above the Committee has determined that the renewal will be approved on its current, but refreshed conditions.
91. We also add, by consent, an additional discretionary condition requiring compliance with the Social Responsibility Policy prepared by this applicant.

The Decision

The Licence will be renewed for three (3) years from the expiry of the current licence (23 November 2025) on the following refreshed conditions that includes remote sales if conducted:

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 8.00am 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 consumption off 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.

9. 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 copy of the licence is to be attached to the inside of the premises so as to be easily read by people entering each principal entrance.

10. The Social Responsibility Policy that was submitted with the application must be complied with at all times.

REMOTE SALES

1. Alcohol may be sold **from** the premises **at any time on any day**, and delivered somewhere else for consumption off the premises;
2. No alcohol is to be delivered to the buyer (or to any other person on the buyer's behalf) at any time between 11:00pm and 6:00am the following day, on any day of the week;
3. The licensee must follow the procedures set out in Regulations 14 & 15 of the Sale and Supply of Alcohol Regulations 2013 to ensure that neither the purchaser nor the person to whom alcohol is delivered is a minor.
4. The licensee must state the licensee's name, licence number and the date the licence expires:
 - a. on every receipt issued for alcohol sold remotely;
 - b. in every catalogue, if alcohol is sold by remote sale using catalogues;
 - c. on the internet site, if alcohol is sold by remote sale using an internet site;
 - d. if alcohol is sold by remote sale using an internet site, the site must also display either a legible image of the licence, or a clearly identified link to such an image.

DATED at Kerikeri this 27th day of March 2026



Murray Clearwater
Commissioner
For the Far North District Licensing Committee

NOTE

Sections 152 to 155 relating to the right to appeal this decision are in effect.
This decision shall have no effect from the date of the decision until the potential appeal period has expired.

The renewed and refreshed licence may issue after 10 working days from the day this decision is provided to the Objector, if no appeal has been lodged.