

IN THE MATTER

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

AND

IN THE MATTER

of an application by **KNG Enterprises Limited** for the **renewal** of the ON Licence pursuant to s. 127 of the Act in respect of premises situated at 195-197 Commerce Street, Kaitaia, known as "**Kauri Arms.**"

AND

IN THE MATTER

of an application to rehear the renewal of a managers Certificate for **Yuvraj SINGH**

RE-HEARING BEFORE THE FAR NORTH DISTRICT LICENSING COMMITTEE

Chairman: Murray Clearwater
Member: Lisa McNab
Member: John Thorne

HEARING at Te Ahu Kaitaia on 22 June 2026

APPEARANCES

Mr. Jon Wiles- counsel for the applicant
Ms. Sukhvinder SINGH- director of the applicant company
Mr. Yuvraj SINGH- witness for the applicant
Ms. Harpreet KAUR- witness for the applicant
Mr. Terry Smith- witness for the applicant (BOE received as hand up by consent)

Mr. Steve Ericksen – Chief Alcohol Licensing Inspector – to assist

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

Sergeant Michelle ROW– Police Alcohol Harm Prevention Officer – to assist
Constable Dave Walters witness for the Police

Constable Joel Hobson witness for the Police
Detective Constable Frankie Vujcich witness for the Police (BOE received as hand up by consent.)

RESERVED DECISION OF THE COMMITTEE

Background

1. In November 2025 the DLC approved a renewal of the ON Licence for the "Kauri Arms." The activity was a high-risk tavern style business with two pool tables and 18 gaming machines in the main street of Kaitaia. The Committee issued a stern warning in their decision that any repeats of alcohol induced fights or disorder would see us recall the applicant and re-hear the renewal application.
2. Some four months later, in March of 2026, joint memorandums were received from the Police and the Inspector asking the DLC to rehear the renewal as there had been a number of violent incidents at the tavern including a stabbing.
3. The DLC had no hesitation in deciding to recall the renewal application for rehearing.
4. Contrary to the submission of counsel for the applicant, the re-hearing would be de novo which means we give zero deference to the previous decision and evaluate the evidence as if it were being heard for the first time.
5. Similarly, we set down the renewal of the Managers certificate for Yuvraj Singh for reconsideration as he was the Duty Manager when a number of the incidents occurred.

Applicant's Evidence

6. Mr. Wiles opened for the applicant and submitted that the DLC should only consider the incidents that occurred in February 2026 and not the ones previously reported on before the last renewal.
7. He also advised the DLC that the applicant was not aware of the DLC's warning as a copy of the DLC decision had not been forwarded to them by their consultant. He had an email from the consultant apologising for the error in not passing that document on to their client.
8. Whilst this admission was disturbing and disappointing, we expect licensees to be well aware of the happenings in their premises even if they are managed remotely as the Kauri Arms is here in Kaitaia.

9. Mr. Wiles concluded his opening by itemizing all the investments the applicant has recently put in place, including a new security provider, and consenting to any conditions the DLC saw fit to impose on the licence. He noted the suite of conditions that were recommended by the Inspector, and he advised the DLC that he has been instructed to give informed consent to those conditions should the DLC be minded to impose them.
10. We first heard from Mrs. Sukhvinder Singh (Nina) who told us she was joint owner with her husband, and her brother and his wife. All four are what is known as 'absentee licensees' i.e. they live elsewhere and operate the business with on-site managers and staff. She said she worked as a 'Duty Manager' at the premises. Under questioning she admitted that although she visits the premises 2-3 times a week to do the books and order supplies, she never works in the bar or is the named certificated manager.
11. This removes her from the number of active duty managers leaving only 25 year old Yuvraj Singh and 29 year old Harpreet Singh as certificated managers appointed to the business. This is barely sufficient for a high risk tavern with 18 gaming machines that is open for at least 70 hours a week. We discuss this later in the decision.
12. She said they have owned the business for 5 years and "*worked hard to build and operate a successful and responsible hospitality business that serves the local community.*" However, the deficiencies and evidence of thuggery that were presented to the Committee at this re-hearing painted a different picture.
13. She described the stabbing as 'unfortunate' and outlined the measures that they have undertaken since this incident and since the notification that the renewal was going to be reheard by the DLC. This included stopping the sale of 'quart' bottles of beer and jugs at 10.30pm and engaging a new reputable security company. They have also permanently closed the back entrance door to the garden bar. All entry and exiting is now through the front doors on Commerce Street.
14. She said that "*Experienced managers and senior staff are rostered during their busiest periods.*" She submitted that there had been significant improvements since the changes were put in place. They were committed to running a safe and responsible operation.
15. Next, we heard from Yuvraj Singh. He said he was working on the night of the stabbing, and he believed the offenders came in "from outside." He claimed he tried to intervene but was unable to stop the brawl. He backed off and called the Police.
16. Police arrived and eventually calmed the situation and arrested the main offender. Mr. Singh was instructed to close the bar by Police. It was his testimony

that he advised the Police that the bar was already closed, and he told patrons to finish their drinks and pool games and then leave the premises.

17. He said he misunderstood that the order to close the bar and remove the patrons from the premises was to be complied with immediately.
18. Mr. Singh also told us about another serious assault that occurred on 10 February 2026 where a man was kicked in the head and rendered unconscious and was treated later for a broken jaw. He believed that alcohol was not a factor in that incident.
19. He was asked about how many formal trespass orders had been issued to the offending parties from these brawls. He said he had verbally trespassed 'some' but not others as he didn't know their names. He confessed that he didn't even know the names of many of their regular patrons!
20. He was asked if he had sought assistance from the Police to identify offenders and issue proper written trespass orders on the offenders. He said he had asked once but, allegedly, did not get any response from the Police.
21. He acknowledged that it was his responsibility to follow these enquiries up, not the Police. During the Police evidence later in the hearing the attending officers advised they were willing to work with Mr. Yuvraj and serve trespass orders on the several named offenders they were aware of.
22. Next, we heard from Harpreet Kaur. She, like Mr. Yuvraj, was a slightly built person and we were not surprised to hear that she agreed that dealing with fighting males was 'scary.' Sukhvinder Singh had told the new security provider that patrons were "*not listening to staff or management or abiding by Kauri Arms host responsibility rules.*"
23. Harpreet Kaur also presented evidence in relation to a very recent incident on 18 June 2026 where a man was punched to ground in the gaming room by two offenders. She said she believed that alcohol was not a contributory factor.
24. We doubt that neither Harpreet Kaur, nor Yuvraj Singh, have the physical presence to deal with the clientele that attend these premises.
25. The evidence of Terry Smith was admitted by consent. Mr. Smith is an experienced Crowd Controller who is COA qualified, and also a qualified trainer in the security industry.
26. His evidence was that he had been contracted to provide 2 staff on Thursday and Friday nights, and he was already seeing the benefits of the new measures that they have put in place with the support of the licensee.

27. In closing for his clients Mr. Wiles said they acknowledged that they needed to do better. It was unfortunate that they were unaware of the DLC's warning until recent times. They consented to the recommended conditions from the Inspector and any additional conditions that the DLC might think are necessary.
28. He also added that the business had recently been sold and a Temporary Authority (TA) had been sought by a new owner and was under enquiry with the Inspector and the Police. The TA application is yet to be considered by the DLC and may, or may not, be considered on the papers.
29. The 'new owner' has indicated that he would like to take over the existing staff if that is approved by the DLC.
30. Mr. Wiles also submitted that Mr. Yuvraj should have the renewal of his managers certificate confirmed and he consented to a truncated renewal and any undertaking the DLC might require.

Police Evidence

31. Sergeant Row outlined the concerns of the Police and called evidence from three Police witnesses, one of which was admitted into evidence by consent.
32. Constable Dave Walters told the Committee he attended a violent incident of 24 April 2025 in which a man was punched in the head with a 'king hit' and fell to the ground unconscious. Another man then stomped on the victims head. Both offenders were identified and arrested and were eventually charged with a Crimes Act offence of Injuring by Unlawful Act which means '*injuring under circumstances that if death had ensued, the offender would be guilty of manslaughter*'. Both were convicted and have been dealt with by the courts.
33. When he was at the premises, he noted that the one security officer present was 'lack lustre' and did not seem to be in control in any way.
34. He was asked to rate Kauri Arms as one of the best taverns in the district or one of the worst. He said it was the worst.
35. Constable Joel Hobson told us he attended an incident at Kauri Arms on 26 February 2026 at which a man was stabbed multiple times. There was numerous persons milling around both inside the premises, and outside, over the fence. He deemed some of the patrons to be intoxicated.
36. He instructed a female worker to close the bar. He spoke with Yuvraj Singh and told him that he believed a number of the patrons present were intoxicated. He said Mr. Singh appeared to dismiss his comments and stated, "they always do that."

37. Both Constable Hobson and Walker said they would willingly work with the staff at Kauri Arms to identify as many of the offenders involved in the incidents and prepare and issue trespass notices on them.
38. Detective Constable Frankie Vujcich evidence was admitted by consent. His statement related to an incident on 4 September 2025 during which a male was knocked unconscious by to a kick to the head. It was captured on CCTV footage. It was later established that his jaw was broken. There was no evidence adduced by the applicant that they had banned this offender from the premises.
39. In closing, Sergeant Row said the Police did not seek the harshest of penalties to be imposed on the owners of Kauri Arms, but they needed to get a clear message that the incidents that had occurred were unacceptable and must be prevented in future. She believed that the measures undertaken were promising but required time to bed in.

Inspector's Evidence

40. The Inspector's report was taken as read and Mr. Ericksen outlined his concerns around the serious violence that had occurred over a considerable period of time.
41. He was rightly a little cynical that many of the corrective actions had only been put in place after the intention to re-hear the renewal was communicated to the applicant.

MOoH Evidence

42. Mr. David Golding produced no evidence in chief and was present to assist the Committee if needed.

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).*

43. Sections 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.

The Reasons for the Decision

Criteria to be considered.

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

44. Section 105(1)(a) of the Act requires that the licensing committee **must have regard** to the Object of the Act.
45. Following the Auckland Supreme Court decision, we are also required to ‘read together’ both the **Purpose**, and the **Object of the Act**. Notably, and very relevantly, to this case, Section 3 talks about the administration of the Act should be “**for the benefit of the community as a whole.**”
46. The High Court in Christchurch Medical Officer of Health v J & G Vaudrey Ltd¹ confirmed “*there is no presumption that a new licence or renewal of an existing licence will be granted: Thus, when the relevant body receives an application, they must consider it against s 105 in deciding “whether to issue a licence”. There is no presumptive position, and certainly no foregone conclusion. I think the reality of the position is that if the object of the Act cannot be achieved by the application, then it cannot succeed.*”
47. The Committee must undertake an evaluative approach and adopt a merits-based assessment of the application and measure it against the Object of the Act.
48. To assist us in that task, we examine the other relevant criteria we must consider before measuring them against the Object and Purpose of the Act.

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

49. Section 105(1)(b) provides that the applicant must be a suitable person, or entity, to hold a licence. In this regard, the suitability of the applicant is challenged by the agencies.
50. We made it clear to Sukhvinder Singh that we are often unimpressed with ‘absentee owners’ who buy high risk businesses such as this and then employ young inexperienced staff and managers to run the place without investing in measures to ensure the business is an asset to the community, and not a curse, like this business has been on occasions.

¹ Christchurch Medical Officer of Health v J & G Vaudrey Ltd

Suitability has been defined in many judicial forums.

In Re Sheard [1996] 1 NZLR 751² Holland J said :

“Obviously, the applicant’s past conduct will be very relevant to the consideration of suitability. The real issue is whether the evidence of that past conduct will indicate a lack of confidence that the applicant will properly carry out the obligations of a licensee.”

51. It was clear to the Committee that the staff had probably become ‘immune’ to the level of consumption and intoxication of some of their patrons and it was tolerated until incidents occurred and then they had to deal with intoxicated patrons brawling in the bar, in their carpark, and on the street.
52. This is totally unacceptable, and the staff did themselves, and the applicant company, **and the Community** no credit at all.
53. The Committee is satisfied that on more than one occasion; patrons were allowed to be **on premises** whilst intoxicated, and they had **allowed patrons to become intoxicated** on licensed premises.
54. However, in recent months there has been improved compliance and acknowledgement from the applicant that they could have, and should have, done better in those earlier months.
55. But actions speak louder than words. The ball is still very squarely in the court of the applicants to regain the respect of the agencies and the DLC.
56. The four incidents brought to the attention of the DLC could have resulted in the death of the individuals with devastating consequences for the victims, and their families, and community.
57. And no doubt, at a consequential hearing before the DLC or ARLA the licence would have been cancelled and the business lost.

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

58. The Far North District Council does not have a Local Alcohol Policy. There is nothing for us to consider.

² Re Sheard [1996] 1 NZLR 751

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

59. The current licensed days and hours are **Monday to Sunday 10.00am to 12.00 midnight.**
60. They are within the default national maximum trading hours for on licences.
61. The DLC has the ability to vary the hours if we deem them to be excessive and beyond the capacity of the licensee. The applicant has consented to the closing time to be reduced to 11.30pm. We would have likely reduced it further if the applicants tenure of this premises was to be ongoing.

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

62. The design and layout of the premises is like an old retro public bar with pool tables and a gaming room. The whole of the premises is designated as a Supervised Area. We will not be drawn in to designating gaming rooms as Restricted Areas just to accommodate gaming machines.
63. The outdoor area and car park has clearly facilitated unruly behaviour and off-site drinking. The recently secured door into the car park area is to remain secured should the DLC agree to renew this licence.

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.

64. No other goods are sold.

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 and non-alcoholic refreshments, and food, and if so, which services.

65. There are 18 gaming machines on site.

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

66. The licensee produced evidence of staff training up to 2025 and in evidence said further training had been undertaken and even more was planned to give staff greater confidence in dealing with aggressive persons.
67. There now appears to have been a commitment from Mrs. Singh to increase

training sessions both in house and with an external provider to ensure that her staff have the skills and physical presence to take action before, and when, situations arise.

68. Incidents will happen in licensed premises from time to time and licensees should use them as learning experiences. They should conduct a full debrief with staff, take appropriate disciplinary action with staff, **and patrons**, and put in measures to prevent a reoccurrence.
69. With this in mind we will require the applicant to engage with the local Police within 7 days of this decision to identify as many of the offenders in the evidential videos and issue formal written trespass order of 2 years, on each of them. The Police witnesses at the hearing committed themselves to assist with this process and serve the orders.
70. A meeting will be required with staff and TSS Security to ensure that these people are then recorded and refused entry to the premises for the duration of the trespass orders.
71. If two security personal are not available on any given night the premises is to close, not attempt to carry on with only one security officer.
72. **The applicant is to enter into a formal contract within 30 days of this decision with TSS Security Limited for the duration of the licence. Failure to do so without reasonable excuse will be seen as an indicator of lack of suitability.**

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

73. The agencies were sufficiently concerned, as detailed in their evidential statements, to request that the DLC rehear the renewal as they had little confidence in the applicants ability to manage this premises safely and responsibly.

Section 131 of the Act says we must also have regard to whether 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.

74. The Committee is required to weigh up the effects of a refusal to renew over a restrictive renewal as **sought by the applicant** in their closing submissions.
75. Overall, the Committee is persuaded that a renewal can be approved but with a

suite of **consented** discretionary conditions that we have decided will be necessary to help keep this bar on the improve. We believe this will assist in helping to achieve the Object of the Act.

76. There must be no sales of the large 750ml bottles of beer, jugs or spirit based shots from 10.30pm. Shots are a high risk offering and create rapid intoxication if not carefully managed. Care must be taken to prevent stockpiling before 10.30pm and we are sure the regulatory agencies will be conducting frequent compliance inspections to monitor this condition.
77. These conditions will be in place until 3 June 2027 effectively an 18 month renewal from 3 November 2025.

The Decision

The Far North District Licensing Committee, pursuant to the Sale and Supply of Alcohol Act 2012 **approves** an application by **KNG Enterprises Limited** for the renewal of the ON Licence in respect of premises situated at 195-197 Commerce Street, Kaitaia, known as “**Kauri Arms**”, subject to conditions.

Without indicating whether the Temporary Authority that has been lodged will be granted, we are mindful of the prospect of new owners taking over shortly.

The Licence is renewed for **18 months** from 3 November 2025, and a Replacement Licence is to be issued with the conditions stated below:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours: **Monday to Sunday 10.00am to 11.30pm**;
2. The whole of premises is designated as a **Supervised Area** at all times.
3. **Two experienced, and competent COA certificated Crowd Controllers must be on duty from at least 8.00pm to close on Thursday and Friday nights or any other night when a function is taking place;**
4. **No 750ml bottles, or jugs of beers, or shots are to be sold after 10.30pm; No stockpiling is to be permitted.**
5. **Within 7 days of this decision the applicant is to engage with the local Police to identify as many of the offenders as possible, male and female, in the evidential videos and issue formal written trespass orders for 2 years on each of them.**

- 6. A comprehensive Incident Book is to be maintained and made available for perusal on request from the Police or the Inspector.**
7. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises;
8. The Licensee must have available for consumption 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,
- 9. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted,**
- 10. A properly appointed certificated or Acting or Temporary Manager must be on duty at all times 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,**
- 11. Yuvraj Singh is not permitted to be the sole certificated or named Duty Manager after 7.00pm. The licensee is to ensure additional experienced certificated managers are employed to adequate cover all shifts.**
- 12. Requests from the Police or the Inspector for CCTV footage must be complied with within 48 hours of the request.**
13. The Licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises,
14. 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 attached to the premises so as to be easily read by persons attending the premises.

The Licence will expire on **3 June 2027**

DECISION RENEWAL OF MANAGERS CERTIFICATE YUVRAJ SINGH

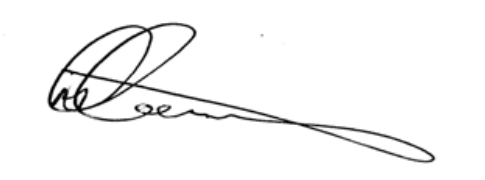
In regard to the Managers Certificate for Yuvraj Singh we re-approve his renewal on the UNDERTAKING that he not be the sole Manager on Duty after 7.00pm on each

shift he undertakes. The Managers certificate will expire on 28 June 2027 to bring home to him that there will be consequences if patrons are allowed to drink to excess and commit violent offences. Every such person must be identified with the help of the Police and banned from the premises with written trespass orders.

The Duty Manager must monitor and intervene to prevent issues occurring in licensed premises.

A written undertaking signed by both Sukhvinder Singh and Yuvraj Singh is to be provided within 7 days of this decision consenting to the restrictions on Yuvraj's certificate.

DATED at Kaitaia this 2nd day of July 2026



Murray Clearwater
Commissioner
For the Far North District Licensing Committee

NOTE

Sections 152 to 155 of the Act relating to the right to appeal this decision are in effect.

However, by consent this decision shall have immediate effect.