

Decision number:

LIQ-13709-OFF

IN THE MATTER

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

AND

IN THE MATTER

of an application
by **DG & CM Tucker
Limited**
pursuant to s.127 of the Act
for the renewal of an OFF
Licence for premises situated
at 99 Kerikeri Road, Kerikeri
known as “New World
Kerikeri.”

DECISION OF THE FAR NORTH DISTRICT LICENSING COMMITTEE

Chairman: Murray Clearwater
Member: Raniera Kaio
Member: John Thorne

HEARING at Kerikeri on Thursday 20 May 2026

APPEARANCES

Mr. Iain Thain-counsel for the applicant- DG & CM Tucker Limited (“the applicant”)
Mr. Darren Graeme Tucker for the applicant

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

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

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

Objector
Dr Grant Hewison- counsel for the Objector
Dave Hookway-Kopa - objector

RESERVED DECISION OF THE COMMITTEE

Introduction

1. By an application received on the 5th of December 2025, **DG & CM Tucker Limited** apply for the renewal of an off-licence in respect of premises situated at 99 Kerikeri Road, Kerikeri known as “**New World Kerikeri.**”
2. The current days and hours are **Monday to Sunday 7.00am 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 drew one public objection from Dave Hookway-Kopa. The objector requested that the DLC impose two discretionary conditions in line with the Far North District Licensing Committee’s Practice Notes. He asked for the licence to have compliance with the Social Responsibility Policy as a condition of licence, and a second condition restricting the sale of single units of alcohol under 600ml and for less than \$6.00.
5. The applicant did not consent to the imposition of either condition and chose to put their case to the DLC in a public hearing.
6. The application was set down for a hearing as the Committee needed to assess the objectors concerns. We made it clear to the objector that his submission would be restrained to the two matters he had raised in his objection.

Applicant’s Evidence

7. Mr. Iain Thain appeared as counsel for the applicant company and provided us with a 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 of a real risk of harm before doing so.
8. He said that conditions should not be consented to by applicants just avoid a hearing, and that it was a primary role of the DLC to administer the Act in a lawful and reasonable manner.
9. Regarding the DLC Practice Notes Mr. Thain supported the view that they are for guidance only and do not have the ‘weight’ of a Practice Direction issued by ARLA for example.
10. He submitted that the objectors ‘evidence’ was tainted with new issues such as the definition of the Single Alcohol Area (SAA) and should be given little weight.

11. Mr. Darren Graeme Tucker is the owner and operator of the store, and he described the business as a full service supermarket. He is a director and shareholder of the business with his wife. He has owned the business since 2011.
12. He said he, and the team, take their responsibilities seriously. He said they know their customer base well as they are largely regulars.
13. 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 customers in the last 12 months. Similarly, they do not come under pressure from minors trying to purchase alcohol.
14. He said that the agencies were unopposed and there was no need for a condition relating to single sales or to have their Social Responsibility Policy as a condition of licence.
15. He noted that the objector had introduced two further condition requests in his 5 May Brief of Evidence relating to the definition of the SAA and alcohol promotions.
16. As they were not part of his original objection, he submitted the Committee should not consider them.
17. However, as a matter of completeness, he outlined his views on those matters and the recently refreshed SAA and the single sales data from the store.
18. He said they had reconfigured the SAA and turned the racking around so that it actually reduced the exposure of alcohol to shoppers walking by.
19. When questioned by the Committee he confirmed that there was no physical perimeter line on the floor but there was one on the plan provided to the Committee.
20. He was asked if he would place a perimeter line on the floor, not only for the benefit of customers to see where the SAA started and finished, but also for staff to see where alcohol could be stacked or not. He said he was prepared to look at options to fulfill that request.
21. He was asked if he had been approached by Mr. Hookway-Kopa to discuss placing some signage in the store relating to the dangers of drinking alcohol whilst pregnant. He said no, he hadn't, but he was prepared to talk with him about displaying information and was not opposed to doing so.
22. In closing Mr. Thain said his client was willing to look at a physical perimeter line on the floor and had decided to place 0% product on the top corner of the SAA.
23. He provided recent case law that made it clear that discretionary conditions should

not be imposed even by consent if the circumstances did not warrant them.

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 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 this store for their alcohol supplies.

Inspectors Evidence

27. Inspector Michelle Ashdown confirmed that her report was accurate and up to date. She said that during her dealings with Mr. Tucker he was always helpful and the business was operated compliantly.

Evidence of the Objector

28. Before Dr. Grant Hewison opened the case for the objector, he sought a short adjournment to discuss the 'concessions' offered by Mr. Tucker with his client.
29. He then submitted that much of Mr. Hookway-Kopa concerns would be abated by the imposition of a perimeter line and the removal of alcohol products from the 'north' end of the SAA."
30. He said that Mr. Hookway would welcome the opportunity to talk with Mr. Tucker about displaying signage in the store.
31. Mr. Hookway-Kopa once again provided an extensive submission outlining his experiences and views on alcohol harm. We wish to go on record that we respect the work that Mr. Hookway-Kopa has done, and is doing, in the alcohol harm space. We agree and accept, that there is significant harm to the developing fetus in the wombs of women who drink alcohol during pregnancy.
32. However, when lodging objections to alcohol licences there needs to be an evidential foundation of a real risk of harm emanating from alcohol obtained from those premises for requests for discretionary conditions to be considered.

33. In closing Dr Hewison said the evidence of the objector could be relied on and he urged the Committee to impose a condition banning the single sale of products under 600ml and \$6.00. He asked that we also impose a condition requiring that the Social Responsibility Policy be followed at all times.
34. And finally, he was pleased to acknowledge the progress around defining the perimeter line around the SAA and the invitation for Mr. Hookway-Kopa to engage with Mr. Tucker re signage relating to alcohol consumption during pregnancy.

Relevant legislation

35. 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.*

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).*

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.

36. 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 in greater depth.

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

37. 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.
38. The evidence from the applicant was that they were very aware of their responsibilities, and they ensured that they sell and supply alcohol in a safe and responsible manner.
39. 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 that consumption occurs away from the licensed premises.**
40. 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

41. The applicant must be a suitable entity to hold an Off-licence. No evidence was presented to the contrary. Despite the decile rating of the area being moderate at 4-6, that alone, in our opinion, was not sufficient to trigger the elevated mantle for suitability.
42. 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.
43. It was also clear to us that they were acutely aware of the risks to the business, and the township.

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

44. The Far North 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

45. The days and hours of **Monday to Sunday 7.00am to 10.00pm** in the current licence are within the default national maximum trading hours for off-licensed premises.
46. We note that they often trade within those hours and generally close at 9.00pm.

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

47. The Committee is aware of the design and layout of the premises.
48. The reconfigured SAA has two racks pointing into the SAA as opposed to the 'wall of wine' that was previously at the front of the SAA. In our view the new layout reduces exposure to shoppers passing by and with a physical perimeter line and 0% product at the top end it would be fully compliant with sections 112-114 of the Act.

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.

49. The business sells the full range of food products, hardware, gifts, cleaning products, toiletries, etc. that one normally expects to find in a supermarket.

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.

50. The supermarket offers carpet cleaning machines for rental and has a lotto franchise counter.

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

51. The applicant advises that eleven staff hold manager's certificates and that they hold regular training sessions for all staff.
52. Evidence was provided of the training policy at the store. There was no challenge 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

53. The Police and the Medical Officer of Health do not oppose the renewal, nor do they seek the imposition of a condition relating to single sales.
54. 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:

55. 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.

56. We are satisfied that the applicant **is not** overtly displaying or advertising the single sale of alcohol products or 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. Mr. Tucker said no mainstream products were sold from broken or damaged boxes.

Reasons for the Decision

57. Single sales are a vexed issue for DLCs and the retail alcohol industry generally.
58. On the one hand it could be said that it is socially responsible to allow a customer to buy a single beer or cider if that is their wish.
59. 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.
60. 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 repeatedly visit the nearest licensed premises and access more and more alcohol as the day goes on.
61. 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.**
62. 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 licensed premises?

63. Around New Zealand the regulatory agencies 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 part of a ‘blanket policy’ and they should also be absolutely site specific.**

64. 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:

*(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)

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

65. 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. (As a side note we advise that all the Practice Notes have recently been placed 'Under Review' as they need updating against the current Act and recent amendments to the Act.)
66. It is not the role of an objector, or CAAH as its backer, to try to impose a raft of generic conditions on every off licensed premises that come before them when publicly notified.
67. 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**.
68. 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."
69. 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.
70. 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!
71. However, if we were to have a licensed premises in an Alcohol Ban Area, with a highly deprived 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.
72. In this case we have a supermarket operating in a 24/7 Alcohol Ban Area, albeit in a low-moderate deprivation area, but with 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 accessing cheap alcohol from this store.
73. There is no evidence that this is the case here.

74. 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.
75. Where we have had a similar environment with a less skilled or committed operators, we have not hesitated in putting discretionary conditions in place.
76. 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.
77. 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.
78. 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.
79. Similarly, we see no reason to make the applicant's Social Responsibility Policy a condition of licence. It contains a number of generic comments that would be difficult to quantify and enforce as a 'breach' of licence condition.
80. We do see merit in requiring the SAA to be clearly defined and conditioned to ensure that no alcoholic product abuts or projects over the perimeter line. Within 30 days of this decision the applicant is to mark the perimeter line with a clear black line 'painted or taped' on the floor in accordance with the perimeter line on the plan dated 20 April 2026.
81. For the reasons above the Committee has determined that the renewal will be approved on refreshed and additional conditions.

The Decision

The Licence will be renewed for three (3) years from the expiry of the current licence (12 January 2026) on the following refreshed conditions:

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, and supplied free as a sample for consumption on the premises, only on the following days and hours:
Monday to Sunday 7:00AM 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. No alcohol may be sold other than alcohol that contains no more than 15% ethanol by volume measured at 20°C and is –
 - a. beer that complies with the applicable New Zealand food standard for beer; or
 - b. mead that complies with the applicable New Zealand food standard for mead; or
 - c. fruit or vegetable wine that complies with the applicable New Zealand food standard for fruit or vegetable wine; or
 - d. grape wine that complies with the applicable New Zealand food standard for grape wine; or
 - e. a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.
5. **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.**
6. The Licensee must display signage as follows:
 - a. At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principal entrance to the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.
7. The “single alcohol area” for the premises is as described on the plan attached at Appendix ‘A’, date stamped 20 April 2026, to this decision. The licensee must ensure that:
 - a. No alcohol is displayed, promoted or advertised outside the single alcohol area; and;
 - b. No products other than alcohol, low-alcohol and non-alcoholic beer, wine or mead are displayed, promoted or advertised inside the single alcohol area.
8. **The ends of aisle (within the Single Alcohol Area) are to be set back at least 1 metre from the perimeter line. No drop stacking of boxes of alcoholic product are to be placed on the SAA floor perimeter.**

9. The perimeter of the SAA is to be defined by a clear black line on the floor as depicted on the plan dated 20 April 2026.

DATED at Kerikeri this 25th day of May 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.