

DLC Reference:		LL1340/AL101340
Decision Number:		[2026] WDLC 266
IN THE MATTER		of the Sale and Supply of Alcohol Act 2012
AND		
IN THE MATTER		Of an application pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012 for the issue of an On Licence to Hospo Brothers Limited in respect of the premises situated at 14 Southbrook Road, Rangiora

DECISION OF THE WAIMAKARIRI DISTRICT LICENSING COMMITTEE

Date of Hearing: 12 and 13 August 2026

Venue: The Function Room, Rangiora Town Hall
303 High Street, Rangiora.

District Licensing Committee: Commissioner N Atkinson KSM, JP(Chairperson)
Commissioner J Gerard, QSO
Committee Member T Bartle

In Attendance: For the Applicant:
Ms K Logan (Ross Dowling Lawyers)
Mr D Singh
Reporting Agencies
Mr R Turner District Licensing Inspector
Senior Constable G Craddock New Zealand Police
Ms Williams Medical Officer of Health

CONFLICT OF INTEREST

No conflicts of interest were declared.

DECISION OF THE WAIMAKARIRI DISTRICT LICENSING COMMITTEE

- (a) That the application by Hospo Brothers Limited, pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012, for the renewal of an On-licence in respect of the premises situated at 14 Southbrook Road, Rangiora, and known as the Brook Bar and Eatery, not be granted.
- (b) That the current licence held by Hospo Brothers Limited shall expire five (5) weeks from the date of decision, thereby providing sufficient time to enable the orderly management of its affairs and the transition of staff and business operations.

BACKGROUND

1. Before the Waimakariri District Licensing Committee (the Committee) was an application for the renewal of an On-licence for HOSPO BROTHERS LIMITED, trading as The Brook Bar and Eatery (the Brook).
2. According to the New Zealand Companies Office Companies Register, the company (HOSPO BROTHERS LIMITED) was incorporated under the Companies Act 1993 on 29 June 2021. Deepinder SINGH is the company's sole director and shareholder.
3. The premises was currently trading by means of an ON licence pursuant to licence number 058/ON/00029/2021 that was granted by the Waimakariri District Licensing Committee on 15 October 2021.
4. The principal nature of the business is the sale of alcohol, operating as a bar, restaurant, and tavern. These premises had a Restricted area where Class 4 gambling machines were located.
5. The Brook was registered on the public register of businesses operating under Food Control Plans. The business had an active registration under the Food Act 2014, under registration number WMR0002395.
6. The property is zoned Residential in the Waimakariri District Council District Plan and the surrounding areas are mostly zoned for business and commercial activity. The Brook is situated adjacent to the Riverstone Motel, Liquorland Southbrook Bottle Store, and across a creek next to a Pak 'N Save supermarket.

HEARING

The Applicant

7. Counsel for the Applicant, Ms K Logan, submitted that two applications were before the Committee. The first was an application by Hospo Brothers Limited for the renewal of its on-licence, and the second was an application by Mr D Singh for the renewal of his Manager's Certificate.
8. Ms Logan noted that Mr D Singh was the sole director and shareholder of Hospo Brothers Limited and also held interests in a number of other hospitality businesses. In particular, reference was made to three premises located in Cromwell, Alexandra, and Yaldhurst. Ms Logan advised that the Yaldhurst premises had recently been granted a licence renewal. The renewal applications relating to the Cromwell and Alexandra premises remained pending and were understood to be contingent upon the outcome of the Manager's Certificate application. It was submitted that no other issues had been identified in relation to the Cromwell and Alexandra renewal applications.
9. Ms Logan referred the Committee to the statutory criteria relevant to the renewal applications, as outlined in the Applicant's written submissions. Ms Logan indicated that those matters would not be traversed in detail, given the Committee's familiarity with the applicable legislative framework. Ms Logan submitted that the reporting agencies' opposition centred primarily on issues of suitability, the adequacy of staff training and compliance systems for the purposes of the on-licence renewal, and concerns relating to noise. Ms Logan observed a significant degree of overlap between the issues of suitability and the adequacy of staff training and compliance systems. Accordingly, those matters were addressed collectively in the Applicant's submissions.

10. Ms Logan submitted that the evidence before the Committee demonstrated that The Brook Bar and Eatery ("the Brook") had in place appropriate systems, procedures, and staff training measures to ensure compliance with the Act. Ms Logan referred to the existence of a structured training plan and staff checklists and advised that Ms P Sharma would give evidence regarding employee testing and the processes implemented to ensure staff were familiar with their statutory obligations under the Act. Ms Logan further submitted that the evidence of both Ms Sharma and Ms C Elliotte would establish that staff members at the Brook received ongoing training and were regularly reminded of their responsibilities. In addition, staff engagement and training initiatives included participation in the ServeWise and Topsy Training programmes. Ms Logan also referred to a range of operational compliance systems, including an actively maintained Incident Register, extracts of which had been produced in evidence, a Communication Book used to facilitate information sharing between staff, a staff WhatsApp group, regular staff meetings, and daily communication processes designed to reinforce compliance expectations and operational requirements.
11. Ms Logan submitted that no application had been made to suspend the Brook's licence and that no enforcement action or proceedings had been initiated in respect of any manager currently employed at the premises. Ms Logan further noted that the premises operated a courtesy van service to provide patrons with safe transportation and that the availability of this service was actively promoted and advertised to customers as part of the premises' harm minimisation measures.
12. In response to concerns raised regarding the duration of staff shifts, Ms Logan submitted that the mere fact of employees working extended shifts did not, in itself, give rise to a question of suitability in the absence of any associated compliance failures or evidence of adverse consequences. Ms Logan further submitted that the licensee had demonstrated a proactive and cooperative approach in its dealings with regulatory authorities. By way of example, Ms Logan referred to occasions where New Zealand Police had been notified when underage persons were identified attempting to gain entry to the premises using another person's identification or falsified identification documents.
13. Ms Logan also advised that, prior to hosting a significant event, the Brook had taken steps to notify neighbouring property owners and relevant authorities. It was subsequently clarified that such notification had also been provided to New Zealand Police and the Council, demonstrating a proactive approach to stakeholder engagement and event management.
14. Turning to specific matters raised by the reporting agencies, Ms Logan addressed an incident involving a driver who was subsequently found to be over the legal alcohol limit, together with passengers who had also undergone evidential breath testing after attending the Brook. Ms Logan submitted that there was no evidence to suggest that any of those individuals had displayed signs of intoxication while present at the premises. While it was accepted that a significant breath alcohol reading had been recorded at a later time, Ms Logan submitted that this established only that alcohol had been consumed, which was not in dispute. Ms Logan further submitted that a breath alcohol reading obtained after a patron had left the premises could not, without more, be treated as determinative of that person's level of intoxication while at the premises, nor as evidence that signs of intoxication should necessarily have been apparent to staff at the relevant time.

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16. In response to concerns raised regarding the duration of staff shifts, Ms Logan submitted that the mere fact of employees working extended shifts did not, in itself, give rise to a question of suitability in the absence of any associated compliance failures or evidence of adverse consequences. Ms Logan further submitted that the licensee had demonstrated a proactive and cooperative approach in its dealings with regulatory authorities. By way of example, Ms Logan referred to occasions where New Zealand Police had been notified when underage persons were identified attempting to gain entry to the premises using another person's identification or falsified identification documents.
17. Turning to the issue of noise, Ms Logan acknowledged that an excessive noise direction had been issued in respect of the premises. However, Ms Logan submitted that this was an isolated incident that had occurred more than a year prior to the hearing. Ms Logan noted that subsequent monitoring by the Council over approximately one week did not identify any ongoing concerns and that no further excessive noise directions or notices had been issued. It was submitted that the incident should therefore be viewed in its proper context and afforded limited weight.
18. Ms Logan also addressed evidence concerning vomit discovered in a nearby car park. Ms Logan submitted that there was no evidential basis to link the incident to a patron of the Brook. In any event, the premises had acted promptly to arrange for its removal and clean-up. It was submitted that the matter was of minimal relevance to the issues before the Committee and should be accorded little weight.
19. Ms Logan acknowledged that the Brook had failed to comply with certain statutory notification requirements and accepted that some management changes had not been notified as required. Ms Logan characterised those omissions as regrettable but submitted that they did not reflect a deliberate disregard for the licensing regime. Rather, the evidence demonstrated that the Brook had recognised the deficiencies, taken steps to address them, and implemented improved processes to ensure future compliance with its notification obligations.
20. Ms Logan further submitted that a significant portion of the evidence presented by the reporting agencies related to other licensed premises connected through common ownership interests or corporate structures. Ms Logan's primary submission was that such evidence was of limited relevance to the applications before the Committee. The central issues for determination were whether the Brook maintained appropriate systems and practices to ensure compliance with the Act and whether the Applicant remained suitable to hold the licence. Ms Logan submitted that, notwithstanding any common ownership or corporate connections, those premises were separate licensed entities and should be assessed independently. Accordingly, the Brook ought to be evaluated on its own circumstances and merits.

21. In conclusion, Ms Logan submitted that the evidence established that the Brook maintained appropriate training, compliance, and operational systems, and benefited from the services of an experienced long-serving premises manager. Ms Logan noted that no concerns had been raised regarding the suitability or performance of the current management team or staff. It was further noted that the sole director and shareholder had no criminal convictions. Ms Logan also observed that New Zealand Police and the Licensing Inspector had conducted numerous inspections of the premises recently. Despite those inspections, no intoxicated patrons had been detected on the premises, and no underage persons had been found in areas where they were not lawfully permitted to be present. Ms Logan submitted that these matters strongly supported a finding that the Brook remained suitable to continue holding its on-licence and that the renewal application ought to be granted.
22. Ms Logan then called Mr Deepinder Singh, the Applicant, to give evidence. Mr D Singh read his Brief of Evidence, as contained in the Committee Agenda, into the record.
23. In response to questions from the Committee concerning the drink-driving incident, Mr D Singh advised that the patrons involved had been consuming Hakuto RTDs. Referring to his Brief of Evidence, Mr D Singh noted that the product had an alcohol content of 5%. However, he explained that the beverage was dispensed from a tap and served over ice, with approximately half of each glass filled with ice before the product was added. Mr D Singh submitted that any calculations concerning the volume consumed and the corresponding number of standard drinks may therefore have overstated the actual quantity of alcohol consumed, as a significant proportion of the serving volume comprised ice rather than the alcoholic beverage itself. In his view, where a patron consumed four handles served in this manner, the volume of alcoholic product consumed would have been materially less than the equivalent of four full handles.
24. The Committee observed that, while the inclusion of ice reduced the volume of liquid served in each glass, it did not alter the alcohol concentration of the beverage itself. Mr D Singh acknowledged that point but reiterated his evidence that the actual quantity of alcoholic product dispensed was less than the apparent serving size. Mr D Singh explained that, because the Hakuto RTD was served from tap over a substantial quantity of ice, the glass was not filled entirely with the alcoholic product, and a significant proportion of the total volume consisted of ice.
25. The Committee also inquired about the conditions imposed following the previous licence hearing for the Brook and the measures taken to ensure compliance with those conditions. Mr D Singh advised that one such condition required the entrance door facing the Riverstone Hotel to be closed by 11.00 pm. In response, the premises implemented a stricter internal procedure requiring the door to be closed at approximately 10.30 pm, before the time prescribed by the licence condition. An alarm reminder was programmed to prompt the duty manager or relevant staff member to undertake the closure procedure. Mr D Singh explained that signage was displayed on the exterior of the door directing patrons to use the restaurant entrance, while corresponding signage on the interior advised that the door was to be used only as an emergency exit and that entry and exit should otherwise occur through the restaurant entrance. Mr D Singh further stated that these measures ensured compliance with the licence condition while maintaining the premises' emergency egress requirements. Although the condition required closure by 11.00 pm, the premises adopted the earlier 10.30 pm closure time as an additional safeguard to ensure ongoing compliance.

26. When asked whether any additional conditions had been imposed on the licence following the previous hearing, Mr D Singh initially stated that there were none. Mr D Singh subsequently clarified that issues relating to noise management had been considered during the hearing, particularly in relation to the outdoor smoking area. Mr D Singh explained that the premises did not have an alternative designated smoking area and that discussions had focused on restricting the use of the existing outdoor smoking area during later trading hours. Mr D Singh further advised that, as part of those discussions, the premises had offered to close the smoking area after a specified time and discourage patrons from congregating in that space to minimise noise effects on neighbouring properties.
27. When questioned further as to whether conditions had been discussed concerning the direction of speakers and the potential for noise to travel towards neighbouring accommodation premises, Mr D Singh advised that measures had already been implemented before the hearing to address those concerns. Mr D Singh stated that the premises' speakers had been repositioned so that sound was directed downwards, thereby reducing the likelihood of noise carrying towards the neighbouring motel. Mr D Singh further explained that the premises operated a sound system that permitted individual control of speakers in different areas of the premises. This enabled staff to monitor, manage, and adjust sound levels within specific parts of the premises as required, assisting in minimising noise impacts on neighbouring properties and supporting compliance with the premises' licensing obligations.
28. The Committee sought Mr D Singh's understanding of Section 231 of the Act. In response, Mr D Singh initially referred to the general purpose of the Act, namely that the sale, supply, and consumption of alcohol should be undertaken responsibly and that alcohol-related harm should be minimised. Mr D Singh then stated that he understood Section 231 to relate to notifying management changes. Mr D Singh further explained that, in his understanding, the provision required notifications to be provided to the relevant regulatory agencies, including New Zealand Police and the territorial authority, whenever there was a change to duty management arrangements.
29. The Committee noted that the evidence presented by the reporting agencies identified a number of instances in which notifications to regulatory authorities had either not been submitted or had been submitted significantly outside the prescribed timeframe. Mr D Singh acknowledged those deficiencies and accepted responsibility for the failures. Mr D Singh explained that one such instance related to the appointment of a duty manager who had initially been engaged as a relief or backup manager. At the time of the appointment, that individual was intending to relocate to Christchurch and was primarily employed at another licensed premises. Mr D Singh advised that, as a result, the employee did not commence working shifts at the Brook until approximately six months after being appointed. Notwithstanding those circumstances, Mr D Singh accepted that the statutory notification should have been lodged at the time of appointment and acknowledged that his failure to do so was an oversight.
30. Mr D Singh also addressed the appointment of a temporary Duty Manager during a period when Ms Elliott and Ms Sharma were absent on sick leave. Mr D Singh stated that there had been no intention to conceal the appointment and noted that details of all acting and temporary Duty Manager arrangements were recorded in the Brook's Duty Manager Register. Mr D Singh advised that inspectors had subsequently obtained information regarding the appointment from that register. Mr D Singh acknowledged that the required notification had not been provided within the statutory 48-hour period and accepted responsibility for that failure. However, Mr D Singh explained that the temporary Duty Manager had worked only a limited number of hours and that there had been some uncertainty as to whether the

notification requirement applied in those circumstances. Notwithstanding that uncertainty, Mr D Singh accepted that, although the arrangement had been properly recorded in the Duty Manager Register, the required notification had not been provided to the Council and other relevant regulatory agencies as required.

31. In relation to Ms Fewster's appointment, Mr D Singh advised that notification had been submitted within the prescribed timeframe. However, Mr D Singh acknowledged that an error had occurred in relation to the date recorded on the notification lodged in April 2025. Mr D Singh maintained that the Brook consistently maintained records of Duty Manager appointments and acting management arrangements and documented them in the Duty Manager Register. Mr D Singh nevertheless accepted that the Brook had, on occasion, failed to comply with the formal notification requirements prescribed by the Act. Mr D Singh characterised those failures as administrative oversights rather than deliberate attempts to avoid or circumvent regulatory obligations.
32. The Committee expressed concern regarding the numerous instances identified in the reporting agencies' evidence in which responses had been delayed, and communications across a number of licensed premises had repeatedly been accompanied by apologies for lateness. Mr D Singh acknowledged that responsibility for responding promptly to regulatory authorities rested with him. Mr D Singh stated that the recurring apologies reflected his communication style and accepted that many of his written responses commenced with an apology for the delay. Mr D Singh explained that, when regulatory agencies raised issues or concerns, he usually contacted the relevant officer directly by telephone rather than providing an immediate written response. Mr D Singh also advised that, on receiving an email from a reporting agency, he would often telephone the relevant officer shortly thereafter to discuss the matter and obtain a clearer understanding of the concerns being raised.
33. Mr D Singh acknowledged that this approach frequently resulted in delays in providing formal written responses, notwithstanding that verbal communication had taken place. Mr D Singh further accepted that relying primarily on telephone discussions, rather than documenting communications through email correspondence, was not the most appropriate approach and, in hindsight, constituted an error of judgment. Mr D Singh acknowledged that he should have ensured that his responses, actions, and follow-up measures were documented in writing and retained through email correspondence. Mr D Singh emphasised, however, that he had not sought to avoid engaging with regulatory authorities. Instead, Mr D Singh preferred to address matters through direct discussion before taking any necessary corrective action. Mr D Singh stated that he had consistently adopted this approach in his dealings with licensing inspectors, Council officers, New Zealand Police, and other regulatory agencies.
34. When asked to explain his understanding of Section 105 of the Act, Mr D Singh stated that he understood the provision to reflect the overarching object of the Act, namely that the sale, supply, and consumption of alcohol should be undertaken responsibly and that harm caused by the excessive or inappropriate consumption of alcohol should be minimised. Mr D Singh advised that, in his view, compliance with the Act required licensed premises to promote responsible drinking practices and to implement measures aimed at reducing alcohol-related harm.
35. The Committee enquired whether the courtesy vehicle operated by the Brook was used solely to transport patrons home from the licensed premises or whether it was also used to collect patrons and bring them to the premises. Mr D Singh advised that the service had occasionally been used for both purposes. Mr D Singh also explained that the Brook had sometimes provided transport for groups travelling from surrounding areas, including Woodend and High Point, who had made arrangements to attend the premises for a meal. Mr D Singh stated that

such arrangements were not a routine aspect of the business but occurred from time to time for groups of diners. Mr D Singh further advised that records of customer transport arrangements, including patron pick-ups and drop-offs, were maintained in the premises' ride books. Mr D Singh confirmed that no charge was imposed for the use of the courtesy vehicle.

36. The Committee questioned how omissions in the Duty Manager Register could have occurred when the register was inspected by the Medical Officer of Health and sought clarification as to whether adequate systems were in place to ensure entries were completed contemporaneously. Mr D Singh explained that a former Licensing Inspector had advised him that maintaining a Duty Manager Register was a useful compliance tool for regulatory agencies. Mr D Singh stated that the register provided a readily accessible record enabling agencies to identify who had been acting as Duty Manager on a particular date or at a particular time. Mr D Singh further noted that, while the Act required the name of the current Duty Manager to be displayed, the Duty Manager Register itself functioned primarily as an administrative record and compliance reference document. Mr D Singh acknowledged that some entries had not been completed promptly. Mr D Singh advised that, although the register was maintained, no formal system had been implemented requiring entries to be completed immediately following a shift or on the same day. Mr D Singh also explained that end-of-shift responsibilities, including gaming machine reconciliations, cash balancing, and other operational duties, sometimes resulted in delays in updating the register. Mr D Singh accepted that this had led to occasions where entries were completed retrospectively rather than contemporaneously, and in some instances resulted in incomplete records. Nevertheless, Mr D Singh maintained that the Brook's intention had always been to maintain accurate records and that the register remained available as a resource for regulatory agencies undertaking inspections or investigations.
37. The Committee also enquired whether bar staff regularly worked across both licensed premises associated with Mr D Singh and advised that staff movement between the premises occurred only infrequently and that, apart from himself, staff generally did not work on a regular basis across both premises. Mr D Singh noted, however, that Ms J McGill was an exception. Mr D Singh explained that Ms McGill had requested additional working hours and travelled a significant distance from Brighton. As the Brook generally offered shorter shifts, particularly on weekends and during certain trading periods, arrangements had been made for Ms McGill to also work at the Mainstreet Sports Bar in order to increase the number of hours available to her.
38. The Committee noted that the records disclosed a number of instances in which staff had worked lengthy shifts and questioned whether responsibility ultimately rested with Mr D Singh, as licensee, to ensure that employees were not overworked. Mr D Singh advised that rostering arrangements were developed in consultation with individual staff members and took into account their personal circumstances, availability, and preferences. Mr D Singh explained that some employees actively sought additional hours and preferred to work longer shifts. Mr D Singh rejected the suggestion that staff were being placed in circumstances likely to compromise their performance or compliance obligations. Mr D Singh stated that where an employee worked an extended shift, rostering arrangements were generally structured to ensure they were not required to work multiple consecutive long shifts without adequate rest. According to Mr D Singh, staff typically received between two and two-and-a-half days off per week, and rosters were tailored to accommodate family commitments, personal preferences, and requests for additional hours. Mr D Singh emphasised that employees were not compelled to work extended hours and that longer shifts generally arose as a consequence of staff seeking additional work. Mr D Singh stated that management sought to accommodate those requests while maintaining appropriate operational oversight and compliance standards.

39. Mr D Singh further advised that staffing levels were adjusted to reflect anticipated business demand. Where larger bookings or functions were expected, including lunch or dinner events involving 20 to 30 or more patrons, additional staff would be rostered to ensure adequate service levels. In such circumstances, the premises would typically roster a Duty Manager, a staff member dedicated to bar service, and an additional employee to service the restaurant area. Mr D Singh also stated that the Brook maintained a pool of casual and on-call staff who could be utilised when required. Where business demands necessitated additional support, staff aged 18 years or older would be rostered alongside the Duty Manager to ensure operational responsibilities could be appropriately shared. Mr D Singh's evidence was that, while he accepted ultimate responsibility for staffing and rostering decisions, he sought to balance compliance obligations, operational requirements, and staff wellbeing by tailoring rosters to employees' individual circumstances while ensuring additional staffing resources were available when required.
40. When it was put to Mr D Singh that the premises records did not fully support his explanation regarding rostering practices, and that there were documented instances of employees working four separate 12-hour shifts, Mr D Singh accepted that the records accurately reflected those hours. Mr D Singh explained that the extended shifts occurred during a period in which the business was experiencing staffing shortages and actively recruiting additional employees. Mr D Singh further stated that management was reluctant to recruit solely to fill vacancies and instead sought to employ individuals who were suitable for the role, capable of working effectively within the existing team, and able to meet workplace and regulatory expectations. Mr D Singh advised that recruitment had proven challenging for a variety of reasons and explained that the Brook generally utilised a 90-day trial period to assess whether new employees were suited to the position, integrated well within the team, and were capable of complying with workplace procedures and regulatory obligations. During this recruitment period, staffing shortages resulted in existing employees working longer hours than would ordinarily have been the case. Mr D Singh further advised that, in response to those challenges, the Brook had engaged Atlas, a hospitality labour-hire and recruitment provider that supplied staff on short notice when required. Mr D Singh stated that Atlas had become a regular staffing resource for the business and could be contacted whenever additional staffing support was needed.
41. The Committee then questioned how the premises could effectively discharge its harm minimisation obligations if staff were working extended hours to such an extent that, as Mr D Singh had acknowledged in evidence, certain matters had "slipped [his] mind". In response, Mr D Singh emphasised that systems were in place to ensure staff received adequate rest and support throughout their shifts. Mr D Singh advised that employees were not required to remain continuously behind the bar and were entitled to take breaks in accordance with their employment entitlements. Mr D Singh noted that the Brook provided designated staff areas where employees could sit, rest, and take scheduled breaks away from operational duties. Mr D Singh further stated that there were periods during shifts when business levels were quieter, providing staff with opportunities to recover and rest before resuming their responsibilities.
42. Addressing concerns regarding younger employees, Mr D Singh advised that it was not common practice for underage staff members to be working in areas subject to age-related restrictions. Mr D Singh stated that only two current employees were under the age of 18 and that all remaining staff members were aged 18 years or older. Mr D Singh further advised that the Brook continued to review and manage its staffing arrangements and had taken steps to minimise any risks associated with periods of staffing constraint. Mr D Singh maintained that, notwithstanding the challenges experienced during periods of staff shortages, the premises' operational arrangements, provision for staff breaks, and use of additional

personnel where available enabled the Brook to continue meeting its responsibilities and managing alcohol-related harm in an appropriate manner.

43. The Committee also sought clarification regarding the basis upon which it was alleged that vomit discovered in a nearby car park was connected to patrons of the Brook. Mr D Singh advised that neither he nor staff members were aware of the incident at the time it occurred and that it came to the premises' attention only after it was raised by the Licensing Inspector. Mr D Singh stated that, upon making enquiries, he was informed that a group of individuals had been refused service at the Brook on the relevant date and had subsequently been observed in a vehicle parked outside a neighbouring motel. Based on that information, it had been speculated that the vomit may have been associated with that group. However, Mr D Singh acknowledged that this was no more than an assumption and accepted that there was no direct evidence linking the incident either to those individuals or to patrons of the Brook.
44. The Committee asked whether Mr D Singh considered that the Brook's procedures for the operation of the Brook were effective in preventing an intoxicated person from entering or being served at the premises, and whether he was satisfied with the manner in which the situation had been managed. Mr D Singh responded that, in his view, staff had acted appropriately and in accordance with the premises' responsible service obligations. Mr D Singh considered that the decision to refuse service demonstrated that the Brook's systems and procedures for identifying and managing potentially intoxicated patrons were functioning as intended. Mr D Singh maintained that the actions taken by staff were consistent with the premises' harm minimisation practices and reflected an appropriate application of its responsible host policies.
45. The Committee then enquired whether the operational review undertaken by the consultant, Mr M Ferguson, had been completed. Mr D Singh confirmed that Mr Ferguson had completed the review and prepared a written report and referred to a number of matters identified within the report, including concerns relating to rubbish and litter in the car park. Mr D Singh noted, however, that some of the items identified were not products sold by the Brook and may have originated from neighbouring premises. Mr D Singh further advised that a number of the recommendations contained in Mr Ferguson's report had already been implemented by the premises. Mr D Singh stated that the Brook had established procedures to monitor and maintain the areas surrounding the premises and to address instances of inappropriate use of the car park that came to the attention of management or staff. Mr D Singh submitted that these measures reflected the premises' ongoing commitment to improving its operations and addressing issues identified through the review process.
46. The Committee requested that Mr D Singh explain in greater detail the circumstances in which Duty Manager appointments had not been notified to the District Licensing Committee and New Zealand Police, and the number of occasions on which such failures had occurred. Mr D Singh advised that, to the best of his recollection, there had been two instances in which the required notifications were not submitted within the prescribed statutory timeframe. Mr D Singh accepted that those failures arose as a result of administrative oversight during a period when he was heavily involved in the day-to-day operation of the Brook and undertaking a range of additional responsibilities within the business. Mr D Singh explained that one such instance related to the appointment of Arshvir Digh, whose appointment as a Duty Manager was not notified in accordance with the statutory requirements. Mr D Singh acknowledged that the notification ought to have been submitted and accepted responsibility for failing to do so. Mr D Singh noted, however, that details of the appointment had been recorded in the premises' Duty Manager Register. Mr D Singh also referred to two acting Duty Managers engaged during a period of staffing transition and advised that both individuals subsequently ceased their employment because their personal circumstances and employment

expectations did not align with the operational needs of the Brook. Mr D Singh stated that he had not submitted notifications in respect of those appointments because they were temporary in nature and, at the time, he understood that formal notification was not required. Mr D Singh accepted that this understanding was mistaken. Mr D Singh maintained that, notwithstanding deficiencies in the formal notification process, relevant management changes were documented within the Brook's Duty Manager Register and remained available for inspection by regulatory authorities.

47. The Committee then referred to the domestic incident involving Ms Bailey Giddens and queried whether the situation, which escalated rapidly, could have been managed differently to de-escalate the confrontation at an earlier stage. Mr D Singh advised that the Brook utilised a CCTV monitoring system covering areas of the premises that were not always within the direct line of sight of the Duty Manager or other staff. Mr D Singh stated that staff became aware of the incident through observation of the CCTV footage. Mr D Singh further advised that, based on his review of the footage and subsequent discussions with patrons who had witnessed the events, Ms Giddens had approached a group of younger patrons and attempted to sell or offer drugs to them. According to Mr D Singh, the patrons responded by mocking Ms Giddens and telling her to leave the area. Mr D Singh stated that the comments and reactions of the group appeared to agitate Ms Giddens and contributed to an escalation of the interaction. Mr D Singh's evidence was that the situation subsequently deteriorated, with Ms Giddens becoming verbally aggressive and exhibiting increasingly disruptive behaviour.
48. Mr D Singh was asked whether he was satisfied that the Brook's procedures for managing and de-escalating the incident had operated effectively. In response, Mr D Singh explained that Hospo Brothers Limited had adopted a "blanket ban" policy across both of its licensed premises in respect of patrons who engaged in disruptive, abusive, or otherwise unacceptable behaviour. Under that policy, any person who was trespassed from, or prohibited from entering, one premises would also be denied entry to the other premises operated by the company. Mr D Singh advised that the policy applied to patrons who mistreated staff, engaged in inappropriate conduct, or otherwise demonstrated behaviour warranting exclusion from the premises. Mr D Singh considered the approach to be an effective mechanism for reducing repeat incidents and managing problematic patrons. Mr D Singh further stated that the policy acted as a deterrent to inappropriate behaviour, as patrons were aware that misconduct at one premises could result in exclusion from both establishments.
49. The Committee questioned Mr D Singh regarding journal entries that appeared to have been recorded out of sequence and sought clarification as to what systems were in place to ensure that records were completed accurately and in a timely manner. Mr D Singh advised that the Incident Register, Communication Book, and Ride Book were generally completed on the same day that the relevant events occurred and were not subject to delay. Mr D Singh explained that staff regarded these records as a priority and were required to complete them irrespective of how busy the premises had been.
50. Mr D Singh further confirmed that entries in the Communication Book were made contemporaneously, as staff could not be expected to reliably recall all relevant details several days after an event. Mr D Singh stated that any delay in recording information increased the risk of inaccuracies, omissions, or incomplete recollection, and that this was the reason incident and communication records were completed on the day of the relevant event. By contrast, Mr D Singh acknowledged that the Duty Manager Register was not always completed contemporaneously. While staff endeavoured to update the register at the same time as other operational records, competing operational demands occasionally resulted in

entries being completed retrospectively. Mr D Singh accepted that the Duty Manager Register was the record most susceptible to delayed completion and retrospective updating.

51. The Committee then asked whether the decision to increase security staffing at the Mainstreet Sports Bar to two security personnel on Thursday nights was connected to the incident involving a 17-year-old found on the premises. Mr D Singh advised that, following changes to staffing arrangements, he undertook a review of the premises' operational requirements and concluded that an increased security presence would provide greater support during peak trading periods. Mr D Singh also explained that an additional reason for engaging two security personnel was to ensure that both entry points to the premises could be effectively monitored. Mr D Singh noted that Thursday nights were among the busiest trading periods for the premises and therefore warranted enhanced supervision and oversight.
52. Mr D Singh further explained that the role of security personnel extended beyond monitoring access to the premises. In addition to checking identification and controlling entry, security staff assisted with observing patron behaviour throughout the premises and supporting the maintenance of a safe and orderly environment. Their duties included collecting glassware and removing empty bottles when observed, thereby reducing clutter and potential hazards within the premises. Mr D Singh stated that these additional functions assisted operational efficiency and allowed bar staff and management to focus on their primary responsibilities.
53. The Committee enquired whether Mr D Singh had notified New Zealand Police that Mr R Singh was employed as a Duty Manager at the Mainstreet Sports Bar. Mr D Singh clarified that his communications with Police concerning Mr R Singh's employment did not relate to liquor licensing notification requirements but rather arose in the context of Mr R Singh's ongoing court proceedings and associated monitoring conditions. Mr D Singh advised that Mr R Singh was subject to a monitoring regime at the relevant time and was required to wear an electronic monitoring device. As a result, New Zealand Police officers involved with his case, together with the agencies responsible for monitoring his movements and compliance with court-imposed conditions, contacted Mr D Singh directly regarding his employment circumstances. Mr D Singh said those agencies were aware of Mr R Singh's employment at the premises and had been informed of the nature and location of his work to monitor compliance with the conditions imposed by the Court.
54. The Committee put to Mr D Singh that the Act imposed high standards in relation to suitability and harm minimisation and observed that he had employed an individual who was known to have been banned from licensed premises in Dunedin without undertaking further inquiries into the circumstances giving rise to that ban or the nature of the charges involved. Mr D Singh was asked whether he accepted that he had a responsibility to make further enquiries before employing that individual.
55. In response, Mr D Singh acknowledged the Committee's concerns but explained that his decision had been informed by the information available to him at the time. Mr D Singh also stated that, had the matter involved alcohol-related offending, issues concerning the holding of a Manager's Certificate, breaches of licensing obligations, drink-driving offences, or any conduct directly connected to the sale and supply of alcohol, he would have held significant concerns regarding the individual's suitability for employment in a licensed premises. However, Mr D Singh advised that he understood the matter arose from a domestic issue in the individual's personal life and was unrelated to his duties as Duty Manager or to any alcohol-related offending. Mr D Singh further noted that the court proceedings were ongoing at the relevant time and that the individual had not been convicted of any offence. In those circumstances, Mr D Singh did not consider the information then available to him to raise concerns regarding the individual's ability to perform the role.

56. When asked why he had not undertaken further inquiries, Mr D Singh accepted that, with the benefit of hindsight, additional enquiries could have been made. However, Mr D Singh explained that he had consciously decided not to pursue detailed questioning because he regarded the matter as relating to the individual's private and personal affairs. Mr D Singh stated that he considered it potentially intrusive and inappropriate to seek extensive details about matters that were not, to his knowledge, connected to alcohol, licensing compliance, or the individual's professional responsibilities. Mr D Singh maintained that the circumstances known to him at the time did not appear to be directly relevant to Mr R Singh's ability to discharge the duties of a Duty Manager or to exercise appropriate judgment within a licensed premises. For that reason, Mr D Singh did not seek further information regarding the specific allegations or charges that were the subject of the court proceedings.
57. In response to questions from the Committee, Mr D Singh stated that he regarded alcohol-related conduct as being of particular relevance when assessing a person's suitability for employment within the licensed hospitality industry. Mr D Singh also explained that, where an Applicant had been involved in offending directly connected to alcohol, he would be concerned as to whether that person's previous conduct demonstrated an inability to meet the standards expected of a responsible host or Duty Manager. Mr D Singh further stated that he would be reluctant to employ an individual who had previously failed to discharge their responsibilities appropriately at another licensed premises. In his view, where a person had demonstrated poor judgment or an inability to comply with licensing obligations in the past, there would be legitimate grounds to question their capacity to perform those duties responsibly in his own establishments. Mr D Singh confirmed that Mr R Singh continued to be employed as a Duty Manager at the Mainstreet Sports Bar. Mr D Singh further advised that the Police officers and compliance personnel responsible for monitoring Mr R Singh's court-imposed conditions were aware of his employment and had agreed that he could undertake extended working hours in that role. However, Mr D Singh acknowledged that, with the benefit of hindsight, he ought to have reconsidered Mr R Singh's continued employment once he became aware that charges had been laid against him.
58. The Committee asked Mr D Singh why he had not proceeded with the St Kilda Tavern application and whether that decision had been influenced by opposition to the application on the basis of concerns regarding his suitability. Mr D Singh explained that, at the time, he had been considering a number of business opportunities and intended to acquire and operate the premises largely in the manner it had previously been run. However, once it became apparent that certain existing practices were not acceptable and could not continue under the regulatory framework, the proposal became significantly less attractive. Mr D Singh stated that this represented a substantial setback to the proposed acquisition, and further advised that, after considering the circumstances, his legal counsel recommended that withdrawing the application was the most appropriate course of action, and he elected to follow that advice.
59. The Committee raised concerns arising from documentary records indicating that patrons had redeemed a \$20 bar tab won through a previous week's wheel-spin promotion and that an RTD had also been awarded as a prize. The Committee sought clarification regarding the nature and operation of the promotion. Mr D Singh advised that the wheel-spin promotion was conducted each Friday. Customers who purchased a drink received a ticket, which entitled them to participate in a prize draw. The promotion utilised a small prize wheel, similar to those commonly used for promotional purposes, which offered a variety of prizes. Mr D Singh stated that available prizes included items such as bar snacks, complimentary servings of fries, meal discounts, bar tabs, manager's discretion prizes, and other food and beverage-related rewards. Mr D Singh advised that the wheel contained approximately 20 to 30 potential prize outcomes.

60. Mr D Singh was then asked whether he was familiar with the rules governing the distribution of alcohol through promotional activities such as raffles and wheel-spin competitions. Mr D Singh responded that his understanding had been that the promotion was not generating additional revenue for the premises because participation was linked to existing customer purchases and no separate charge was imposed. However, Mr D Singh acknowledged that concerns raised by New Zealand Police had brought the regulatory issues associated with the promotion to his attention. Mr D Singh accepted that the promotion had continued notwithstanding the concerns that had previously been identified.
61. The Committee also requested that Mr D Singh explain the other promotions conducted at the Brook. Mr D Singh advised that the majority of promotions offered by the premises consisted of food-related specials operating throughout the week. Mr D Singh stated that the promotions varied depending on the day and were intended to provide value to customers while encouraging patronage of the restaurant. Mr D Singh further advised that the Brook participated in external dining programmes, including First Table and the Entertainment Book voucher scheme. Through the First Table programme, customers were eligible to receive a 50% discount on food purchases, while the Entertainment Book programme provided customers with a 25% discount on their overall bill. Mr D Singh stated that these programmes attracted patrons from a broad geographical area, including Christchurch and other surrounding regions. Mr D Singh emphasised that the premises' promotional activities were primarily food-focused and designed to encourage customers to attend the premises for dining experiences, rather than solely for the consumption of alcohol.
62. The Committee noted that the concerns raised by the owners of the Riverstone Motel were substantially similar to those advanced at the previous hearing and invited Mr D Singh to outline the measures implemented to address the objectors' concerns, particularly in relation to noise and other nuisance issues. Mr D Singh provided an overview of his interactions with the motel owner since acquiring the Brook and noted that he had sought to maintain a positive and cooperative relationship with the neighbouring business, noting that the two operations were complementary in nature. According to Mr D Singh, guests staying at the motel frequently dined at the Brook, while the motel benefited from having a nearby hospitality premises available to its guests. Mr D Singh also noted that the motel promoted its accommodation as comprising soundproof rooms and suites.
63. In relation to noise management, Mr D Singh advised that the Brook had adopted a deliberate approach to minimising disturbance to neighbouring properties. Mr D Singh explained that the premises had significantly reduced the frequency and scale of live entertainment and generally engaged only solo performers using acoustic instruments, such as guitars, rather than larger bands incorporating drums or amplified equipment. Live music events were typically held only intermittently and were intended to provide entertainment for local patrons. Mr D Singh further stated that the Brook had implemented a range of operational measures designed to minimise noise impacts, including closing the outdoor smoking area after 10.00 pm, encouraging patrons using external areas to keep noise to a minimum, and prohibiting the playing of music in outdoor areas of the premises.
64. Mr D Singh further advised that, during live entertainment events, staff routinely monitored noise levels by undertaking checks around the exterior of the premises to assess the extent to which sound was travelling beyond the site. Mr D Singh explained that, where live performances were held during the afternoon, typically between 3.00 pm and 6.00 pm, multiple staff members were rostered on duty, including Duty Managers and security personnel. Regular external inspections were carried out throughout such events to ensure that noise levels remained reasonable and appropriately managed.

65. Mr D Singh also advised that larger themed events, including an 1980s-themed function, were conducted within the internal restaurant area rather than other parts of the premises. This approach enabled management to contain noise more effectively within the building. Where practicable, patrons were directed to areas of the premises located further from the neighbouring motel in order to reduce the likelihood of sound carrying towards nearby accommodation units. Looking forward, Mr D Singh advised that the Brook was planning a substantial refurbishment of the premises. Although the project had originally been scheduled to commence in August 2026, it had since been deferred until the following year. Mr D Singh explained that the proposed works included the installation of acoustic and sound-absorbing materials throughout the building, much of which comprised timber construction. According to Mr D Singh, these improvements were intended to further reduce noise transmission and minimise any impact on neighbouring properties.
66. The Committee asked whether the owners of the neighbouring motel had approached Mr D Singh regarding noise concerns since the previous hearing and whether there had been any ongoing communication between the parties. Mr D Singh responded that, following notification of one of the Brook's larger events, the motel owners had contacted him to express concerns regarding noise levels associated with the function. Mr D Singh advised that he was working at the Brook at the time and received email correspondence from the motel owner indicating that the music was excessively loud. Mr D Singh stated that he immediately directed staff and the performers to reduce the volume. In response to the complaint, the music was reduced to a background level only. Mr D Singh further advised that, once the volume had been lowered, patrons largely engaged with the music by singing along rather than generating significant additional noise.
67. The Committee also referred to a caravan that had reportedly been parked overnight in the car park and sought clarification as to whether it had been situated within the shared parking area. Mr D Singh advised that the caravan had been parked within the Brook's car park; however, he stated that the occupants had not entered the premises and had not purchased any food or alcohol from the Brook. Mr D Singh explained that, after concerns were raised by the adjoining motel owner, management spoke with the occupants and addressed the matter. Mr D Singh further explained that the wider parking area was affected by a subdivision comprising three separate land titles. As a consequence, the practical boundaries between the various parking areas were not always readily apparent, and the lease documentation did not clearly identify which parking spaces were allocated to each property. Mr D Singh stated that, in practice, the parking area was utilised on an informal shared basis, with spaces generally occupied on a first-come, first-served basis. Mr D Singh advised that the Brook did not actively monitor or restrict the use of particular parking spaces by patrons or other users of the area.
68. The Committee referred to the evidence presented by New Zealand Police concerning a number of patrons who had been stopped and found to be driving with excess breath alcohol. Mr D Singh was asked whether he accepted that certain individuals spoken to by Police had stated that they had come from the Brook prior to being intercepted. Mr D Singh advised that there had been at least one instance in which Police had informed him that an individual involved in a drink-driving incident had been observed at the Brook. While Mr D Singh was not personally familiar with the specific circumstances of that individual's attendance at the premises, he accepted that, if Police had recorded that information, it may well have been accurate.

69. However, Mr D Singh did not accept that every person stopped by Police who claimed to have come from the Brook had necessarily consumed alcohol at the premises. Mr D Singh submitted that, in some cases, individuals may refer to a well-known local premises when asked where they had been, particularly when they were stopped in close proximity to that location. Accordingly, Mr D Singh stated that he did not consider it appropriate to assume, without further verification, that every individual who mentioned the Brook had in fact been present at the premises or had consumed alcohol there. Mr D Singh further emphasised that the Brook actively promoted and encouraged the use of safe transport options as part of its harm minimisation practices. Although staff had no authority to compel patrons to use alternative means of transport, they regularly engaged with customers regarding their travel arrangements and would often enquire how patrons intended to get home. Mr D Singh advised that staff routinely informed patrons of the availability of the premises' courtesy transport service and, where appropriate, offered transport assistance to help reduce the risk of drink-driving.
70. The Committee observed that the New Zealand Police evidence indicated that, of nine individuals who had returned positive evidential breath test results in the Rangiora area, three had stated that they had come from the Brook. Mr D Singh was asked whether he considered that proportion to be significant, given that it represented almost half of the individuals detected over the legal limit. Mr D Singh acknowledged that three out of nine represented a relatively high proportion and accepted that, viewed in isolation, the figure appeared significant. However, Mr D Singh referred to at least one incident previously raised by Police in which an individual claimed to have come from the Brook despite the relevant breath test having been conducted well after the premises had ceased trading for the evening. Mr D Singh stated that, in that instance, he had provided Police with evidence confirming the Brook's closing time on the date in question. His evidence was that caution should therefore be exercised before drawing conclusions from such figures alone, particularly where there was limited information available regarding the timing of a person's attendance at the Brook, the period over which alcohol may have been consumed, or whether consumption had occurred at other locations before or after leaving the premises.
71. The Committee referred to an altercation that occurred at the Mainstreet Sports Bar on 6 July 2026 and noted the evidence of Constable D Milford, who stated that the patrons involved were intoxicated and had been removed from the premises. The Committee sought Mr D Singh's response to that evidence. Mr D Singh advised that his understanding of the incident was derived from information provided to him by a staff member, Jade, who had contacted New Zealand Police when the situation escalated. According to Mr D Singh, Jade reported that the patron concerned had left the immediate area to use the bathroom and, upon returning, became involved in a confrontation with patrons seated at a nearby table. Mr D Singh stated that he had been informed the patron had consumed two jugs of beer and that the incident occurred while the patron was consuming his second jug. Based on Jade's account, the patron began directing abusive remarks toward the other patrons, which ultimately resulted in the altercation. Mr D Singh advised that Police were contacted once the situation escalated beyond the point that staff considered they could safely manage it. Mr D Singh further stated that the information provided by Jade represented the entirety of his knowledge of the incident and that he had no direct knowledge of the events beyond that account.

72. The Committee then referred Mr D Singh to the New Zealand Police Brief of Evidence, which recorded his explanation that front-line staff had not informed him of the incident due to operational pressures within the premises. The Committee observed that the incident appeared to be a serious matter and questioned whether staff workload constituted an adequate explanation for the failure to notify management. In response, Mr D Singh acknowledged the Committee's concern and accepted that incidents of this nature should ordinarily be brought to management's attention. Mr D Singh stated that his understanding was that staff had not reported the matter to him at the time because they were occupied managing operational demands within the premises. Mr D Singh accepted that this was unsatisfactory and agreed that the incident should have been communicated to him promptly. Mr D Singh further acknowledged that, with the benefit of hindsight, it would have been preferable for management to have been notified immediately to ensure appropriate oversight and follow-up.
73. The Committee noted the concerns raised by New Zealand Police that, despite repeated requests, they had not been provided with a copy of Ms Lilly Burke's Manager's Certificate following her appointment at the Mainstreet Sports Bar. In response, Mr D Singh explained that he had discussed the matter with Ms Burke after becoming aware that she had reportedly been undertaking duties as an Acting Duty Manager at the Leithfield Hotel. Mr D Singh noted that Ms Burke was 16 years of age at the relevant time and, accordingly, would not have been eligible to hold a Manager's Certificate or lawfully act as a Duty Manager. Mr D Singh stated that this gave rise to uncertainty regarding the circumstances being referred to and advised that Ms Burke informed him she was in communication with the Council regarding the matter and that any necessary approvals or requirements would be addressed through that process. On the basis of those discussions, Mr D Singh understood that any issues relating to a Manager's Certificate application were being dealt with directly between Ms Burke and the relevant regulatory authorities. Mr D Singh therefore did not make any further enquiries and assumed that the matter was being appropriately managed through those channels.
74. The Committee questioned whether it was Mr D Singh's responsibility to ensure that the requisite notifications concerning Ms Burke's appointment had been provided to the relevant regulatory agencies. Mr D Singh confirmed that notifications had been submitted to both New Zealand Police and the Council and advised that questions regarding the appointment arose after a regulatory officer attended the premises and observed Ms Burke's name on the roster, prompting enquiries as to whether the required notification had been made. Mr D Singh stated that, when the matter was raised with him, he advised the officer that notification had previously been submitted. According to Mr D Singh, the officer subsequently advised that she would review the Council's records to verify receipt of the notification.
75. The Committee then referred to evidence presented by New Zealand Police expressing concern that it had taken approximately three months for a formal response to be provided in relation to the matter. The Committee queried whether such a delay was acceptable. Mr D Singh acknowledged that a delay of that duration was unacceptable and accepted responsibility for it. Mr D Singh advised that, throughout the relevant period, he had remained in regular contact with the Licensing Inspector, New Zealand Police, and the Medical Officer of Health, and had engaged in ongoing discussions regarding operational issues and measures to improve compliance. Mr D Singh explained that his preferred method of communication was to engage directly with regulatory officers by telephone and through informal discussions, rather than by corresponding in writing. While Mr D Singh considered those conversations to constitute genuine engagement with the reporting agencies, he accepted that he had failed to adequately document or formally confirm those discussions through email correspondence. Mr D Singh acknowledged that, in hindsight, greater attention ought to have been given to providing timely written responses and maintaining a clear

documentary record of communications with the relevant authorities. Mr D Singh accepted that the delay was his responsibility and that the matter should have been addressed and recorded more promptly.

76. The Chairperson thanked Mr D Singh for his attendance and submissions.
77. Ms Logan then called Ms Courtney Elliott to give evidence. Ms Elliott read her Brief of Evidence, as contained in the Committee Agenda, into the record.
78. The Committee referred to the incident of 23 October 2026 involving a patron who was subsequently involved in a motor vehicle crash after leaving the Brook. The Committee noted Ms Elliott's evidence that she considered the patrons to be under the influence of alcohol but not intoxicated and asked her to explain the basis for that assessment. Ms Elliott advised that her assessment was formed from her observations of the patrons throughout the evening. Ms Elliott stated that the patrons had been at the premises for a considerable period, during which they had consumed both food and alcohol. Ms Elliott explained that her observations were made towards the end of the evening when the patrons were preparing to leave the premises. Based on those observations, she formed the view that the patrons had consumed alcohol and were under its influence but did not display sufficient indicators of intoxication to be assessed as intoxicated.
79. In response to a question from the Committee, Ms Elliott advised that she may have subsequently been informed of the patrons recorded breath alcohol levels following the incident. However, Ms Elliott was unable to recall the specific breath alcohol readings at the time of the hearing.
80. The Committee further questioned whether, if the patrons were under the influence of alcohol, they would nevertheless have been fit to drive. Ms Elliott acknowledged that, in her view, they would not have been fit to drive. Ms Elliott explained that, for that reason, she had offered the patrons alternative transport arrangements on multiple occasions in an effort to prevent them from driving after consuming alcohol.
81. The Committee asked Ms Elliott whether the company had a policy or guideline requiring staff to enquire as to how patrons intended to travel home, particularly where patrons had remained at the premises for an extended period and had consumed a significant quantity of alcohol. The Committee noted that the receipts relating to the table in question recorded the purchase of a substantial number of drinks and sought clarification on whether staff were expected to make direct enquiries about patrons' transport arrangements. Ms Elliott advised that, while she was not aware of a formal written policy requiring such enquiries, it was established practice amongst staff to ask patrons how they intended to get home. She explained that staff routinely asked customers questions such as, "*How are you getting home tonight?*" as part of the premises' responsible host practices and its efforts to promote safe transport options. Ms Elliott further advised that staff received training which reinforced the importance of making such enquiries and encouraging patrons to consider safe transport arrangements before leaving the premises.
82. The Committee then asked whether, in relation to the incident of 23 October 2025, the patrons had provided any indication as to how they intended to travel home after leaving the premises. Ms Elliott confirmed they had not and advised that neither she nor any other staff members knew the patrons' intended means of transport, and that no information had been provided to staff indicating how the patrons planned to return home.

83. The Committee referred to the evidence concerning vomit found in the car park and noted that boundary checks had subsequently been introduced. The Committee observed that the car park was relatively small and queried whether it was unusual that routine boundary inspections had not previously been undertaken at the commencement and conclusion of each trading day. Ms Elliott acknowledged that more frequent and comprehensive inspections of the wider car park area would have been appropriate. Ms Elliott explained that she generally parked on one particular side of the car park and, as a result, her attention had tended to be focused on that area. Ms Elliott accepted that she could have exercised greater diligence in monitoring the entire car park and surrounding areas.
84. The Committee further enquired whether, during trading hours, staff conducted inspections of the car park and surrounding areas, aside from security personnel who might be stationed outside the premises. Ms Elliott advised that, when acting as Duty Manager, she generally remained within the licensed premises and would delegate responsibility for external inspections to another staff member. Ms Elliott further explained that such inspections were undertaken periodically and typically involved checking the exterior areas of the premises, monitoring activity within the car park, and collecting any rubbish or debris observed in the vicinity. Ms Elliott stated that these inspections formed part of the premises' routine operational practices and were intended to assist in maintaining the condition of the premises and surrounding areas throughout trading hours.
85. The Committee referred to Ms Elliott's evidence that, following a visit to the Brook by Ms Avril Mathers, Licensing Inspector and Senior Constable Craddock, both appeared satisfied when they departed the premises. The Committee noted that this observation had been recorded in Ms Elliott's notes and sought further detail regarding the nature of the visit and the basis upon which that impression had been formed. Ms Elliott advised that, to the best of her recollection, the visit had been brief. Ms Elliott further stated that Ms Mathers and Senior Constable Craddock spoke with her during the course of the visit and did not raise any concerns, compliance issues, or matters requiring attention. Following that interaction, the two officials continued their inspection and held discussions with Mr D Singh. Ms Elliott advised that she was not involved in those discussions and was unaware of their content. Ms Elliott further stated that, upon leaving the premises, both officials appeared to be in good spirits and gave no indication that any issues had arisen during the inspection. As no concerns were raised with her at the time, Ms Elliott formed the impression that the visit had proceeded satisfactorily.
86. The Committee asked Ms Elliott to explain how the premises' sound system operated. Ms Elliott advised that the primary controls for the sound system were located upstairs, from where the system could be activated or deactivated. Ms Elliott stated that the downstairs areas of the premises were equipped with multiple speakers and that separate volume controls enabled staff to independently adjust sound levels in different parts of the premises. This allowed management to regulate noise levels and respond to circumstances as required.
87. In relation to the outdoor area adjoining the neighbouring motel, Ms Elliott advised that it was standard practice for the volume of any music played in that area to be significantly reduced by approximately 9.00 pm in order to minimise disturbance to neighbouring properties and avoid noise complaints. While Ms Elliott acknowledged that there may have been isolated occasions when music continued at a higher volume beyond that time, she stated that the premises' general practice was to reduce the volume by 9.00 pm. Ms Elliott further advised that speakers were also located at the opposite end of the premises, including near the outdoor bar and restaurant entrance. However, based on her observations, very little sound was audible from that location, and Ms Elliott did not consider those speakers to be a significant source of noise affecting neighbouring properties.

88. The Committee referred to the side entrance which, after a specified time each evening, was required to remain closed and be used solely as an emergency exit. The Committee asked whether Ms Elliott had observed patrons attempting to use the door after it had been closed. Ms Elliott confirmed that there had been occasions when patrons attempted to enter the premises through the door after it had been closed. Ms Elliott advised that signage was displayed on both sides of the door informing patrons that it was not to be used for entry and directing them to the alternative entrance. Despite this, some patrons attempted to gain access through the closed door and, on occasion, became frustrated when unable to do so. Ms Elliott stated that such patrons were directed to the main entrance and, where appropriate, their conduct was monitored by staff.
89. Ms Elliott further advised that there had also been instances where patrons exited through the door notwithstanding directions that it was to be used only as an emergency exit. On some occasions, patrons had unlocked the door themselves and left through it despite having been instructed by staff not to do so. Ms Elliott stated that these incidents occurred notwithstanding the signage and procedures in place to restrict use of the door after the specified time.
90. The Committee sought Ms Elliott's views regarding the rostering of extended shifts, noting evidence that employees had a degree of flexibility and input concerning the hours they worked. The Committee asked whether working several consecutive long shifts affected staff wellbeing, alertness, or their ability to perform their duties effectively throughout the remainder of the working week. Ms Elliott advised that, in her experience, staff generally managed extended shifts without difficulty and were encouraged to communicate with management if they felt fatigued or required additional support. Ms Elliott explained that employees who felt tired or needed additional rest could approach management to request a later start time or arrange for a shift to be covered by another staff member. Ms Elliott stated that she had not personally experienced any significant adverse effects from working extended shifts followed by further shifts during the same week. In her view, the rostering arrangements provided sufficient flexibility for employees to raise concerns about fatigue and seek appropriate support where necessary.
91. The Committee also sought Ms Elliott's views as to whether a single staff member could effectively manage the range of operational responsibilities undertaken at the premises, including bar service, restaurant operations, gaming machine supervision, and other associated duties. Ms Elliott advised that patron numbers and operational demands could fluctuate considerably and were often difficult to predict, and stated that, based on her experience, it was generally possible for a single staff member to manage the various responsibilities associated with the role, although this depended upon the level of business activity at any given time. Ms Elliott further explained that the Brook maintained systems to provide additional staffing support when required. Consistent with Mr D Singh's evidence, she advised that a number of staff members were available on an on-call basis and could be contacted where trading levels increased unexpectedly or where additional assistance became necessary. Ms Elliott stated that the availability of on-call staff allowed the premises to respond to changing operational demands and helped ensure that responsibilities could be adequately managed during busier periods.
92. The Chairperson thanked Ms Elliott for her attendance and submissions.
93. Ms Logan then called Ms Priyanka Sharma to give evidence. Ms Sharma read her Brief of Evidence, as contained in the Committee Agenda, into the record.

94. The Committee asked Ms Sharma to explain the process used by the premises to verify patrons' ages and check identification. Ms Sharma advised that the premises did not utilise an electronic age-verification system integrated into the point-of-sale (POS) system. Instead, staff relied on age-verification reference cards provided by the Council. Ms Sharma described these as coloured cue cards, which were positioned prominently in front of each till for easy reference by staff. Ms Sharma explained that the premises operated two tills in the bar area and one till in the restaurant area, with the age-verification cards displayed adjacent to each terminal. Staff used these cards to assist in determining whether identification should be requested and to verify that patrons met the legal age requirements. Ms Sharma confirmed the Brook did not have an electronic age-verification function within its till system.
95. The Committee requested Ms Sharma to describe the SCAB assessment framework and explain how it was applied in practice when assessing whether a patron was sober, affected by alcohol, or intoxicated. Ms Sharma explained that SCAB was an acronym representing Speech, Coordination, Appearance, and Behaviour, being the recognised indicators used to assess a person's level of intoxication. Ms Sharma stated that staff were trained to observe these indicators when monitoring patrons and determining whether intervention was required. In applying the SCAB assessment, staff looked for signs across each of the four categories and assessed the patron's overall presentation. Ms Sharma understood that multiple indicators were required before a patron would be considered intoxicated. In relation to Speech, an intoxicated person may exhibit slurred speech, difficulty forming words, or impaired communication. In relation to Coordination, signs could include difficulty standing, stumbling, tripping, swaying, or otherwise exhibiting impaired physical balance and movement. With respect to Appearance, an intoxicated person may appear dishevelled, untidy, or otherwise display a noticeable deterioration in their physical presentation. In relation to Behaviour, staff looked for conduct that was inappropriate, aggressive, disruptive, or otherwise inconsistent with the person's normal demeanour.
96. The Committee referred to the excessive noise complaint of 29 March 2025 and noted that the Noise Control Officer had remained dissatisfied with the noise levels emanating from the premises. The Committee asked Ms Sharma whether she understood this to mean that the band's performance could not be reduced to a level that would be acceptable when heard from outside the premises. Ms Sharma advised that the Noise Control Officer attended the premises in response to complaints received from neighbouring residents regarding the volume of live music. Upon arrival, the officer informed staff that concerns had been raised about the noise levels being generated by the performance. In response, the band was directed to cease playing immediately. Ms Sharma stated that the officer subsequently requested that the band resume playing so that he could assess the noise levels and determine whether adjustments could be made to address the concerns. Ms Sharma gave evidence that, after listening to the performance, the officer advised that the music remained excessively loud and that further reductions in volume would be required. The band then attempted to comply by lowering the volume of the performance and considering the removal or reduced use of certain instruments. Although the officer acknowledged that some improvement had been achieved, Ms Sharma stated that he remained concerned that the volume could increase again after his departure.
97. The Committee enquired as to how live music would be managed in the future and whether any additional controls would be implemented should bands perform at the premises again. Ms Sharma advised that, following the noise concerns that had been raised, the Brook had significantly reduced, and in most instances discontinued, the use of live bands. Ms Sharma stated that the premises had initially limited live entertainment to solo performers and two-piece acts, which were generally scheduled for the second Friday of each month. However, Ms Sharma advised that even those performances had recently ceased. Ms Sharma noted

that a two-piece band had performed at the premises on the Sunday immediately preceding the hearing. Unlike the five-piece band that had been the subject of the noise complaint, the more recent performance was held in the bar area of the premises rather than in the restaurant area, which is situated closer to the neighbouring Riverstone Motel. Ms Sharma stated that she personally conducted a number of inspections outside the premises during the performance and was unable to hear any significant noise emanating beyond the premises boundary.

98. Ms Sharma further advised that she and Mr D Singh had discussed the approach that would be adopted should live entertainment be reintroduced in the future. Ms Sharma stated that their view was that, if live music were to resume, Sunday afternoons would be the most appropriate time for such events, particularly between approximately 3.00 pm and 6.00 pm. Ms Sharma explained that there was generally a greater level of background activity and traffic noise during those hours, which reduced the likelihood of music being noticeable beyond the premises boundary. Ms Sharma further advised that, since the noise complaint of 29 March 2025, the premises had ceased hosting larger performances involving multiple musicians and amplified instruments and had instead focused on smaller-scale entertainment options that could be more effectively managed from a noise-control perspective.
99. The Committee asked Ms Sharma whether the owners of the Riverstone Motel had contacted her directly, in her capacity as Duty Manager, regarding specific instances of noise and any concerns arising from those events. Ms Sharma advised that when the motel owners had concerns, they generally contacted the Brook by landline or communicated directly with Mr D Singh. Ms Sharma stated that, since the incident previously discussed, she could not recall any occasion on which the motel owners had telephoned the premises to raise further concerns regarding noise or related nuisance issues. Ms Sharma further advised that the motel owners also had the option of communicating by email.
100. The Committee asked whether Ms Sharma was comfortable that the staffing arrangements currently operating at the Brook created and maintained a healthy work environment. Ms Sharma confirmed that in her role as Duty Manager, she was responsible for staff recruitment, training, and general workforce management. Ms Sharma reported that the premises had recently lost three experienced staff members but had since recruited two replacement employees and was actively seeking to employ an additional staff member aged 18 years or over. Ms Sharma noted that the current staffing complement included two employees under the age of 18. Overall, the witness advised that the premises employed approximately 10 staff members, including three certified Duty Managers. Her evidence was that, notwithstanding recent staff turnover, they were satisfied that the Brook maintained sufficient staffing resources to operate effectively and continue meeting its operational and compliance obligations.
101. The Committee referred to Ms Sharma's evidence that staff were instructed to request identification from any patron who appeared to be under 25 years of age upon entry to the premises. The Committee enquired whether the premises regularly had to refuse entry to persons under the age of 18. Ms Sharma advised that, more recently, the premises had not encountered a significant number of underage persons seeking entry. However, Ms Sharma recalled that, during the previous year, there had been a noticeable increase in attempts by underage individuals to gain access to the premises using altered, damaged, or otherwise tampered identification documents. Ms Sharma stated that the frequency of such incidents had been sufficiently high that staff had commented upon it and expressed concern regarding the number of questionable identification documents being presented. At the time, management had discussed the issue with the Licensing Inspector and the New Zealand Police and had regularly provided information to them about incidents involving suspected

false or tampered identification. Ms Sharma noted that staff had become familiar with many local young adults who had since reached the age of 18 and regularly frequented the premises. As a result, age verification issues were being encountered less frequently than had been the case previously.

102. The Committee referred to Ms Sharma's evidence concerning the incident involving Ms B Giddens and noted that it was the only occasion on which she had contacted New Zealand Police for assistance. The Committee asked whether there had been any other incidents during the witness's employment at the Brook where Police involvement had been considered but ultimately proved unnecessary. Ms Sharma observed that, since commencing employment at the Brook, she had not encountered any other incident that had escalated to the point where Police assistance was required.
103. Responding to questions, Ms Sharma explained that the wheel-spin promotion operated at the Brook was conducted each Friday from approximately 4.00 pm onwards. Under the promotion, any customer who purchased a drink would receive a numbered ticket. At hourly intervals, a ticket number would be drawn at random, and the holder of the winning ticket would be invited to spin the prize wheel. The prize wheel contained approximately 15 to 20 different prize options. Available prizes included a range of food and beverage items, such as complimentary food, including fries, bar tabs of varying values, and, on some occasions, alcoholic beverages. The largest prize available on the wheel was a \$100 bar tab.
104. Ms Sharma advised that the number of draws depended largely on patron numbers and trading levels. Ms Sharma also noted that Friday evenings had become relatively quiet in recent times. Although the Brook was licensed to trade until 1.00 am, it was often closing at around 10.00 pm due to lower customer demand. If the premises remained open until its full licensed hours, approximately five or six draws might occur during the course of the evening. However, in practice, where only a small number of patrons were present, tickets would not always be distributed. As a result, Ms Sharma estimated that the promotion would typically involve approximately three or four prize draws on a Friday night.
105. The Committee sought clarity on why the CCTV footage from the Brook requested by the New Zealand Police was not supplied. Ms Sharma advised that, to the best of her recollection, a Police officer attended the premises during the evening while she and Ms Elliott were on duty and requested a copy of the relevant CCTV footage. Ms Sharma stated that, at the time, she advised the officer that she was unable to access the office immediately to retrieve and download the footage but indicated that arrangements could be made to provide it subsequently. The officer advised that a link would be sent to enable the footage to be uploaded electronically. Ms Sharma confirmed that she subsequently received the link. However, Ms Sharma was unable to transmit the footage using that method because the file size was too large. Following further discussion, the officer suggested that the footage could instead be copied onto a USB drive and left at the premises for collection. Ms Sharma advised that she could not recall whether the officer subsequently returned to collect the footage or made any further attempts to contact the officer to arrange collection.
106. The Committee observed that Ms Sharma's intervention during Ms Giddens' incident appeared beneficial and questioned how the incident might have been managed had she not been available to attend. Ms Sharma believed Mr D Singh would have managed the situation. Ms Sharma explained that, having worked at the Brook for a considerable period, she had developed positive relationships with many regular patrons. This familiarity often assisted in resolving difficult situations and facilitating communication with customers. Ms Sharma further noted that, as a woman, she felt some female patrons were sometimes more comfortable speaking with her and may have been more receptive to their efforts to calm a

situation. Ms Sharma advised that staff regularly discussed customer welfare and behavioural issues through team discussions and internal group communications. In her view, Mr D Singh's decision to contact her was motivated by a desire to manage the situation without unnecessarily escalating matters. The witness believed that Mr D Singh was seeking to avoid involving the New Zealand Police if the matter could be resolved safely and appropriately by staff, thereby preventing additional difficulties for Ms Giddens.

107. The Chairperson thanked Ms Sharma for her attendance and submissions.

Reporting Agencies

108. Mr Robert Turner, Licensing Inspector, was called. Mr Turner observed that the New Zealand Police opposed the application pursuant to Sections 105B and 105G of the Act, on the grounds of the Applicant's suitability and whether appropriate systems, staff, and training were in place to ensure compliance with the Act. In addition, the Medical Officer of Health opposed the application pursuant to Section 105J, concerning whether the Applicant had appropriate systems, staff, and training in place to comply with the Act. Mr Turner advised that he opposed the application in support of the oppositions filed by the Police and the Medical Officer of Health.
109. Mr Turner submitted that the evidence before the Committee demonstrated a sustained pattern of non-compliance and poor operational oversight, raising serious concerns regarding the Applicant's suitability and the adequacy of its systems, staff, and training to ensure ongoing compliance with the Act. The Committee was invited to consider compliance issues at both Brook Bar and Eatery and the Mainstreet Sports Bar, which were operated by the Applicant. It was submitted that the conduct of both premises was relevant to the assessment of the Applicant's suitability and the effectiveness of its systems, staff, and training, particularly where the sale and supply of alcohol had resulted in alcohol-related harm through excessive or inappropriate consumption.
110. Mr Turner believed that the frequency of incidents involving the inappropriate sale and supply of alcohol, intoxication, inadequate staffing, reliance on acting managers, legislative breaches, and repeated New Zealand Police intervention was of significant concern. Particular concern was expressed regarding incidents at both premises involving serious intoxication and the apparent service of alcohol to intoxicated persons. Reference was made to one incident involving three patrons who had consumed approximately 12, 14, and 12 standard drinks respectively within a period of less than four hours, resulting in alcohol-related harm and significant breaches of the law.
111. It was submitted that, collectively, these matters indicated systemic failures in host responsibility, staff training, compliance management, and operational oversight. Mr Turner contended that the Applicant had not demonstrated his suitability, nor that appropriate systems, staff, or training were in place to ensure ongoing compliance with the Act. Mr Turner further submitted that renewal of the licence would likely result in alcohol-related harm through the excessive or inappropriate sale and supply of alcohol.
112. The Licensing Inspector, Mr Turner, then adopted and read his Brief of Evidence, as contained in the Committee Agenda, into the record.

113. The Committee sought clarification regarding the Inspector's concerns relating to the adequacy of the Applicant's systems, staffing arrangements, training, and operational oversight. In response, Mr Turner submitted that, while certain matters, when viewed in isolation, may appear minor, they could nevertheless be indicative of broader deficiencies in the management and supervision of licensed premises. By way of example, Mr Turner referred to the presence of vomit on the premises, stating that such incidents raised questions as to whether appropriate systems were in place to monitor the premises and ensure the maintenance of amenity and good order. Mr Turner further submitted that the frequent use of acting managers was a matter of concern. Mr Turner stated that acting managers may not necessarily possess the qualifications, experience, or suitability required of certified managers and that repeated reliance on acting managers, particularly where the required notifications had not been provided, may indicate wider compliance deficiencies. Mr Turner noted that the Act provide a mechanism for regulatory scrutiny of manager appointments and that the failure to lodge the requisite notifications deprived the Committee and relevant agencies of the opportunity to assess the suitability of those appointments.
114. In addressing the adequacy of the Applicant's systems, staff, and training, Mr Turner referred to the incident of 23 October 2025 involving three patrons who consumed substantial quantities of alcohol over a period of less than four hours. Mr Turner acknowledged that evidence had been given by staff and the Applicant that the patrons had not exhibited obvious signs of intoxication in terms of speech, coordination, appearance, or behaviour. Notwithstanding that evidence, Mr Turner submitted that the service of approximately 14 standard drinks to a single patron within such a short period could not reasonably be regarded as responsible service of alcohol. Mr Turner expressed the view that the quantity of alcohol consumed posed a significant risk of intoxication and alcohol-related harm, irrespective of whether overt signs of intoxication had been observed at the time. Mr Turner submitted that the incident demonstrated deficiencies in the practical application of host responsibility principles and raised concerns regarding the effectiveness of staff training and the implementation of systems intended to promote compliance with the Act.
115. Mr Turner further submitted that staff training and host responsibility practices should extend beyond sole reliance on the SCAB assessment framework. Mr Turner expressed the view that an approach focused exclusively on observable indicators of intoxication represented only a minimum level of compliance with the obligations imposed by the Act. Mr Turner stated that staff should also be aware of, and assess, the quantity of alcohol being supplied to patrons and consider whether continued service remained responsible in the circumstances. Mr Turner submitted that the incident in question indicated deficiencies in staff understanding of responsible service obligations and raised concerns regarding the effective implementation of host responsibility measures at the premises.
116. The Committee asked whether the Applicant had maintained regular communication with Mr Turner, noting evidence from Mr D Singh that he had remained in contact by telephone notwithstanding occasions where email correspondence had not been answered. Mr Turner confirmed that, in his experience, the Applicant had generally been a good communicator and had been approachable and cooperative in his dealings with regulatory agencies. Mr Turner stated that he had found the Applicant to be amenable and that communication by telephone had occurred on a regular basis.

117. The Committee noted an apparent inconsistency between the Inspector's evidence regarding the Applicant's communication with regulatory agencies and the concerns raised in relation to the absence of Section 231 notifications. In response, Mr Turner drew a distinction between informal communications and compliance with statutory notification requirements. Mr Turner advised that, although Section 231 notifications had not always been provided, Mr D Singh had regularly communicated with regulatory agencies by telephone regarding operational matters arising at the premises. However, Mr Turner confirmed that, in the instances under consideration, the required notifications had not been received and that neither the Council nor the reporting agencies had been aware of the relevant manager appointments until they were identified during compliance inspections. Mr Turner further submitted that the failure to provide the prescribed notifications constituted a breach of the Act and deprived the regulatory agencies of the opportunity to assess the suitability of those appointments in accordance with the statutory framework.
118. The Committee referred to Mr Turner's evidence concerning the Manager's Register and the frequency and duration of acting manager appointments and sought further clarification. Mr Turner advised that the Acting Duty Manager concerned had been appointed for periods exceeding 48 consecutive hours on a number of occasions. Mr Turner stated that, in such circumstances, notification pursuant to the Act would ordinarily have been required. Mr Turner was unable to provide further detail at that time without reviewing the relevant records.
119. The Committee then queried the Inspector's evidence that no Council records of notifications under Section 231 were available and asked whether any such records had subsequently been received. Mr Turner advised that, to the best of his knowledge, the required notifications had not been received. Mr Turner further stated that the failure to submit the prescribed notifications constituted a breach of the Act.
120. In response to a further question regarding the statutory requirements for acting and temporary managers, Mr Turner advised that the Act imposes limits on the duration for which a person may be appointed in an acting or temporary capacity within a 12-month period. Mr Turner also stated that the relevant limit was three weeks within any 12-month period.
121. The Committee asked whether concerns regarding the inappropriate use of acting Duty Manager, which the Inspector had identified as a suitability issue, were raised directly with those individuals or with the Applicant. Mr Turner confirmed that the matter was discussed with the licensee rather than with the duty manager concerned.
122. The Committee referred to the Inspector's evidence concerning a campervan located in the car park and asked about its relevance, including whether there was any illegality or other issue associated with its presence. Mr Turner advised that the matter had been brought to his attention by the owners of the Riverstone Motel. Mr Turner described the issue as a relatively minor matter, as there was nothing improper or unlawful about the campervan being parked in the car park. Mr Turner advised that the Applicant had addressed it promptly once it was brought to his attention. Mr Turner further explained that he would often act as an intermediary between neighbouring parties and the licensee when concerns were raised.
123. The Committee sought clarification regarding the Inspector's concerns about the adequacy of the premises' systems and policies. The Committee noted that the written policies and procedures appeared satisfactory on their face and asked whether the concern related to deficiencies within the documents themselves or to the manner in which they were implemented in practice. Mr Turner advised that the written policies and procedures, in themselves, did not demonstrate compliance. Mr Turner stated that the key issue was how those systems and policies were applied and implemented by staff in the day-to-day operation

of the premises. Mr Turner emphasised that the effectiveness of the systems was determined by their practical application rather than by the content of the documents alone.

124. The Committee asked whether the Inspector was satisfied that improvements had been made following the incident that had led to the noise-related notice and whether those improvements had reached an acceptable standard. Mr Turner confirmed that he was satisfied with the improvements that had been made and explained that the Council received weekly reports from contractors responsible for monitoring after-hours noise complaints. Mr Turner advised that if no reports were received, there was generally no issue of concern. However, Mr Turner observed that complaints alone did not necessarily indicate excessive noise. In his view, a matter became significant only where a Noise Control Officer attended and issued an Excessive Noise Direction (END). Mr Turner stated that it was not uncommon for one or more complaints to be received; however, where an attending Noise Control Officer determined that the noise was not excessive and did not issue an END, the matter would not generally be regarded as a compliance issue.
125. The Committee referred to the previous licence renewal, which had been granted for a period of 12 months subject to a number of conditions, and asked the Inspector to outline those conditions and comment on whether they had been complied with. Mr Turner advised that, without referring directly to the licence, he could not recall all conditions with complete accuracy. However, Mr Turner recalled that one condition required external speakers to be directed towards the premises and away from the neighbouring motel. Mr Turner also recalled a condition relating to modifications to a door or locking mechanism to prevent patrons from exiting through a particular fire exit and causing disturbance to neighbouring properties. Mr Turner advised that there had been some concerns during the licensing period regarding patrons using the door after 11.00 pm, which had been raised by neighbouring motel owners. Mr Turner brought these concerns to the Applicant's attention, who responded by implementing measures to address the issue. Mr Turner noted that compliance had not been absolute; however, in his view, the conditions had been adhered to a reasonable extent.
126. The Committee asked whether the Inspector considered the premises' systems for verifying identification and preventing underage entry to be adequate. Mr Turner advised that he was not aware of any significant issues relating to the premises' identification checking procedures. Mr Turner noted that he regularly received communications from the Applicant advising of incidents where altered, forged, or otherwise suspicious identification documents had been detected and refused by staff.
127. The Committee referred to the New Zealand Police evidence concerning an incident in which three individuals who had been drinking at the Brook were subsequently detected with significant breath alcohol levels. The Committee asked whether, in the Inspector's professional opinion, this was unusual or disproportionate when compared with similar incidents in the district. Mr Turner observed that, in his experience, incidents involving drink driving originating from licensed premises were not common within the Waimakariri District. Mr Turner indicated that the incident was therefore of concern; however, he noted that Police would be better placed to comment on the frequency and significance of such incidents, as they had direct knowledge of enforcement operations and associated statistics.
128. The Chairperson thanked the Licensing Inspector, Mr Turner, for his attendance and submissions.

129. Mr Turner called Mr Wayne Hurrell of the Department of Internal Affairs (DIA) to give evidence. Mr Hurrell reported that a premises inspection was conducted at approximately 12:15 p.m. by two DIA Gambling Inspectors. Upon arrival and while parking, inspectors observed three gaming machines in the outdoor garden bay area. This configuration was noted as unusual. The premises contained 18 gaming machines: three in the outdoor smoking area and 15 in the indoor gaming room. Following these observations, the inspectors entered the premises and identified themselves to the sole staff member present, Ms Maya Fewster, by producing their Gambling Inspector warrants issued under the Gambling Act 2003. The Gambling Inspectors explained the purpose of the visit: to inspect the gaming area, including taking photographs and conducting routine observations.
130. Mr Hurrell explained that Gambling Inspectors inspected the gaming area and took photographs in accordance with standard inspection procedures. During the inspection, the premises was moderately busy, with patrons in both the restaurant and gaming areas. Ms Fewster was the only staff member on duty and was responsible for bar service, customer service, and monitoring the gaming area. Given the operational demands on the sole staff member, the inspectors determined that conducting the standard premises inspection interview would have significantly disrupted normal business operations. The Gambling Inspectors were mindful that the interview process typically requires approximately 15 to 20 minutes and involves detailed questioning regarding harm minimisation, operational procedures, record-keeping requirements, and compliance obligations under the Gambling Act 2003. Conducting the interview at that time would likely have prevented the staff member from effectively serving patrons and carrying out her regulatory responsibilities.
131. Mr Hurrell submitted that during the inspection, a second staff member arrived for the lunch service. The Gambling Inspectors were advised that this employee was 16 years of age. As persons under 18 years of age are prohibited from undertaking duties associated with the gaming area, including monitoring gaming machines and carrying out harm minimisation responsibilities, the arrival of the second staff member did not alleviate the compliance obligations resting with Ms Fewster. As a result, the inspectors decided not to proceed with the full premises inspection interview. The Gambling Inspectors remained on site for approximately 10 to 15 minutes. Mr Hurrell confirmed that the inspectors made limited attempts to review records required under the Gambling Act 2003; however, due to staffing constraints and operational pressures at the premises, they did not fully examine these records. Accordingly, the inspection scope was limited. To minimise disruption to the premises' operations, a full premises inspection was not undertaken. Observations and photographic evidence were collected, including photographs of the gaming area and sightlines relevant to the monitoring of entrances, exits, and gaming machine activity. No further inspection activities were completed on that occasion.
132. When asked whether staffing levels were adequate for safe gambling and harm minimisation, Mr Hurrell noted that sole-charge staffing arrangements are not uncommon within the industry. However, in this instance, one staff member was responsible for bar service, customer service, and monitoring of the gaming area during a period of active patronage. In the Gambling Inspector's opinion, these circumstances would have made effective compliance with harm minimisation and gaming area monitoring requirements more difficult.
133. The Committee enquired about the normal interview process conducted during a premises inspection. Mr Harrell advised that a primary focus of the inspection was harm minimisation and assessing whether premises staff were meeting their obligations under the Gambling Act 2003. The interview process was undertaken to determine whether the staff member responsible for the gaming area had been appropriately trained and was maintaining the required records and documentation. Staff were therefore asked to explain how they carried

out operational procedures relating to gaming machines and to demonstrate their understanding of harm minimisation requirements. This included discussion of:

- The staff member's knowledge of harm minimisation obligations.
- How signs of gambling harm would be identified.
- How staff would interact with patrons displaying indicators of gambling harm.
- The actions that would be taken if gambling harm were identified.
- Knowledge of exclusion processes and procedures.
- Understanding of the records, forms, and documentation required under the Gambling Act.
- Compliance with operational procedures relating to gaming machine management and monitoring.

Mr Harrell noted that the interview process was often detailed and involved staff describing real-life scenarios and examples of how they would respond to patrons and carry out their responsibilities in the gaming area. Mr Harrell advised that a standard interview would generally take approximately 15 to 20 minutes to complete, although it could take longer depending on the individual's level of knowledge and the responses provided during the inspection.

134. When asked whether a further inspection had been conducted since 10 December 2025 to assess ongoing compliance and whether there had subsequently been an opportunity to complete the interview process, Mr Harrell confirmed that no further premises inspection had been undertaken. However, Mr Harrell noted that the premises operator was aware that the DIA was undertaking a separate ongoing investigation into the operations of various premises owned and managed by the operator.
135. The Committee sought clarity on the operating hours of the gaming machines, and whether they operated independently of the premises' trading hours. Mr Harrell advised that, under the Gambling Act 2003 and the premises licence conditions, gaming machines could only be operated while the premises' primary activity was available to patrons.
136. The Committee asked whether Mr Harrell considered the duty manager to be under pressure at the time of the inspection; Mr Harrell stated that premises staff often appeared nervous when Gambling Inspectors arrived because inspectors were warranted officers. However, Mr Harrell noted that Ms Fewster did not appear nervous about the inspectors' presence and was comfortable speaking with them. Instead, Mr Harrell observed that Ms Fewster appeared to be under pressure due to the volume of responsibilities she was managing while working alone. Mr Harrell observed that Ms Fewster was particularly focused on meeting her obligations within the gaming area. Upon the inspectors' arrival, Ms Fewster was dealing with a gaming machine fault in the outdoor smoking area. This required Ms Fewster to assist the patron using the machine, resolve the fault, ensure the machine was operating correctly, account for any funds involved, and ensure the patron's concerns were addressed appropriately.
137. The Committee enquired how commonly sole-charge bar managers were encountered during premises inspections and how inspectors assessed whether staffing levels were adequate. Mr Harrell advised that sole-charge staffing arrangements were relatively common, particularly during daytime trading hours. Mr Harrell estimated that approximately 50% or more of premises operated with a sole-charge staff member during quieter periods of the day, with the figure potentially increasing to between 60% and 70% for premises experiencing low patronage. Mr Harrell explained that sole-charge staffing was generally more manageable where customer numbers were low, and the premises' operations were limited. However, Mr Harrell said the suitability of sole-charge staffing depended largely on the premises' nature and layout, as well as the volume and type of patron activity at the time. Mr Harrell noted that

some premises were primarily focused on gaming and bar operations, while others also operated restaurants, provided food services, or contained TAB facilities. The wider the range of services offered, the harder it became for a single staff member to manage all responsibilities effectively. Mr Harrell advised that where inspectors observed staffing levels that appeared insufficient to meet compliance responsibilities, they would record and report it. Following an inspection, feedback would typically be provided to the corporate society holding the Class 4 operator's licence through a formal feedback letter and inspection report.

138. The Committee then asked whether part of Mr Harrell's role as a Gambling Inspector involved assessing whether staffing levels were adequate; Mr Harrell clarified that the Gambling Act 2003 did not expressly require inspectors to assess staffing levels as a standalone compliance matter. However, Mr Harrell explained that inspectors considered staffing levels insofar as they affected a premises' ability to meet its obligations under the Gambling Act 2003, particularly harm minimisation requirements and operational compliance responsibilities. Inspectors therefore assessed whether staff could effectively carry out the duties required of them, rather than focusing solely on the number of staff present. By way of example, Mr Harrell referred to the requirement for gaming premises staff to complete sweep reports and explained that staff were required to conduct and record patron observations within the gaming area three times per hour, with no less than 10 minutes between each sweep. These observations required staff to identify and record details of patrons within the gaming area. Depending on the premises, staff could complete this process manually or use technologies such as facial recognition systems. In addition to undertaking and recording sweep reports, staff were also required to respond to gaming machine faults, process machine payouts, monitor patrons, and carry out other compliance-related duties associated with operating a gaming area. Mr Harrell noted that staffing levels could affect these responsibilities, as a staff member may be required to manage several competing tasks at the same time.
139. When asked whether he had previously identified any harm minimisation concerns at the Brook during his inspections, Mr Harrell advised that he had not.
140. The Chairperson thanked Mr Harrell for his attendance and submissions.
141. Senior Constable Genevieve Craddock of the New Zealand Police was called; she noted that Mr D Singh was the sole director of Hospo Brothers Limited and submitted that he was unsuitable to hold a licence, did not meet the object of the Act, and had failed to demonstrate that appropriate systems, staff, and training were in place. Senior Constable Craddock submitted that the evidence demonstrated that the premises had been operated with inadequate staffing levels, including staff working extended hours, staff who were not always appropriately qualified, and individuals left to manage the premises without sufficient support. Senior Constable Craddock further submitted that the premises had failed to consistently uphold host responsibility obligations and had permitted alcohol to be consumed to the point of intoxication, resulting in disorderly behaviour and drink-driving incidents.
142. Senior Constable Craddock contended that the evidence also showed a pattern of conduct whereby the Applicant had minimised or deflected responsibility for compliance failures and had demonstrated ongoing deficiencies in relation to systems, staffing, and training. In support of its submissions on suitability, Senior Constable Craddock referred to authorities concerning the assessment of suitability under the Act, noting that suitability encompasses not only the operation of the premises but also the character, reputation, honesty, and ability of the Applicant to properly discharge the responsibilities associated with holding a licence. Senior Constable Craddock submitted that the concerns identified by the reporting agencies were significant and included incidents involving intoxicated patrons remaining on the

premises and the continued service of alcohol to such patrons. Senior Constable Craddock referred to a June 2025 incident and the subsequent prosecution arising from that matter. It was submitted that the patron concerned was a regular customer of the premises, was well known to staff, and had known issues relating to alcohol consumption.

143. In addition, Senior Constable Craddock submitted that compliance inspections undertaken by the Police and Licensing Inspectors on 28 June 2025 highlighted concerns regarding the manner in which the premises were operated and supported the conclusion that the Applicant was unsuitable to hold a licence. Any remedial steps subsequently undertaken by the Applicant should be considered in the context of what was described as a continuing pattern of non-compliance with the Act. Reference was made to a number of incidents involving drivers apprehended for excess breath alcohol after consuming alcohol at the Applicant's premises.
144. Senior Constable Craddock noted that the Police relied on judicial authority supporting the proposition that past conduct is a strong indicator of future conduct and submitted that the Applicant's history of compliance issues gave rise to significant concerns regarding future compliance. Accordingly, Senior Constable Craddock submitted that the Committee could have little confidence in the Applicant's ability to comply with the requirements and object of the Act.
145. Senior Constable Craddock then adopted and read her Brief of Evidence, as contained in the Committee Agenda, into the record.
146. Responding to a question, Senior Constable Craddock referred to previous meetings with the Applicant during which concerns were raised regarding matters arising at both licensed premises owned by the Applicant. Senior Constable Craddock noted that, following that meeting, the New Zealand Police had withdrawn their opposition on the basis of assurances provided by the Applicant regarding staffing levels and roster arrangements. However, subsequent events and compliance matters had caused further concern. The Senior Constable Craddock submitted that issues had continued to arise at both premises and expressed the view that the position had deteriorated since the earlier meeting. In particular, in relation to staffing matters, noting that staffing levels and management arrangements had worsened and that these matters underpinned many of the compliance issues subsequently observed at the premises.
147. The Committee sought additional information about the meeting between the Applicant, the Medical Officer of Health, the Licensing Inspector and the New Zealand Police on 22 May 2025 to discuss concerns relating to an assault, a number of incidents, and staffing issues at Mainstreet Sports Bar. Senior Constable Craddock confirmed that the assault incident, which was discussed, was not one of the matters before the Committee in the current proceeding. The assault was a separate incident that predated the matters presently before the Committee.
148. The Committee referred to the Senior Constable's evidence that, in her experience, a person returning a breath alcohol reading of approximately 1,000 micrograms per litre of breath would ordinarily display visible signs of intoxication. The Committee asked the Senior Constable, based on her experience, how frequently she encountered such breath alcohol readings. Senior Constable Craddock stated that, in her experience, drivers returning readings of that magnitude would typically come to the New Zealand Police's attention because of the manner of their driving, such as weaving across the road or otherwise driving erratically. Senior Constable Craddock noted that the Police often became involved following complaints from members of the public about driving standards, or through observations

made during routine patrols. Senior Constable Craddock further stated that drivers recording breath alcohol readings at that level generally exhibited such poor driving behaviour that Police intervention was likely. Senior Constable Craddock expressed concern that, in the present case, the individuals had been linked to a licensed premises. In Senior Constable G Craddock's view, where patrons leave a licensed premises and subsequently return with breath alcohol readings of that magnitude, it may indicate that they became intoxicated while being served alcohol at the premises. Senior Constable Craddock therefore considered this a matter of significant concern from a host responsibility and compliance perspective.

149. The Committee referred to the appointment of Mr R Singh as a Duty Manager at the Mainstreet Sports Bar, who was the subject of seven active criminal charges. The Committee noted the Senior Constable's evidence that New Zealand Police would not have endorsed the appointment had they been aware of the circumstances at the time the relevant notification was filed. The Committee asked, based on her professional experience, how common it was for persons facing serious criminal charges, or with significant criminal offending histories, to be appointed to positions of responsibility within licensed premises. Senior Constable Craddock advised that such circumstances were highly unusual. In her experience, appointments of this nature were not common and that she could recall only one comparable instance during her time working in the Hurunui area.
150. The Committee noted that the Applicant had stated in his evidence that, following discussions with the New Zealand Police, Mr R Singh had been permitted to work as a Duty Manager. The Committee asked whether this was a usual practice undertaken by the Police.
151. Senior Constable Craddock advised that she believed the Applicant may have been referring to discussions with the Department of Corrections rather than Police or Alcohol Licensing Authorities. Senior Constable Craddock explained that Mr R Singh was subject to bail conditions and that any discussions regarding his employment were likely to have related to compliance with those conditions. Senior Constable Craddock stated that it was her understanding that the Applicant did not have a full-time position available for Mr R Singh and that his bail conditions restricted him to working three days per week. Senior Constable Craddock expressed the view that the Applicant may have been confused when providing his evidence and had conflated the approval of employment arrangements by the Department of Corrections with approval from Police. Senior Constable Craddock reiterated that neither Police nor the Alcohol Licensing Authorities had been consulted regarding, or approved, the appointment in the context of alcohol licensing.
152. The Committee referred to the CCTV footage about the Ms Giddens incident played during the hearing and sought the Senior Constable's opinion on how the staff and management present at the Brook had handled the incident involving an upset and agitated patron. Senior Constable Craddock acknowledged that the situation presented operational challenges and stated that Ms Sharma appeared to have managed the patron appropriately once she became involved. Senior Constable Craddock described Ms Sharma as a competent manager and advised that, based on her interactions with her, she appeared capable and effective in dealing with patrons. However, Senior Constable Craddock expressed concern that the Applicant had felt it necessary to contact Ms Sharma to attend and manage the situation. Senior Constable Craddock questioned why the matter could not have been addressed by the staff and management already present at the Brook and submitted that this raised concerns regarding staffing arrangements and the ability of those on duty to effectively manage incidents as they arose. Senior Constable Craddock further stated that, in her view, the patron concerned had become intoxicated prior to the incident and suggested that intoxication may also have been present among other patrons at the premises. Reference

was made to evidence from another witness with significant hospitality experience who had observed intoxication within the premises.

153. The Committee sought clarification as to the basis upon which the Senior Constable assessed Michaela's (*full name not provided*) ability to identify signs of intoxication. Senior Constable Craddock advised that she had specifically made inquiries regarding Michaela's (*full name not provided*) experience and had obtained that information through email correspondence. Senior Constable Craddock stated that this line of inquiry had been undertaken because, in a previous hearing, a witness's assessment of intoxication had been challenged on the basis of their experience and ability to make such observations. Senior Constable Craddock advised that Michaela had disclosed that she possessed approximately 15 years of front-of-house hospitality experience. Senior Constable Craddock considered that such experience provided a sufficient basis for Michaela to reliably identify signs of intoxication in a licensed premises environment. Senior Constable Craddock therefore regarded Michaela's observation that intoxicated patrons were present within the premises as carrying weight. Senior Constable Craddock further noted that, although New Zealand Police attended and dealt with Ms Giddens, the Police did not enter the premises to undertake assessments of other patrons at the time. Senior Constable Craddock expressed the view that, had such assessments been carried out, intoxicated patrons may have been identified within the premises.
154. The Committee referred to the evidential breath alcohol readings of the three patrons and the evidence concerning the timing of alcohol purchases recorded on the Brook's till receipts. The Committee noted the Applicant's evidence that, in respect of two of the patrons, there appeared to be a period of approximately one and a half to two hours between the last recorded sale of alcohol and the time at which the patrons were subsequently tested by the New Zealand Police. The Committee sought the Senior Constable's comment on the significance of that apparent discrepancy. Senior Constable Craddock explained that the timing of the last recorded transaction on the till did not necessarily establish when alcohol consumption ceased. Senior Constable Craddock noted that patrons may continue consuming alcohol after the final sale has been recorded and that licensed premises commonly operate with a period during which patrons may finish drinks already purchased.
155. Senior Constable Craddock further stated that she did not have evidence establishing the exact time the patrons left the Brook or when alcohol service ceased on the night in question. Senior Constable Craddock also observed that the patrons themselves had reported that they had been drinking at the Brook and stated that there would generally be no apparent reason for patrons to falsely identify the premises at which they had consumed alcohol. Senior Constable Craddock expressed the view that the till receipts alone could not conclusively establish what alcohol had been consumed by a particular individual or when it had been consumed, particularly as the Applicant had not been able to identify which patron was associated with each purchase. Accordingly, Senior Constable Craddock considered the timing discrepancy to be of limited evidential significance and maintained her concerns regarding the level of intoxication subsequently observed by Police.
156. The Committee queried whether, in the Senior Constable's experience, it would be usual for a "drink-up" period to extend for one and a half to two hours after the last recorded sale of alcohol, noting the apparent time gap between the final transaction recorded on the till and the evidential breath alcohol testing. In response, Senior Constable Craddock advised that she was unable to comment on the significance of the time gap because she did not have evidence establishing the actual closing time of the Brook or precisely when the patrons left. Senior Constable Craddock stated that the information before her was limited to the Applicant's review of the till records and the identification of the time at which the last drinks

had been sold. Senior Constable Craddock acknowledged that further inquiries into the timing of alcohol service and the patrons' departure may have been possible but noted that such inquiries were not undertaken.

157. Senior Constable Craddock explained that the information regarding the evidential breath alcohol readings had originated from a New Zealand Police operation conducted by specialist traffic enforcement staff in the Rangiora and around the Waimakariri area. The purpose of communicating the information to the Applicant had not been to establish a specific offence relating to the service of intoxicated persons, but rather to advise that a number of drivers detected with excess breath alcohol had reported consuming alcohol at the Applicant's premises. Senior Constable Craddock stated that the notification was intended as an advisory and educational measure, consistent with the regulatory agencies' approach of encouraging compliance and awareness among licensees. Senior Constable Craddock maintained that the key concern remained that three individuals detected with excess breath alcohol had identified the premises as the location where they had consumed alcohol.
158. The Committee sought the Senior Constable's views on staffing levels and roster arrangements, particularly in light of concerns regarding long working hours and staff working alone. Senior Constable Craddock acknowledged the practical difficulties of rostering within the hospitality industry, where patron numbers can fluctuate throughout the day. However, Senior Constable Craddock referred to the inspection undertaken with the Licensing Inspector at the Mainstreet Sports Bar at approximately 5.30 pm on 28 June 2025. At that time, there were approximately 54 patrons on the premises and patron numbers appeared to be increasing. Senior Constable Craddock stated that during the approximately 30 minutes spent at the premises, the Acting Manager remained continuously behind the bar and was unable to leave her position to undertake gaming area checks, monitor patrons, or perform other management and compliance functions expected of a Duty Manager. The witness considered those functions to be an important aspect of managing a licensed premises.
159. Senior Constable Craddock further noted that, when inquiries were made about staffing arrangements, there was no indication that additional staff were scheduled to commence work later in the evening. Senior Constable Craddock considered this to be concerning, particularly given that the premises included gaming machines and generated significant alcohol sales. While acknowledging that the Acting Manager appeared competent and had relevant hospitality experience, Senior Constable Craddock expressed concern that an Acting Manager was required to oversee the premises with only one additional staff member working in the kitchen. Senior Constable Craddock considered that staffing arrangement to be inadequate and stated that it contributed to concerns regarding the sufficiency of staffing levels, managerial oversight, and compliance monitoring at the premises.
160. The Committee asked whether the Senior Constable conducted compliance inspections of licensed premises during early shifts and sought clarification regarding the frequency of such inspections. Senior Constable Craddock advised that such compliance inspections were undertaken periodically; however, much of the Alcohol Harm Prevention Unit's work was administrative in nature. Senior Constable Craddock stated that she had personally conducted only a limited number of compliance inspections in recent years, recalling approximately two inspections in the previous year and two further inspections in the current year.

161. Senior Constable Craddock noted that the identification of compliance concerns during those inspections was significant given the relatively small number of inspections undertaken. Senior Constable Craddock further observed that concerns had also been identified by frontline Police officers in the course of their duties. Senior Constable Craddock rejected any suggestion that the Applicant's premises had been subjected to disproportionate scrutiny. Senior Constable Craddock stated that the Police and regulatory agencies conducted inspections across a broad range of licensed premises and that compliance activity was not targeted at any particular operator. Senior Constable Craddock advised that all classes of licensed premises were subject to inspection and monitoring and maintained that the concerns identified at the Applicant's premises arose from matters observed during routine regulatory and enforcement activities.
162. The Chairperson thanked Senior Constable Craddock for her attendance and submissions.
163. Senior Constable Craddock called Sergeant Adrienne Jones, a police sergeant stationed at Rangiora in the Waimakariri District. Sergeant Jones adopted and read her Brief of Evidence, as contained in the Committee Agenda, into the record.
164. The Committee questioned Sergeant Jones regarding the CCTV footage requested from the Brook and whether it was unusual for such material not to be provided. Sergeant Jones advised that, in her experience, most licensed premises would ordinarily provide CCTV footage when requested by the New Zealand Police. Sergeant Jones confirmed that no reasons had been provided for the failure to supply the footage
165. The Committee noted that this evidence appeared to differ from earlier evidence given by Ms Sharma, who had stated that the premises had been contacted and advised that the CCTV footage would be left at the bar for collection. Sergeant Jones noted that she had subsequently attended the Brook and obtained the relevant till receipts relating to the food and alcohol purchased by the patrons. Sergeant Jones stated that, at that time, she was also following up on the requested CCTV footage. Sergeant Jones estimated that this occurred approximately two weeks after the initial request, in early November 2025.
166. The Committee sought further clarification regarding Sergeant Jones' evidence concerning the level of intoxication of the three patrons involved in the motor vehicle crash. The Committee asked whether, based on her policing experience, it was common to encounter motor vehicle crashes involving multiple occupants returning such high breath alcohol readings. Sergeant Jones advised that the frequency of such incidents could vary depending on factors such as the time of day and the circumstances of the crash. When asked whether incidents of this nature were regularly encountered, Sergeant Jones stated that she was unable to provide statistical information or comment on the frequency of such occurrences. However, Sergeant Jones noted that, in her experience, motor vehicle crashes occurring at night frequently involved drink-driving. Sergeant Jones therefore declined to express a view on how common the specific circumstances of this incident were but confirmed that alcohol was often a contributing factor in night-time crash investigations.
167. The Committee asked Sergeant Jones whether she had personally observed the three male occupants involved in the incident and whether, in her professional opinion, they were intoxicated. Sergeant Jones confirmed that she had observed all three individuals at the scene and in her professional opinion, they were clearly intoxicated. Sergeant Jones advised that, based on her observations of their behaviour and presentation, she had formed the view that they were intoxicated prior to any evidential breath alcohol testing being conducted. Sergeant Jones stated that the conclusion was reached from her direct observations of the individuals at the scene and was subsequently consistent with the breath alcohol readings

obtained. Sergeant Jones confirmed that the occupants told her at the scene of the incident that they had finished work and attended the Brook for a meal.

168. The Chairperson thanked Sergeant Jones for her attendance and submissions
169. Ms Paula Williams from the Medical Officer of Health was called; she presented opening submissions in opposition to the application. Ms Williams advised that an opposition report had been filed on 16 October 2025 pursuant to Section 105J of the Act, on the grounds of whether the Applicant had appropriate systems, staff, and training to comply with the law. Reference was also made to the opposition filed by the New Zealand Police on 16 October 2025 under Sections 105B and 105J of the Act, and to the Licensing Inspector's report dated 11 June 2026 supporting those grounds.
170. It was submitted that the Applicant did not have adequate systems, staffing arrangements, or training processes in place to ensure compliance with the Act and that these deficiencies raised questions as to the Applicant's suitability to hold a licence. Ms Williams acknowledged that the Applicant had provided extensive documentation relating to systems, staff, and training. However, the documentation provided did not reflect the operational realities observed at the premises. Ms Williams referred to deficiencies identified by the reporting agencies, including incomplete records, repeated reliance on acting and temporary managers, the use of relatively inexperienced staff who were unable to undertake all required regulatory functions, and incidents of alcohol-related harm linked to the premises.
171. Ms Williams also submitted that the evidence demonstrated an ongoing pattern of non-compliance by the Applicant. Ms Williams contended that, if the licence were renewed, the resulting harm would not be appropriately minimised and the object of the Act would not be achieved. Reference was made to relevant authorities concerning the assessment of alcohol-related harm and the obligations of licensing decision-makers under the Act. Ms Williams submitted that particular weight should be given to the issue of suitability and that the evidence demonstrated multiple failures by the Applicant to comply with statutory obligations despite the existence of documented systems and procedures.
172. Ms Williams further submitted that alcohol-related harm had arisen from the operation of the premises and that the evidence established a sufficient connection between the premises and that harm. It was submitted that, where there is an evidential foundation establishing a real risk of alcohol-related harm arising from the grant of a licence, the Committee's obligation is to minimise such harm rather than condone or permit it. Accordingly, Ms Williams submitted that the application for renewal should be declined.
173. Ms Williams then adopted and read her Brief of Evidence, as contained in the Committee Agenda, into the record.
174. The Committee asked whether the concerns regarding staffing related primarily to staff numbers or to the experience and capability of staff members. Ms Williams acknowledged that the staff appeared to be experienced and competent, particularly having regard to the evidence provided by staff members during the hearing. Specific reference was made to Ms Sharma, whose evidence and conduct, including that observed in the CCTV footage, demonstrated a level of experience and competence in dealing with patrons. However, Ms Williams submitted that the principal concern did not relate to the individual capabilities of staff members. Rather, the concern was that the systems and operational practices in place at the premises were insufficient and did not adequately support staff in carrying out their responsibilities. Ms Williams expressed the view that, despite the experience of particular staff members, deficiencies in the premises' systems and management arrangements

undermine the effective operation of the business and contributed to the compliance concerns identified by the reporting agencies. It was therefore a management problem rather than shortcomings in staff experience and competence.

175. The Committee asked whether the concerns raised by the Medical Officer of Health related to deficiencies in the written policies and procedures themselves, or whether the issue was that those policies and procedures were not effectively implemented in practice. Ms P Williams acknowledged that the application contained extensive documentation relating to systems, staffing, and training. Ms Williams described the material as comprehensive and noted that a significant volume of information had been provided regarding the Applicant's policies and procedures. However, Ms Williams submitted that the existence of written policies and procedures was not, of itself, sufficient to demonstrate compliance. Ms Williams stated that the evidence before the Committee suggested a disconnect between the documented systems and their practical implementation within the premises. Reference was made to the number and nature of incidents associated with the premises, which, in the Officer's view, demonstrated that the systems were not operating effectively in practice. Ms Williams therefore considered that the principal issue was not the absence of written policies, but a failure to effectively implement and operationalise those policies in a manner that ensured ongoing compliance.
176. The Committee asked the Officer whether the hours worked by staff at the Brook were, in her experience, unusually long when compared with staffing practices at other licensed premises, or whether such shifts were typical within the hospitality industry. Ms Williams advised that she was unable to provide a comparative assessment of staffing hours across other licensed premises. However, Ms Williams stated that, in her view, the hours recorded for some staff members were lengthy. Ms Williams noted that the hearing had not fully explored whether staff had received the rest and meal breaks to which they may have been entitled under employment legislation and was therefore unable to comment on that aspect of the staffing arrangements.
177. Ms Williams further observed that the Duty Manager Register appeared to be a well-designed compliance tool, having been set up with considerable effort and including pre-prepared entries for dates and duty manager records. In her view, the register was a useful resource for recording who was acting as Duty Manager on a particular day and for demonstrating compliance with regulatory requirements. However, Ms Williams expressed concern that, despite the system's existence, records were not always completed as required. Ms Williams stated that when staff failed to complete the register accurately, the system's effectiveness was undermined. Ms Williams considered this a practical example of a failure to implement existing systems, noting that the issue was not the absence of procedures but a failure to consistently follow and maintain them in practice.
178. The Committee sought clarification regarding the Duty Manager Register and noted that it was not a statutory requirement, but rather a system implemented to assist with management oversight and compliance. Ms Williams agreed and advised that the register had been established as a practical tool to support systems, staff training, and compliance monitoring. Ms Williams stated that it was a useful resource for both the licensee and regulatory agencies, as it enabled verification of who had acted as Duty Manager on a particular day should any issue arise. Ms Williams further stated that the register's value depended on it being accurately completed and maintained. Where entries were not completed, the system's effectiveness was significantly undermined. Ms Williams expressed the view that the failure to maintain the register properly illustrated a broader concern identified throughout the evidence, namely that systems may exist on paper but are of limited value if they are not consistently implemented and followed in practice.

Summing Up

179. The Council of the Applicant, Ms Logan, observed that the only issues raised during the Hearing were:
- The suitability of the Applicant;
 - Whether the Applicant had appropriate systems, staff, and training in place to comply with legal requirements; and
 - Noise emanating from the premises, which was considered under the issue of suitability.
180. With regard to noise, Ms Logan noted that, at the previous hearing, the Committee had imposed two conditions intended to minimise the impact of noise from the premises on the neighbouring Riverstone Motel, namely: (a) that the door closest to Riverstone Motel be closed and used only as an emergency exit after 10.00 pm; and (b) that speakers located in the smokers' area be directed away from Riverstone Motel. Ms Logan submitted that the evidence presented at the hearing indicated that these conditions were operating effectively and that the Applicant had taken active steps to minimise the impact of noise on Riverstone Motel. Ms Logan noted that Council records showed only two recorded noise complaints during 2024 and 2025. Ms Logan further noted that the Council undertook noise monitoring using an acoustic data logger over a seven-day period, which did not identify any instances of excessive noise. The inspector had reported that vehicular noise on Southbrook Road had been a constant and prominent feature of the soundscape surrounding both premises. The Licensing Inspector also confirmed in his evidence that there were no ongoing noise-related issues. In addition, the Applicant's witnesses gave evidence that steps had been taken to minimise the risk of noise affecting neighbouring properties. Ms Logan submitted that the existing conditions appeared to be effective and could continue to address any ongoing noise concerns.
181. In relation to suitability of the Applicant, Ms Logan referred to the High Court decision in *Re Sheard*, in which Holland J described the relevant test as whether the character of the Applicant had been shown to be such that the Applicant was unlikely to properly carry out the responsibilities associated with holding a licence. Ms Logan submitted that, as the application related to the renewal of an existing on-licence, the Applicant bore no onus to prove its suitability. Ms Logan submitted that the Committee's role was to undertake an evaluative assessment of the relevant statutory factors and make a merits-based determination on the application.
182. Ms Logan noted that the Applicant was currently licensed and that no applications had been made to suspend or cancel either its licence or the manager's certificates held by its current Duty Managers. Ms Logan further noted that inspections undertaken on 14 July 2025 and 10 April 2026 had not identified any intoxicated persons on the premises, nor any minors present in restricted areas or unsupervised in supervised areas. Ms Logan submitted that evidence from Courtney and Priyanka indicated that staff actively managed intoxication by monitoring patrons, slowing service where appropriate, and offering alternatives to alcohol.
183. Ms Logan further submitted that a licensee was required to develop and maintain good working relationships with both Licensing Inspectors and New Zealand Police. Ms Logan noted that the Licensing Inspector had acknowledged in evidence that the Applicant generally communicated proactively with the Council. In support of that submission, Ms Logan noted that the Applicant had communicated with Police regarding instances where persons under 18 years of age had sought service at the bar. Ms Logan also noted that the Applicant had notified the relevant agencies when hosting a large event. Ms Logan submitted that these actions demonstrated the Applicant's efforts to maintain positive working relationships with regulatory authorities.

184. Regarding the incidents involving Ms Giddens, it was submitted that Brook staff had responded appropriately to the incident and that there was no evidence of a systemic failure in the management of intoxication. Ms Logan submitted that the evidence did not establish that Ms Giddens was intoxicated within the meaning of the Act. Ms Giddens noted that the Committee had reviewed CCTV footage of the incident and submitted that, while Ms Giddens appeared violent in the footage, she did not exhibit a lack of coordination. Ms Logan further submitted that Ms Giddens' speech and appearance could not be properly assessed from the CCTV footage. Ms Giddens submitted that, although the evidence established that Bailey had consumed alcohol, it did not establish intoxication as defined in the Act, nor did it contain a proper assessment against the statutory definition.
185. Ms Logan also submitted that Michaela (*full name not provided*) appeared to have adopted a broad interpretation of intoxication. Ms Logan noted that Michaela (*full name not provided*) had stated that it was "not unusual" for intoxicated persons to be present in a bar environment but had not referred to the SCAB assessment tool or the statutory definition of intoxication, nor explained the basis on which she had assessed patrons as intoxicated. Ms Giddens further submitted that, as Micayla was not present to give evidence and be cross-examined, limited weight should be attached to her evidence.
186. The appointment of Mr R Singh at the Mainstreet Sports Bar. Ms Logan submitted that Mr R Singh did not work at the Brook. Ms Logan noted that the New Zealand Police knew of his appointment, although not specifically the Alcohol Harm Prevention Officer, and that Police raised no concerns at the time. Ms Giddens advised that the licensee accepted that further enquiries should have been made regarding the appointment. Ms Logan further submitted that the Applicant had been clear in his evidence that he had discussed Mr R Singh's employment with the Police, as well as with another organisation.
187. Ms Logan submitted that there had been no attempt to conceal Mr R Singh's appointment. Ms Logan noted that his Duty Manager hours were recorded in the Duty Manager Register and made available to the Police and Council officers during inspections.
188. Ms Logan acknowledged that the Applicant had failed to notify a change in management relating to Ms Arshvir Singh. Ms Logan submitted that the hearing had highlighted the importance of ensuring that all required notifications were lodged in a timely manner. Ms Logan further acknowledged that the Applicant had not notified the appointment of Ms Jade Byrne-Budd at around the same time. Ms Logan noted, however, that Ms Byrne-Budd had worked at the Mainstreet Sports Bar rather than at the Brook. Ms Logan further noted that Police had initially understood Ms L Burke's appointment to be unnotified, but it had in fact been notified. Ms Logan advised that Ms Burke's manager's certificate had also been provided.
189. Regarding the vomit in the carpark, Ms Logan submitted that the evidence indicated the vomit incident did not result from alcohol consumption at the Brook. Notwithstanding this, Brook staff had cleaned the area and responded appropriately to the incident.
190. With regard to the reported drink driving, Ms Logan acknowledged that a person later found to have been drink driving had been present at the Brook on 23 October 2025. Ms Logan submitted that the Brook had cooperated with the New Zealand Police enquiries and had provided information, including receipts showing the purchases made by the patrons concerned. Ms Logan submitted that drink driving constituted alcohol-related harm and noted that the object of the Act 2012 was to minimise, rather than entirely eliminate, such harm. Ms Logan further submitted that the licensee implemented measures to reduce this risk, including

providing a courtesy coach service. Ms Logan noted that, despite staff offering this alternative transport option, patrons declined it.

191. Ms Logan submitted that evidence had been presented regarding the number of standard drinks allegedly consumed by certain patrons. Ms Logan noted that the basis for those calculations was not clearly explained. Ms Logan submitted that, even if those calculations were accepted, the evidence did not establish that the patrons were intoxicated while at the Brook within the meaning of the Act.
192. Ms Logan also referred to Police evidence regarding three alleged drink-driving incidents involving persons said to have come from the Brook in September 2025. Ms Logan submitted that insufficient detail had been provided to identify the individuals concerned or to establish how it was determined that they had come from the Brook. Ms Logan noted that, without information about the patrons' identities, the timing of any breath tests, or other relevant circumstances, the Applicant could not provide meaningful context or explanation for the incidents.
193. Ms Logan noted that Police had stated that one driver left the Brook at approximately 10.30 pm and that two other drivers left in separate vehicles at approximately 12.30 am. Ms Logan submitted that documentary records indicated that the Brook had closed well before that time. Ms Logan further submitted that it was not known whether those individuals had consumed alcohol elsewhere after leaving the premises and that the suggestion they had remained at the Brook consuming their final drinks until 12.30 am, long after the final transaction and after closing time, lacked credibility. Ms Logan submitted that caution should be exercised when considering this evidence, particularly in relation to the two drivers who were said to have left at approximately 12.30 am.
194. Ms Logan further submitted that the evidence demonstrated that the Brook had appropriate systems, staffing, and training in place to minimise alcohol-related harm. Ms Logan submitted that the Applicant's witnesses demonstrated a sound understanding of their responsibilities under the Act. No concerns had been raised regarding the performance of those Duty Managers, or any of the Applicant's other current Duty Managers, in carrying out their duties. Ms Logan submitted that their evidence demonstrated a good level of knowledge and understanding of their obligations and that there did not appear to be an evidential basis for Senior Constable G Craddock's assertion that staffing had "got worse".
195. Ms Logan also referred to the evidence of DIA Inspector Mr W Hurrell and noted that Mr Hurrell observed only one Duty Manager on duty at the time of his inspection and described that manager as clearly busy. However, Ms Logan submitted that Mr Hurrell had not identified any shortcomings in the Manager's supervision or management of the premises.
196. Ms Logan submitted that Brook had comprehensive staff training and management systems in place to minimise alcohol-related harm. Ms Logan further noted that staff completed ServeWise and Topsy training as part of their development. Ms Logan also submitted that Brook maintained systems to support communication and incident management, including an Incident Register, a Communication Book, a staff WhatsApp group, and staff meetings. Ms Logan noted that the premises operated a courtesy van service to assist patrons with safe transport home and that records demonstrated regular use of the service, which was actively promoted to patrons. Ms Logan acknowledged the Licensing Inspector's evidence that the issue was not the absence of policies and systems but an alleged failure to implement them. Ms Logan submitted, however, that the evidence did not support that conclusion.

197. Ms Logan also addressed evidence regarding staff working long shifts and submitted that shift length, of itself, did not give rise to suitability concerns and noted that no evidence showed that staff working extended shifts had adversely affected the operation or management of the premises. Ms Logan submitted that, if the Committee retained any concerns about staffing arrangements or operational practices, the Applicant would be willing to consider suggested improvements. Ms Logan referred to the decision in *Rockaway Beach Ltd v Waikato District Licensing Committee* and submitted that the factors identified in that decision, including industry experience and the absence of prosecutions or adverse determinations, were also relevant in the present case.
198. Ms Logan submitted that matters relating to other premises were not relevant to the Committee's assessment of the present application. Ms Logan also submitted that the Committee's focus should be on whether the Brook met the statutory criteria for renewal under the Act
199. In conclusion, Ms Logan addressed the Brook's compliance with other aspects of the Act. Ms Logan advised that the licensee was willing to make further improvements and would consider any recommendations or requirements identified by the Committee.
200. The Licensing Inspector, Mr Turner, remained opposed to the renewal of this licence and supported the oppositions filed by the New Zealand Police and the Medical Officer of Health. Mr Turner submitted that, when viewed collectively, the evidence disclosed a consistent and concerning pattern of compliance issues. The Committee was not being asked to consider a single isolated incident, administrative oversight, or lapse in judgment. Rather, Mr Turner submitted that the evidence demonstrated repeated compliance concerns across two licensed premises operated by the Applicant.
201. Mr Turner further submitted that the Applicant had characterised many of the matters raised during the hearing as minor in nature. He submitted that, while some individual matters might appear minor in isolation, they should be assessed cumulatively. Mr Turner submitted that each identified matter represented a compliance management failure and indicated that important legal requirements had not been properly monitored, understood, or implemented. Mr Turner further submitted that, when considered alongside the more significant incidents involving alleged intoxication and alcohol-related harm, these matters provided compelling circumstantial evidence that the systems and processes relied upon by the Applicant were inadequate.
202. Mr Turner submitted that the evidence before the Committee demonstrated recurring concerns regarding staffing levels at licensed premises operated by the Applicant. Mr Turner referred to evidence from Mr W Hurrell, who observed an occasion where a single staff member was responsible for front-of-house operations across the restaurant, bar, and gaming areas of the premises. Mr Turner also referred to evidence from Senior Constable G Craddock and his own observations during an inspection of Mainstreet Sports Bar on 28 June 2025. Mr Turner submitted that these examples did not demonstrate adequate staffing levels or the existence of appropriate systems to prevent alcohol-related harm.
203. Mr Turner further submitted that staff appeared to rely primarily on the SCAB tool when assessing whether alcohol service should continue. Mr Turner further submitted that this approach was inadequate, as responsible alcohol service required consideration not only of visible signs of intoxication but also the quantity of alcohol consumed, the rate of consumption, and the foreseeable risk of harm. Mr Turner believed that the evidence suggested shortcomings in this regard had occurred on multiple occasions across both premises. Mr Turner observed that the evidence given by staff during the hearing

demonstrated a limited understanding of these broader considerations and raised concerns regarding the effectiveness of staff training and the implementation of host responsibility practices.

204. Mr Turner reiterated his concerns regarding the various incidents which occurred at the Brook and submitted that host responsibility extended beyond merely observing visible signs of intoxication. Mr Turner noted that effective host responsibility systems required staff to consider a range of factors, including the quantity of alcohol consumed, the rate of consumption, the duration of consumption, and the foreseeable risk of alcohol-related harm. Mr Turner further submitted that adequate systems and effective staff training should have enabled staff to identify situations where serving significant quantities of alcohol over a relatively short period was neither safe nor responsible. The evidence raised concerns as to whether those considerations were being adequately applied in practice.
205. Mr Turner further submitted that the cumulative compliance history, staffing concerns, management deficiencies, alleged failures of oversight, and the October 2025 alcohol-related harm incident demonstrated systemic shortcomings rather than isolated errors. Mr Turner maintained that the evidence before the Committee did not provide a sufficient basis for confidence that alcohol would be sold and supplied safely and responsibly if the licence were renewed. For those reasons, and for the reasons highlighted during the hearing, Mr Turner still supported the opposition filed by New Zealand Police and the Medical Officer of Health; he therefore submitted that the application should be declined.
206. Senior Constable Craddock confirmed that New Zealand Police continued to oppose the application and submitted that Police remained firmly of the view that the Applicant was unsuitable to hold an On-licence. Senior Constable Craddock elaborated on Police's concerns regarding the various incidents that occurred at the Brook and the Mainstreet Sports Bar. Senior Constable Craddock submitted that the evidence presented during the hearing reflected adversely on the suitability of the Applicant. Senior Constable Craddock believed that the Applicant had failed to comply with obligations under the Act and that the operation of both Waimakariri premises was inconsistent with the object of the Act by increasing, rather than minimising, alcohol-related harm.
207. Senior Constable Craddock referred to Section 131 of the Act and noted that, in determining an application for renewal, the Committee was required to have regard to whether the Applicant had appropriate systems, staff, and training in place to comply with the law. Senior Constable Craddock submitted that the Applicant did not have appropriate systems, staff, and training in place to satisfy this criterion. The evidence before the Committee demonstrated deficiencies in these areas and supported Police's opposition to the application.
208. Senior Constable Craddock submitted that the Applicant had not provided evidence to the Committee demonstrating how he had taken the identified issues seriously. The Applicant had the opportunity to address the Committee about the steps taken in response to matters raised in the proceedings. Senior Constable Craddock referred to the Applicant's evidence, which stated that the *"Applicant was seeking to employ suitable staff to maintain a cohesive team and healthy workplace culture"*. Senior Constable Craddock believed that the employment of Mr K Sidhu and Mr R Singh, who were facing criminal charges at the time of their appointments, should be of concern to the Committee. Senior Constable Craddock was concerned that the Applicant seemed to downplay the seriousness of those charges in his evidence to the Committee

209. Senior Constable Craddock observed that this evidence demonstrated ongoing staffing difficulties and suggested that the Applicant had relied on an individual facing active criminal charges to fill a management role due to difficulties recruiting sufficient staff. Senior Constable Craddock submitted that this was relevant to the Committee's consideration of whether the Applicant had appropriate staffing arrangements in place.
210. Senior Constable Craddock submitted that, during questioning by the Committee, the Applicant acknowledged offering free alcohol as a prize or reward associated with the purchase of alcoholic drinks. Senior Constable Craddock noted that the Applicant had also previously acknowledged being advised by the New Zealand Police to include alcohol in a raffle hamper at the Brook. However, despite that advice, the Applicant had continued to offer alcohol as a prize. Senior Constable Craddock further submitted that the use of bar tabs with values of up to \$100 was a matter of concern. Senior Constable Craddock submitted that such promotions were inconsistent with the object of the Act and may amount to irresponsible promotion of alcohol. Senior Constable Craddock referred the Committee to Section 131 of the Act, noting that, in determining an application for renewal, the Committee was required to have regard to the manner in which the Applicant had sold, supplied, displayed, advertised, or promoted alcohol. Senior Constable Craddock believed that the Applicant had promoted and sold alcohol in an inappropriate manner and that this conduct was relevant to the Committee's assessment of the Applicant's suitability for renewal of the licence.
211. Senior Constable Craddock responded to the Applicant's submission that matters relating to other premises owned by the Applicant were irrelevant. Senior Constable Craddock further submitted that those matters were directly relevant to the Committee's assessment under Section 131 of the Act and indicated broader issues relating to the Applicant's compliance, management, and suitability. Senior Constable Craddock submitted that the New Zealand Police had no confidence that the Applicant would comply with licence conditions in the future if the licence were renewed. Senior Constable Craddock observed that discussions between the regulatory agencies and the Applicant on 22 May 2025 regarding concerns about the operation of the premises and subsequent events had reinforced, rather than alleviated, those concerns.
212. In conclusion, the Senior Constable Craddock noted that, while the regulatory agencies had no onus to prove the application should be declined, the evidence presented in this case established sufficient grounds for the Committee to decline the application. The New Zealand Police remained firmly of the view that the Applicant was unsuitable to hold an alcohol licence.
213. The Medical Officer of Health, Ms P Williams, submitted that the Applicant had not presented a proactive case in support of the renewal application. Rather, the Applicant's evidence had largely been directed at responding to concerns raised by the regulatory agencies. Ms Williams believed that the Applicant had failed to satisfy the Committee that the application should be granted.
214. In support of the agencies' position, Ms Williams referred to Mr Hurrell's evidence and noted that his concerns about staffing levels and operational systems, identified during his gambling compliance work, were such that he provided separate evidence addressing those matters in support of the agencies' opposition. Ms Williams also referred to the evidence of the New Zealand Police regarding incidents of alcohol-related harm, including drink-driving and a traffic crash.

215. Ms Williams submitted that the long hours worked by staff, together with a lack of sufficient experienced personnel, had contributed to errors in the assessment of patrons for intoxication. Ms Williams noted that staff, including Duty Managers, were required to undertake a wide range of responsibilities, including serving alcohol, preparing and serving food, overseeing gaming machine operations and compliance, addressing gaming-machine issues and payouts, conducting raffles, responding to complaints, managing entertainment, interacting with patrons, dealing with intoxicated or otherwise affected persons, and arranging courtesy van transport and other transport options. Ms Williams submitted that the breadth of these responsibilities meant staff did not have sufficient time or capacity to consistently comply with all legal obligations associated with operating the premises.
216. Ms Williams noted that the evidence presented by the three regulatory agencies had largely focused on suitability, alcohol-related harm, and the object of the Act, together with concerns about the adequacy of systems, staffing, and training. The regulatory agencies' evidence demonstrated a history of compliance failures and instances of non-compliance involving the Applicant, both at the Brook and at other premises operated by the Applicant. Ms Williams noted that multiple failures to notify appointments and management changes had been identified, recorded, and discussed with the Applicant. Ms Williams submitted that the Applicant had repeatedly provided explanations for those failures, including being busy, forgetting, administrative oversight, or issues relating to the commencement of employment. However, Ms Williams submitted that these explanations did not change the fact that the notification requirements had not been met. Ms Williams further submitted that the Act imposed clear obligations in relation to notifications of appointments and management changes. The relevant case law indicated that the Alcohol Regulatory and Licensing Authority treated these requirements seriously, and the Committee should have regard to that approach when assessing the Applicant's compliance history and suitability.
217. Ms Williams observed that the Applicant had provided extensive documentation relating to systems, staffing, training, and operational procedures. However, Ms Williams submitted that the practical implementation and effectiveness of those measures fell short of what the documented policies and procedures contemplated. Ms Williams believed that the renewal of the licence would not promote the object of the Act. Ms Williams submitted that the Applicant was unsuitable to continue as a licensee and that the evidence demonstrated compliance failures, breaches of statutory obligations, and incidents of alcohol-related harm. Ms Williams also submitted that, for those reasons, the application for renewal should be declined.

RELEVANT LAW

218. In deciding whether to renew the On-licence, the Committee gave regard to Sections 105 and 106 of the Act and relevant matters of Section 131:

Section 105 of the Act

In deciding whether to issue a licence, the Licensing Authority or the Licensing Committee concerned must have regard to the following matters:

- (a) the object of this Act.
- (b) the suitability of the applicant.
- (c) any relevant local alcohol policy.
- (d) the days on which and the hours during which the applicant proposes to sell alcohol.
- (e) the design and layout of any proposed premises.

- (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods.
- (g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services.
- (h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence.
- (i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—
 - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
 - (ii) it is nevertheless desirable not to issue any further licences:
- (j) whether the applicant has appropriate systems, staff, and training to comply with the law.
- (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under Section 103

Section 106 of the Act

In deciding whether to issue or renew a licence, the Licensing Authority shall consider the effects of issue or renewal of licence on amenity and good order of the locality:

- (1) In forming for the purposes of Section 105(1)(h) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to—
 - (a) the following matters (as they relate to the locality):
 - (i) current, and possible future, noise levels:
 - (ii) current, and possible future, levels of nuisance and vandalism:
 - (iii) the number of premises for which licences of the kind concerned are already held; and
 - (b) the extent to which the following purposes are compatible:
 - (i) the purposes for which land near the premises concerned is used:
 - (ii) the purposes for which those premises will be used if the licence is issued.
- (2) In forming for the purposes of Section 131(1)(b) an opinion on whether the amenity and good order of a locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew a licence, the licensing authority or a licensing committee must have regard to the following matters (as they relate to the locality):
 - (a) current, and possible future, noise levels:
 - (b) current, and possible future, levels of nuisance and vandalism.

Section 131 of the Act

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

DISCUSSION AND CONSIDERATION

219. In deciding whether to renew the On-licence, the Committee gave regard to Section 105, and related matters in Section 106. After having regard to the criteria for renewal in Section 131, the Committee stepped back and considered whether there was any evidence indicating that granting the application would be contrary to the object of the Act.

Section 105(1)(a) the object of the Act

220. The Committee considered whether the renewal of the licence was likely to result in an increase in alcohol-related harm by more than a minor extent. Having regard to the object of the Act, the Committee considered the evidence presented by the Applicant and the Reporting Agencies concerning the operation of primarily the Brook and Mainstreet Sports Bar, but also the other operations the Applicant was involved with.
221. That evidence raised concerns regarding staffing levels, the adequacy and experience of staff, staff training, and the effectiveness of the operational systems in place to minimise alcohol-related harm arising from the excessive or inappropriate consumption of alcohol. The Committee further noted the reparative pattern of non-compliance by the Applicant across a range of statutory and operational obligations.
222. The Committee was satisfied that these matters constituted direct evidence of deficiencies in the management and operation of the Applicant's licensed premises. When considered collectively, the Committee found that the deficiencies identified were not isolated incidents but reflected broader shortcomings in the Applicant's systems, oversight, and compliance management. The Committee noted that those consistent shortcomings increased the risk of alcohol-related harm occurring at the premises by more than a minor extent.
223. Accordingly, the Committee stood back, weighed the evidence and concluded that it was not satisfied that the renewal of the licence would be consistent with the object of the Act. Having regard to all of the evidence before it, the Committee was, therefore, not satisfied that the application for renewal should be granted.

Section 105(1)(b) the suitability of the applicant

224. The Committee accepted the concerns raised by the Reporting Agencies regarding the Applicant's suitability to hold a licence. The Committee did not accept the Applicant's submission that incidents occurring at other licensed premises owned, operated, or managed by the Applicant should be excluded from consideration. The Committee considered that the Act did not confine the assessment of an applicant's suitability to matters arising solely at the

licensed premises that were the subject of the application. Rather, the Committee was entitled to have regard to the Applicant's overall compliance history, management practices, and conduct in relation to other licensed premises, insofar as those matters were relevant to determining whether the Applicant was a suitable person to hold a licence. Such considerations provide important context in evaluating the Applicant's ability to comply with the obligations imposed by the Act and the conditions of any licence granted. In the Committee's view, those incidents were relevant and properly admissible in assessing the Applicant's suitability under the Act.

225. The Committee was perturbed to note that two noise complaints were received regarding the Brook. In addition, an Excessive Noise Direction (END) was issued for the premises on 29 March 2025. This was particularly concerning given the previous noise complaints raised by the owners of the Riverstone Motel, which resulted in a District Licensing Committee hearing on 28 August 2023. At that hearing, the Committee imposed conditions specifically intended to address noise concerns affecting the Riverstone Motel. However, based on Ms Elliott's evidence, the Brook did not appear to take those conditions seriously, with Ms Elliott acknowledging that music sometimes continued at a higher volume beyond 9.00 pm.
226. The Committee also considered Ms Sharma's testimony that the Noise Control Officer who attended the premises on 29 March 2025 was concerned that the music remained excessively loud, as the live band was unable to reduce the volume of its performance sufficiently. Although the Committee noted Ms Sharma's evidence that the Brook had significantly reduced its use of live bands and intended to limit live entertainment to solo performers and two-piece acts, the Committee was not convinced that the Brook would adhere to this arrangement, given the apparent lack of management commitment demonstrated in the past.
227. The Committee acknowledged the evidence provided by the Applicant regarding Ms Giddens' mental health concerns. However, based on the video evidence provided by New Zealand Police of the incident at the Brook on 1 May 2025, the Committee believe that Ms Giddens was intoxicated. While the footage demonstrated that Ms Sharma managed the incident professionally once she arrived, the Committee was concerned that her attendance was required in the first place. The Committee considered that the Applicant, who was present at the time, ought to have intervened and managed the situation himself. It was clear from the video evidence that, by the time Ms Sharma arrived, Ms Giddens had become increasingly agitated and violent. In the Committee's view, the Applicant's failure to deal with Ms Giddens at an earlier stage contributed to the escalation of alcohol-related harm. This demonstrated a lack of managerial judgment and competence, which directly bears on the Applicant's suitability to hold a licence.
228. The Committee further noted the Department of Corrections Report, which stated:
- "Ms Giddens reported consuming several alcoholic beverages prior to the offending, which adversely affected her judgement and emotional regulation."*
- Having regard to both the report and the video evidence, the Committee was satisfied that there was sufficient evidence to establish that there was a high probability that Ms Giddens was intoxicated. The Committee was, therefore, concerned by the Applicant's submission that the evidence did not establish intoxication within the meaning of the Act. In the Committee's view, that submission demonstrated a lack of appreciation of the object and purpose of the Act. By calling in Ms Sharma to deal with Ms Giddens, the Applicant did not respond appropriately to the incident, reflecting deficiencies in the training and management of intoxicated patrons. Viewed alongside the Applicant's reluctance to involve New Zealand

Police, these matters reinforced the Committee's concerns about the Applicant's suitability to hold a licence.

229. The Committee accepted the evidence provided by New Zealand Police that, at approximately 11.28 pm on 1 May 2025, an underage female was found unaccompanied in the bar area of the Mainstreet Sports Bar, which operated under a supervised designation. The Committee noted that persons under 18 years of age may enter a supervised area only when accompanied by a parent or legal guardian. The Committee regarded this incident as concerning. Compliance with designation requirements was a fundamental responsibility of licensed premises, and the failure to ensure adherence to those requirements calls into question the Applicant's commitment to maintaining adequate oversight and ensuring staff competency through effective training and supervision. In the Committee's view, the incident supported the Reporting Agency's concerns about operational management's failure to ensure sufficient staff levels and again raised concerns about the Applicant's suitability to hold a licence.
230. The Committee concurred with the Licensing Inspector's assessment that irresponsible and excessive amounts of alcohol were served to three patrons at the Brook on 23 October 2025, who consumed substantial quantities of alcohol within a period of less than four hours. The Committee rejected the Applicant's submission that calculations of the volume of alcohol consumed by the three patrons may have been overstated. In the Committee's view, any difference between the calculations presented by the Licensing Inspector and those advanced by the Applicant was immaterial. The Committee considered that staff should reasonably have recognised that serving such substantial quantities of alcohol to individual patrons within a relatively short period could not constitute responsible service of alcohol. The Committee, therefore, did not accept the Applicant's submission that the patrons did not exhibit obvious signs of intoxication in their speech, coordination, appearance, or behaviour.
231. The Committee accepted the evidence of Sergeant Jones, who, by virtue of her extensive experience as an Alcohol Harm Prevention Officer, assessed the men as being intoxicated prior to their undergoing breath alcohol testing. As well as the statement of Constable M Cosgrove, who attended the scene of the accident and reported that *"the three occupants of the vehicle were showing signs of intoxication"*, Further support for that assessment was provided by the occupants' evidential breath alcohol results of:
- 925 micrograms of alcohol per litre of breath. (*Driver*)
 - 837 micrograms of alcohol per litre of breath
 - 1007 micrograms of alcohol per litre of breath
232. Having considered the totality of the evidence before it, the Committee was satisfied that the quantity of alcohol consumed gave rise to a significant risk of intoxication and alcohol-related harm. This finding was supported by the subsequent motor vehicle accident involving the patrons concerned. The Committee considered that the service of alcohol in these circumstances reflected a failure to adequately promote the responsible consumption of alcohol. The Committee was also concerned that, despite repeated requests from the New Zealand Police for CCTV footage relating to 23 October 2025, the footage was not provided by the Brook. The Police subsequently reviewed CCTV footage obtained from the PAK'nSAVE car park, which confirmed that the patrons had visited the Brook. The Committee shares the Authority's concerns as set out in *NZ Police and General Distributors Limited [2026] NZARLA 225*:
- "that this apparent refusal to provide the CCTV footage in the face of repeated requests for it to be provided is a criminal offence and a breach of 267 of the Act".*

The failure to provide the requested footage, together with the corroborating evidence obtained from alternative sources, heightened the Committee's concerns regarding the Applicant's suitability to hold a licence and its confidence in the Applicant's compliance with licensing obligations.

233. The Committee accepted the evidence provided by New Zealand Police concerning incidents involving intoxicated patrons at Mainstreet Sports Bar on 21 January 2026. The Committee also accepted the Police evidence of the reported assault which occurred at the Mainstreet Sports Bar on 4 April 2026. It also noted with concern the altercation between two male patrons outside Mainstreet Sports Bar in July 2026. In the evidence of Constable D Milford, the attending officer, the patrons involved were described as being "certainly intoxicated". The Committee considered that these incidents, among many reported others, demonstrated a fundamental failure to comply with the obligations imposed under the Act and were inconsistent with the statutory objective of minimising alcohol-related harm. The Committee regarded such matters as highly relevant to an assessment of the Applicant's suitability to hold a licence and considered that they weighed significantly against a finding of suitability.
234. The Committee also accepted evidence from the New Zealand Police regarding drink-driving incidents involving patrons who had been at Mainstreet Sports Bar on 28 and 29 March 2026. In one instance, Police stopped a vehicle that had left the premises after observing it being driven without its lights activated. The driver subsequently provided an evidential breath alcohol reading of 681 micrograms of alcohol per litre of breath. The Committee noted that Police had observed the driver inside Mainstreet Sports Bar earlier that evening while conducting an inspection of the premises.
235. In addition, the Committee referred to the evidence presented by New Zealand Police concerning a number of patrons who had been stopped and found to be driving with excess breath alcohol. The Committee did not accept the Applicant's contention that some drivers found to have excess breath alcohol may have been untruthful about where they had consumed alcohol. However, the Committee noted the Applicant's submission that a significant lapse of time occurred between the last recorded sale of alcohol and when the Police subsequently tested the patrons. Nevertheless, the Committee shared Police's concern regarding the high number of drivers detected with excess breath alcohol who reported having consumed alcohol at the Applicant's premises.
236. The Committee expressed grave concern that the Applicant characterised the above incidents raised during the hearing as minor. The Committee considered that the incidents should be assessed cumulatively. It noted that the prevention of intoxication and associated alcohol-related harm lies at the heart of the object of the Act. In the Committee's view, the presence of intoxicated patrons on the premises demonstrated a failure to adequately monitor patrons' consumption of alcohol and to take appropriate steps to prevent further service where required. The occurrence of intoxication-related incidents of this nature indicated deficiencies in the identification, monitoring, and management of intoxicated patrons. The Committee concurred with the long-standing judicial view noted in *Dayal Holdings Ltd* [2004] NZLLA 568–569, when the Authority emphasised the seriousness of intoxication, stating at: *"It seems to us that allowing a person to be or become intoxicated while on licensed premises is the most vivid form of liquor abuse."*

237. On balance, the Committee considered that these serious repetitive incidents, when viewed collectively, provided compelling evidence that the systems and processes implemented by the Applicant were inadequate. The Committee concluded that the pattern of non-compliance demonstrated deficiencies in the management, supervision, and oversight of the licensed premises. These deficiencies strengthened the Committee's concerns about the Applicant's ability to ensure compliance with the obligations imposed by the Act and to operate licensed premises effectively. Taken together with the other matters before the Committee, they further called into question the Applicant's suitability to hold a licence.
238. The Committee accepted the extensive evidence provided by the Reporting Agencies regarding the Applicant's repeated failures to notify appointments and management changes as required under Section 231 of the Act. The Committee further noted that the Applicant acknowledged that the Brook had failed to comply with certain statutory notification requirements and accepted that some management changes had not been notified as required. The Committee also noted the Applicant's submission that those omissions were regrettable but did not reflect a deliberate disregard for the licensing regime.
239. However, during the hearing, the Committee established that the Applicant was well aware of the requirements of Section 231 of the Act. The Committee also found that the statutory notification obligations had been discussed with the Applicant on numerous occasions by the Reporting Agencies. While the Committee accepted that the Applicant had expressed remorse and provided explanations for the failures, it observed that those expressions of remorse were not accompanied by any meaningful or sustained change in conduct. Having considered the totality of the evidence, the Committee concluded that the Applicant's repeated failures to comply with the notification requirements could not be attributed to oversight, inadvertence, or a lack of understanding of the Act. Rather, the pattern of non-compliance demonstrated disregard for the statutory obligations imposed on licence holders and those responsible for managing licensed premises.
240. To support the Committee's view, it noted that the Act's requirements for appointing certificated managers and notifying management changes were clear and well established in both the legislation and relevant case law. In *Miklos v BB Night Club Ltd [2015] NZARLA 586*, ARLA considered applications for the suspension of an on-licence and a Manager's Certificate following compliance checks that identified, among other matters, a failure to appoint a manager in accordance with Section 231 of the Act. The Authority treated that failure as a significant breach warranting enforcement action. Similarly, in *Miklos v TZ Group Ltd [2017] NZARLA 446*, the Authority emphasised that managers properly appointed under the Act may exercise the authority to sell or supply alcohol. The decision reinforced the importance of compliance with Sections 212, 214, and 231 of the Act, noting that non-compliance with those provisions constitutes an offence and may result in findings under Section 288 of the Act.
241. The evidence before the Committee was that the Reporting Agencies had met with the Applicant on numerous occasions to discuss the statutory requirements relating to manager appointments and notifications. The Committee accepted that the Applicant was repeatedly made aware of these obligations and of the importance of complying with them. Notwithstanding those discussions, the failures continued. The Committee therefore placed significant weight on the repeated nature of the non-compliance when assessing the Applicant's suitability and commitment to the licensing regime.

242. In general, the Committee was concerned that the Applicant demonstrated a lack of commitment to complying with the requirements of the Act. The Committee viewed the Applicant's responses to matters raised by the Reporting Agencies as reflecting a dismissive or overly casual attitude towards incidents of regulatory concern, rather than an appreciation of the obligations that accompany holding licences. The Committee also noted that the Applicant had come to the attention of New Zealand Police in a negative regulatory context on a number of occasions. The evidence indicated that the Applicant repeatedly sought to persuade Police to withdraw their opposition to licence applications. In the Committee's view, this conduct was inappropriate and showed a lack of appreciation of the independent statutory role of reporting agencies in the licensing process. In addition, the Committee noted that concerns regarding the Applicant's conduct and reputation have arisen in proceedings before other District Licensing Committees. In particular, the Committee considered the findings recorded in Dunedin District Licensing Committee Decision 2025/32/ON, which raised issues relevant to assessing the Applicant's suitability.

243. As part of its assessment of the applicant's suitability, the Committee refers to the well-established principles set out in *Re Sheard* [2012] NZARLA PH 1135, which confirm *"that suitability involves a forward-looking and evaluative judgment that takes into account both character and practical capacity."*

In that decision, the Authority reinforced that:

"Suitability cannot be considered in a vacuum" and must be scrutinised in light of previous conduct, including past failures and patterns of non-compliance."

The Committee also notes the guidance provided in *Nishcay's Liquor Centre* [2013] NZARLA 837, where the Authority stated:

"Suitability is a broad concept, and the assessment of it includes the character and reputation of the applicant, the previous operation of the premises, its proposals as to how the premises will operate, its honesty, its previous convictions and other matters. It also includes any matters raised in reports under s 33 of the Act (now s 105), and those reports may raise issues pertaining to the object of the Act as set out in s 4. Thus, whether or not the grant of the licence will result in the reduction or increase in liquor abuse is relevant."

Accordingly, the Committee's assessment of suitability extends beyond the applicant's current circumstances and includes consideration of past conduct, demonstrated compliance history, operational capability, and the extent to which the grant of the licence is consistent with the object of the Act.

Section 105(1)(c) any relevant local alcohol policy

244. The Committee noted that the Brook operated within the trading hours prescribed by the Waimakariri District Local Alcohol Policy.

Section 105(1)(d) the days and hours during which the applicant proposes to sell alcohol

245. The Committee noted the evidence of the Reporting Agencies that they had no concerns regarding the proposed days and hours for the sale of alcohol.

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

246. The Committee noted that no changes were proposed to the design or layout of the premises. The Reporting Agencies raised no concerns regarding the design and layout and considered them appropriate for the purposes of the licence.

247. However, during the site inspection conducted on 13 August 2026, the Committee observed that the configuration of the premises required a high degree of active supervision and management, i.e., a sufficient number of staff members on duty. In particular, effective oversight was necessary to monitor patron behaviour and alcohol consumption, ensure compliance with the requirements of the Act, maintain compliance with the Gambling Act 2003, and enforce the designation requirements applicable to the premises.
248. The Committee also noted that staff at the Brook were unaware of vomit in the car park on 15 April 2025 and were similarly unaware that a person staying in a campervan in the shared car park on 19 May 2025 had been parked on the premises. Although these matters may appear minor when viewed in isolation, the Committee's concern was that they reflected a lack of awareness of activities occurring within, and immediately adjacent to, the licensed premises. In the Committee's view, this indicated deficiencies in the oversight, monitoring, and perimeter checks expected of suitably trained staff. The Committee considered that effective supervision of both a licensed premises and its immediate surroundings formed an important part of a licensee's obligations under the Act. The failure to identify and respond to matters such as these raised concerns regarding the adequacy of the systems and practices in place to monitor patron behaviour, identify potential indicators of alcohol-related harm, and ensure that the premises were being properly managed.
249. While these incidents, when viewed individually, may have appeared relatively minor, the Committee considered them relevant when assessed alongside the broader pattern of operational, management, and compliance failures identified during the hearing. Collectively, they reinforced the Committee's belief that the Applicant's oversight of the premises was inadequate and that he was not suitable to hold a licence. Given the Committee's concerns regarding the Applicant's suitability and compliance history, it was not satisfied that the premises would be managed in a manner that adequately mitigated the risks associated with the sale and supply of alcohol or ensured ongoing compliance with the relevant statutory obligations.

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, and food, and, if so, which goods

250. The Committee noted that the Applicant did not intend to sell any goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food.

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

251. Not applicable.

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

252. The Committee noted the Applicant's submission that the evidence demonstrated the Brook had appropriate systems, staffing arrangements, and training in place to minimise alcohol-related harm. The Committee acknowledged that the Applicant's Duty Managers who gave evidence demonstrated a sound understanding of their responsibilities under the Act. However, notwithstanding the knowledge and experience exhibited by those managers, the Committee agreed with the Reporting Agencies and was not persuaded that the systems and processes documented by the Applicant were consistently effectively implemented in practice.

253. The Committee accepted the evidence provided by the Reporting Agencies, which identified recurring concerns regarding staffing levels at licensed premises operated by the Applicant. In particular, the Committee referred to the evidence of the Senior Gambling Regulator, Mr W Hurrell of the Department of Internal Affairs, who described an occasion at The Brook where Ms Fewster was solely responsible for front-of-house operations across the restaurant and appeared too occupied with those duties to adequately discharge her responsibilities within the gaming area. The Committee also noted evidence from New Zealand Police concerning incidents at Mainstreet Sports Bar on 28 June 2025 where staffing arrangements were considered inadequate, including an occasion where a single staff member was responsible for supervising approximately 54 patrons. Of particular concern to the Committee was the evidence from Police that, when officers attended an incident at Mainstreet Sports Bar on 1 April 2026, there was no Duty Manager on duty. The Committee considers this to be a significant departure from the standards expected of licensed premises and indicative of shortcomings in operational oversight.
254. The Committee considered that these examples raised legitimate concerns as to whether adequate staffing levels were being consistently maintained to enable effective supervision of patrons, the timely identification and management of intoxication, and compliance with the requirements and object of the Act. Collectively, these matters call into question the Applicant's ability to ensure the premises are managed safely, responsibly, and in compliance with the Act.
255. While the Committee accepted that periods of high patron demand may place pressure on staffing resources, it considered that licensees must ensure that staffing levels were sufficient to meet their statutory obligations at all times. The examples identified by the Reporting Agencies suggested that staffing arrangements were, on occasion, insufficient to provide the level of supervision and oversight required at the premises.
256. The Committee also noted with concern the evidence regarding staff workloads and staffing levels at the Applicant's premises. Staff were required to undertake a broad range of duties, including serving alcohol and food; overseeing gaming machine operations; interacting with patrons, and arranging transport options. The Committee considered that the breadth and complexity of these responsibilities, coupled with long working hours and an apparent lack of sufficiently experienced personnel, meant staff did not always have the time or capacity to effectively discharge all their responsibilities and consistently comply with the obligations imposed by the Act. The Committee agreed with the Reporting Agencies that this was a significant concern, particularly given the importance of active supervision, the prompt identification and management of intoxicated patrons, and the need to minimise alcohol-related harm in accordance with the object of the Act. This further reinforced the Committee's concerns regarding the adequacy of the staffing arrangements and management systems implemented by the Applicant.
257. In addition, the Committee found it concerning that the Applicant had appointed Mr K Sidhu to work at the Brook on 9 October 2023, knowing that he was charged with wounding with intent to injure on 13 June 2023. The Committee noted that Mr Sidhu was no longer employed by the Brook. However, it did not believe that his resignation erased the Applicant's lack of judgment.

258. The Committee considered that the Applicant's lack of judgment was further demonstrated by the subsequent appointment of Mr R Singh as Duty Manager at the Mainstreet Sports Bar. At the time of his appointment, Mr R Singh was facing seven active criminal charges before the court. The Committee noted the Applicant's assertion that he was unaware of the nature of the charges and did not wish to intrude upon Mr R Singh's privacy. However, the Applicant also stated that he appointed Mr R Singh because the charges related to a domestic matter and were not alcohol-related offences. This indicated that the Applicant must have had some knowledge of the nature of the charges at the time of the appointment. Accordingly, the Committee doubted the Applicant's truthfulness on this issue. The Committee was further concerned by the Applicant's evidence, which appeared to minimise the seriousness of the charges on the basis that they were not alcohol-related, but instead arose from matters in Mr R Singh's personal life. The Committee did not accept that this distinction reduced the seriousness of the concerns arising from these appointments.
259. The Committee noted the Applicant's submission that court proceedings were ongoing at the relevant time and that, at the time of his appointment, Mr D Singh had not been convicted of any offence. However, the Committee believed that, if indeed, the Applicant was unaware of the nature of the charges against Mr R Singh at the time of appointment, he should have been stood down until such time as the matter had been resolved. The Committee considered that individuals appointed to positions of responsibility within licensed premises should be subject to careful scrutiny, particularly where criminal charges were pending. In the Committee's view, the fact that the Applicant was required to liaise with the Department of Corrections regarding Mr R Singh's appointment as Duty Manager ought to have prompted further inquiry into his suitability for that role. The Committee considers that this circumstance should reasonably have raised concerns about whether Mr Sidhu and Mr D Singh were appropriate persons to hold a position of responsibility within licensed premises at that time. When considered alongside the other matters before the Committee, these appointments further reinforced its concerns regarding the Applicant's judgement, decision-making, and overall suitability to hold a licence
260. The Committee acknowledged that the Applicant had provided extensive documentation relating to systems, staffing, training, and operational procedures. However, it was not satisfied that those measures were being effectively implemented in practice. In the Committee's view, the evidence revealed a significant disconnect between the policies and procedures described by the Applicant and the actual day-to-day operation of the premises. As a result, the Committee was not persuaded that the documented systems and controls were operating effectively or achieving their intended purpose. The Committee also noted that the Applicant had engaged Mr M Ferguson to undertake an operational review of the business. While the Committee acknowledges this step, it considered that the engagement occurred only after the compliance issues had arisen and, accordingly, afforded it limited weight in its assessment of the application. Accordingly, the Committee placed limited weight on the existence of documented policies and procedures, as the evidence indicated that their practical implementation and effectiveness fell short of the standards those documents contemplated.
261. The Committee noted that the evidence before it disclosed ongoing staffing difficulties across the Applicant's licensed premises. The Committee was particularly concerned by evidence suggesting that the Applicant twice appointed individuals facing active criminal charges to management roles. When considered alongside the other matters before the Committee, these staffing concerns further undermined the Committee's confidence in the effectiveness of the systems and processes the Applicant relied upon. The Committee considered that the recurring nature of these issues pointed to broader deficiencies in operational management

and reinforced its concerns regarding the Applicant's suitability to ensure ongoing compliance with the obligations imposed by the Act.

Section 105(1)(k) any matters dealt with in any report from the Police, an Inspector or a Medical Officer of Health made under Section 103

262. The Committee noted that New Zealand Police had reported in opposition to the application, as confirmed in its report dated 16 October 2025.
263. The Committee further noted that the Medical Officer of Health had also reported in opposition to the application, as confirmed in its report dated 16 October 2025.
264. The Committee also noted that the Licensing Inspector opposed the application, as confirmed in the Inspector's report dated 26 September 2026.
265. The Committee attached significant weight to the fact that all three Reporting Agencies opposed the application. While the Committee recognised that the Reporting Agencies' views were not determinative, it considered their opposition highly relevant, particularly given the concerns each agency raised about the Applicant's suitability, compliance history, management practices, and the operation of the premises. The Committee especially noted that the New Zealand Police remained of the firm view that the applicant was profoundly unsuitable to hold an alcohol licence. The Committee therefore took those concerns into careful account when assessing the application against the criteria set out in the Act. Especially in light of *Aashi Ventures Ltd v Police [2023] NZARLA 187*, which stated that:
- "The Authority considers that opposition from the tri-agencies who represent the community is not to be lightly disregarded. That is a well-established position as reflected in the comments of the Authority in Re Tonto Investments Ltd;*
- "Where Licensing Inspectors, the local Police, the Medical Officer of Health and the District Licensing Agency have presented an agreed view towards a particular application, we have been slow to reject it."*

Section 106(1)(a)(i) What are the current, and possible future, noise levels? Is the operation of the premises likely to increase noise levels to more than a minor extent?

266. As previously noted, the Committee was concerned to learn that two noise complaints had been made in relation to the Brook and that an Excessive Noise Direction (END) had been issued for the premises. This was particularly concerning given the previous noise complaints made by the owners of the Riverstone Motel, which culminated in a hearing before the District Licensing Committee on 19 June 2023.
267. Despite the Applicant's submission that the Brook took its noise management obligations seriously, the Committee was not satisfied that the operation of the premises was unlikely to increase noise levels beyond a minor extent. The Committee considered that the history of noise-related issues undermined confidence in the effectiveness of the measures said to be in place to manage noise. Further, the Committee was not persuaded that any undertaking to reduce noise levels would be adhered to consistently, given the apparent lack of management commitment demonstrated by past conduct.

Section 106(1)(a)(ii) What are the current, and possible future, levels of nuisance and vandalism? Is there a potential that levels of nuisance and vandalism will increase to more than a minor extent?

268. The Committee considered the current and potential future levels of nuisance and vandalism associated with operating the Brook. In doing so, it took into account the evidence relating to noise complaints, the Excessive Noise Direction issued for the premises, and the Applicant's approach to managing compliance issues. It also noted the two charges of Wilful Damage brought against Ms Giddens from an incident at the Brook on 14 June 2025, when she damaged vehicles in the Brook carpark. The charges of Wilful Damage brought against Ms B Giddens establish significant incidents of vandalism directly attributable to the operation of the premises. The Committee considered that nuisance and vandalism were often interrelated consequences of inadequately managed licensed premises, particularly where patrons congregate in surrounding public areas.
269. The Committee was not satisfied that the systems and controls the Applicant described had been consistently implemented in practice. The Committee identified a pattern of management deficiencies and poor decision-making that undermined confidence in the Applicant's ability to effectively manage the adverse effects associated with operating the premises. Having regard to the history of complaints and compliance concerns, the Committee was not persuaded that any increase in nuisance arising from the operation of the premises would be limited to a minor extent. Rather, the Committee considered there was a real risk that nuisance and vandalism levels could increase beyond a minor extent if the premises continued to operate under the Applicant's management. This finding weighed against the granting of the application.

Section 106(1)(a)(iii) How many premises with the same type of licence are in the locality?

270. The Committee was not aware of any other on-licensed premises of a similar nature operating within the locality. The Committee noted the Licensing Inspector's evidence that he held no concerns regarding the number of on-licensed premises in the area.
271. In the absence of any evidence that the granting of the application would contribute to an over-concentration of licensed premises or adversely affect the amenity and good order of the locality, the Committee was satisfied that the number of existing licences in the area did not weigh against the grant of the application.

Section 106(1)(b)(ii) What is the neighbouring land used for?

272. The Committee noted that the premises at 16 Southbrook Road, Rangiora, are located within a mixed-use environment comprising both commercial premises and residential properties. The Committee further noted that, according to the Partially Operative Waimakariri District Plan (Appeals Version), the premises are situated within a Medium Density Residential Zone.
273. The Committee had regard to the nature of the surrounding land uses and considered them to be consistent with the established operation of the premises. The Committee was not provided with any evidence to suggest that the continued operation of the premises under the licence would be incompatible with the character of the locality or would adversely affect neighbouring land uses. Accordingly, the Committee was satisfied that the location and surrounding environment of the premises did not weigh against the grant of the application.

Section 131(1)(a) the matters set out in paragraphs (a) to (g), (j), and (k) of Section 105(1)

274. The Committee considered that the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1), as referenced in Section 131(1)(a)(ii), had been adequately dealt with.

Section 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:

275. The Committee considered that issues relating to the amenity and good order of the locality had been adequately addressed.

Section 131(1)(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:

276. The Committee considered that the matters dealt with in any report from the New Zealand Police, the Licensing Inspector, or the Medical Officer of Health had been adequately addressed.

Section 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.:

277. The Committee was alarmed by documentary evidence indicating that patrons were able to redeem a \$100 bar tab won through the weekly Friday wheel-spin promotion and that ready-to-drink alcoholic beverages (RTDs) were also awarded as prizes. The Committee was further concerned that the New Zealand Police reported that they had previously advised the Applicant that distributing alcohol through raffles and wheel-spin promotions was contrary to the Gambling (Prohibited Property) Regulations 2005. Notwithstanding that advice, the promotion continued.

278. During the site inspection conducted on 13 August 2026, the Committee observed that the alcohol-related prizes had recently been removed from the wheel-spin promotion. The Committee considered this action to be disingenuous. In the Committee's view, the timing suggested the change was made in response to the impending site visit and regulatory scrutiny, rather than as a genuine acknowledgement of, and commitment to, compliance with applicable legal requirements. The Committee was concerned that, despite having previously received advice from the Police regarding the impropriety of the promotion, the Applicant allowed it to continue. This reflected a disregard for regulatory obligations and further undermined the Committee's confidence in the Applicant's understanding of, and commitment to, responsible alcohol management.

DECISION

279. The Committee noted the Applicant's submission that he bore no onus to establish his suitability. In support of that position, the Applicant relied on the observation in [Ibid] at [97] that:

"the role of the DLC or the Authority in considering the relevant factors in the Act is an evaluative one, requiring the decision-maker to make a merits-based determination on the application."

However, the Committee also noted that the question of suitability has long been recognised as requiring a positive finding in the Applicant's favour. In Page v Police AP 84/89, Pankhurst J stated:

"The applicant for an on-licence must demonstrate his or her suitability. In other words what is required is a positive finding. That implies an onus upon the applicant to demonstrate

suitability. Such suitability is not established in a vacuum but in the context of a particular case.”

280. While the Committee did not require the Applicant to establish that the application should be granted, it was required to undertake an overall assessment of all the evidence before it and determine whether, having regard to the criteria set out in the Sale and Supply of Alcohol Act 2012 and the object of the Act, the application ought to be granted. Having carried out that assessment, the Committee found that a consistent and concerning pattern emerged across the Applicant's licensed operations, including:
- failures to notify Acting Manager appointments as required by the Act;
 - concerns regarding the suitability of certain Acting Managers and the circumstances of their appointment and use;
 - inadequate staffing levels, affecting the effective supervision and management of patrons;
 - failures in host responsibility practices;
 - an insufficient understanding of intoxication assessment,
 - serious incidents involving excessive alcohol consumption and alcohol-related harm; and
 - poor operational oversight across two licensed premises operated by the Applicant.
281. The Committee considered these matters not isolated incidents but reflections of broader deficiencies in management oversight, staff training, compliance systems, and the Applicant's understanding of the obligations imposed by the Act. Viewed collectively, they demonstrated a recurring pattern of non-compliance and weak operational controls, raising significant concerns about the Applicant's suitability to hold a licence.
282. In reaching its conclusion, the Committee placed significant weight on the concerns raised by the Reporting Agencies regarding the Applicant's suitability to hold a licence. The issues identified by the Reporting Agencies evidenced ongoing deficiencies in management oversight, staffing practices, staff training, host responsibility measures, and compliance systems. Despite communicating these concerns to the Applicant on multiple occasions, the Applicant failed to take adequate steps to address or remediate them. Instead, the Applicant consistently sought to minimise the significance of the concerns raised and, at times, attempted to persuade the Reporting Agencies to withdraw their objections. The evidence disclosed a pattern of conduct that raised serious concerns about the Applicant's suitability.
283. In undertaking its evaluative assessment, the Committee considered the evidence in its entirety and assessed the application based on the totality of the material before it. The Committee took into account both the evidence advanced in support of the Applicant and the concerns raised by the Reporting Agencies. Having carefully weighed the competing submissions and evidence, the Committee found that the material the Applicant relied upon was insufficient to allay or outweigh the concerns identified by the Reporting Agencies.
284. Standing back and viewing the evidence as a whole, the Committee was not satisfied that the applicant had established their suitability to hold an on-licence for the purposes of section 105(b) of the Sale and Supply of Alcohol Act 2012. Nor is the Committee satisfied that the applicant had in place appropriate systems, staff, and training to ensure compliance with the Act, as required by section 105(j) of the Act.

DATED AT RANGIORA THIS THE 2ND DAY OF OCTOBER 2026.

Signed



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Neville Atkinson
CHAIRPERSON
WAIMAKARIRI DISTRICT LICENSING COMMITTEE

