

Decision number:

LIQ-15005-OFF

IN THE MATTER

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

AND

IN THE MATTER

of an application by **Havana
Trading Company Limited**
pursuant to Section 127 of
the Act for the renewal of an
OFF Licence in respect of
premises situated at 41
Williams Road, Paihia known
as “**Four Square Paihia**”

BEFORE THE FAR NORTH DISTRICT LICENSING COMMITTEE

Considered and determined on 30 September 2025

Chairperson Murray Clearwater

Member John Thorne

Member Graeme Wright

THE APPLICATION

This is an application by **Havana Trading Company Limited** for the renewal of an OFF Licence in respect of premises situated at 41 Williams Road, Paihia known as “**Four Square Paihia**”

The general nature of the business is that of a grocery store.

The current days and hours are **Monday to Sunday 7.00am to 9.00pm**. These are within the default national maximum trading hours for off licences of 7am to 11pm. **No changes are sought.**

The business is a medium sized open-plan Four Square franchised store with shelves holding food products and other household goods on all sides and it has a well-defined single alcohol area. Verified sales revenue figures have been provided showing more that 48% of revenue is derived from the sale of food products.

The application was notified on the council’s website from the 16th of June 2025, and **one** objection was received from a member of the public.

Neither the Police nor the Medical Officer of Health opposed the renewal of this licence.

REASONS FOR THE DECISION

Under Section 202 (3) of the Act where an objection is filed within the prescribed time the DLC must convene a public hearing to consider the application unless-

- (a) the application is withdrawn; or*
- (b) having considered the application, the authority or committee believes that the objection is vexatious or based on grounds outside the scope of this Act; or*
- (c) the objector does not require a public hearing.*

On 14 July 2025 an undated, unsigned 'objection' was received from Dr. Grant Hewison, purportedly on behalf of Dave Hookway-Kopa.

Once again, it was what we have called out elsewhere, a "scatter gun objection" alleging all kinds of deficiencies and concerns from amenity and good order, applicant suitability, design and layout, vulnerable populations, the single alcohol area, advertising and layout, and the Object of the Act.

The 'objection' contains bizarre suggestions such as, that we should not permit the sale of alcohol from the store unless it is part of the purchase of groceries, and that the single alcohol area (SAA) should be no more than 1% of the gross floor area of the store.

There was no thought of the logistical nightmare this would create to have to measure, evaluate and enforce such conditions should they be imposed.

Curiously, during negotiations Mr. Hookway-Kopa confirmed, through Dr Hewison, that his objection (**and all its requests**) would be satisfied by the imposition of only two conditions, namely:

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

No single sales of beer, RTDs or ciders smaller than 600ml and under \$6.00 per unit is permitted. (Again, an absurd request as grocery stores cannot sell RTDs)

This was put to the applicant who rejected the condition relating to singles sales and the renewal was set down for a hearing.

However, a week before the hearing the applicant offered up the following condition.

There are to be no sales of single containers of beer for less than \$6.

This was put to the objector who advised that if this condition, and the one relating to Social Responsibility Policy were to be conditions of licence, his objection could be considered withdrawn.

As we had no agency opposition, and now no public objection, as a matter of reasonableness, the Committee decided to vacate the public hearing but still meet as a three person quorum to consider and possibly determine this application.

In recent months we have been at pains to advise all parties i.e. applicants, agencies and objectors it is the DLC that will decide whether discretionary conditions are appropriate and necessary to help achieve the Object of the Act.

If the Committee decided that the two, now consented conditions, were **not necessary** we would have had to set the matter down again for a hearing to receive evidence from the parties.

This would be at considerable cost and inconvenience to the applicant, the DLC and the council who pays for venue costs and DLC members fees, a matter that the objector clearly has no understanding or concern for.

The members considered the application for renewal in its entirety and note the following:

- The business is clearly a grocery store with more than 48% of sales derived from the sale of food products.
- The store is currently undergoing a refit, and the single alcohol area is in the same place and slightly reduced in size.
- Several certificated managers are currently appointed to the business, and a certificated manager is always on duty when the store is open for the sale and supply of alcohol.
- The business has a sound compliance history and has not drawn opposed reports from the agencies.
- We find the applicant to be a suitable entity to hold an OFF Licence.
- The Host Responsibility Policy is sound but is to be renamed as a Social Responsibility Policy as no alcohol is consumed on-site. It is appropriate that this becomes a condition of licence as sought and consented to by the applicant.

- In regard to singles sales, we are aware of the Deprivation Index of the area and neighbouring communities. However, there was no evidence before us of 'rough sleepers' or beggars frequenting this area of town and trying to access 'pocket money liquor' from this store.
- We are also aware that the population of Paihia swells in the summer with thousands of holiday makers arriving and in particular young people partying in the towns pubs and Nite Clubs and drinking in public places and on the beaches.
- And importantly, the store is situated in a 24/7 alcohol ban area.
- For these reasons, we think there is a potential risk to be abated and a benefit to be secured and therefore a basic singles sales condition is appropriate.

The objectors objection is therefore satisfied and considered withdrawn.

Based on our assessment, and measured against the other criteria outlined in Section 33(2) of the Act, the Committee is satisfied that the business is that of a grocery store and has a compliant Single Alcohol Area (SAA).

Overall, we are satisfied as to the matters to which we must have regard as set out in s.131 and s.112-114 of the Act.

Accordingly, we deal with the matter on the papers.

DECISION

The District Licensing Committee, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Havana Trading Company Limited for the renewal and variation of an OFF Licence in respect of premises situated at 41 Williams Road, Paihia known as "Four Square Paihia"** subject to conditions.

We refresh the licence conditions to reflect best practice and add the two consented to conditions.

Conditions:

The licence is subject to the following conditions:

1. Alcohol may be sold on the premises for consumption off the premises and supplied free as a sample for consumption on the premises, only on the following days and hours: **Monday to Sunday 7.00am to 9.00pm;**
2. No alcohol is to be sold on or delivered from the premises on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day;

3. No alcohol may be sold other than –
 - a. beer that complies with the appropriate New Zealand food standard for beer; or
 - b. mead that complies with the appropriate New Zealand food standard for mead; or
 - c. fruit or vegetable wine that complies with the appropriate New Zealand food standard for fruit or vegetable wine; or
 - d. grape wine that complies with the appropriate New Zealand food standard for grape wine; or
 - e. a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted;
4. While alcohol is being supplied free as a sample, water is to be provided to patrons at no cost from a water supply prominently situated on the premises;
5. A properly appointed Certificated, or Acting or Temporary, Manager must be on duty, at or nearby the point of sale, at all times when the premises are open for the sale and supply of alcohol.
6. The Licensee must display signage as follows:
 - a. At every point-of-sale signage detailing the restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principal entrance to the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.
7. The “single alcohol area” for the premises is as described on the plan date stamped **10 JUNE 2025**. The licensee must ensure that:
 - a. No alcohol is displayed, promoted or advertised outside the single alcohol area; and
 - b. No products other than alcohol, low-alcohol and non-alcoholic beer, wine or mead are displayed, promoted or advertised inside the single alcohol area.
8. **There are to be no sales of single containers of beer for less than \$6.**
9. **The Social Responsibility Policy that was submitted with the application must be complied with at all times.**

The licence is renewed for three (3) years from the expiry of the current licence, and a Replacement Licence is to be issued.

MESSAGE TO COMMUNITIES AGAINST ALCOHOL HARM (CAAH) AND IT'S MEMBERS

We remind Mr Dave Hookway-Kopa, and Dr. Grant Hewison of CAAH, that to be seen as credible objectors they need to pick their battles.

'Scatter-gun objections' are counter-productive, serve little purpose and are expensive for all parties.

Site specific enquiries are critical to avoid embarrassing errors such as suggesting RTDs are sold in grocery stores or suggesting that based on the sales trend figures that this premises may not meet the threshold of a grocery store.

These erroneous assertions seriously damage your credibility before the DLC.

Where similar allegations are tendered in any future objections, objectors risk their submissions being declared vexatious and put to one side and the application determined on the papers.

DATED at Paihia this 7th day of October 2025



Murray Clearwater
Chairperson/Commissioner
Far North District Licensing Committee

