

**PALMERSTON NORTH
DISTRICT LICENSING COMMITTEE**

**IN THE MATTER of the Sale and Supply of
Alcohol Act 2012 ("Act")**

AND

**IN THE MATTER of an application by
PRINCESS TAVERN HOLDINGS LIMITED for
an On-Licence Renewal pursuant to
section 14 of the Act in respect of
premises known as Castle 789, situated at
789 Main Street, Roslyn, Palmerston North**

BEFORE THE PALMERSTON NORTH DISTRICT LICENSING COMMITTEE

Hearing: 4 March 2025

Committee

Chairperson: Aleisha Rutherford

Members: Antonia Crisford
Chantelle Fraser-Clark

Appearances: Avneet Singh Chadha, Applicant
Pervinder Davies, Counsel for the Applicant
Ian Shaw, Chief Licensing Inspector
Andrew Moss, Licensing Inspector
Sergeant Andrew Brooke, New Zealand Police
Jill Job, for Dr Rob Weir, Medical Officer of Health
Kathryn Knightbridge, for Dr Rob Weir, Medical Officer of Health

RESERVED DECISION OF THE COMMITTEE

Introduction

[1] This is an application by Princess Tavern Holdings Limited for a Renewal of On-Licence pursuant to section 14 of the Act in respect of premises known as Castle 789 situated at 789 Main Street, Roslyn, Palmerston North. The application was received on 31 May 2024.

[2] The Applicant has sought the following trading hours:

Monday to Sunday, between the hours of 8:00am and 2:00am

[3] The application was publicly notified on the Council's website and remained on the website for a minimum period of 25 working days.

[4] Two public objections were received within the required timeframe, raising local amenity and good order concerns. None of the objectors chose to appear at the hearing to give evidence.

[5] The application was opposed by the New Zealand Police and the Medical Officer of Health relating to the object of the act, suitability of the applicant, amenity and good order, staff training and general operation of the premises.

[6] The Licensing Inspector did not oppose the application however, they raised concerns regarding an alcohol related harm incident that had occurred at the premises, intoxicated people on the premises, fire exits being blocked and the negative effect on the local amenity and good order. The Licensing Inspector recommends a truncated renewal of 18-month period rather than the usual 3-year term.

Criteria for renewal

Section 131

[7] In an application for renewal the Committee is required, pursuant to s131(1) of the Sale and Supply of Alcohol Act 2012 ('the Act'), to have regard to:

- (a) the matters set out in paragraphs (a) to (g), (j) and (k) of s105(1);
- (b) whether ... the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence;
- (c) any matters dealt with in any report from the Police, an Inspector, or a Medical Officer of Health 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.

Section 105

[8] 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:

(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.

Submissions and Evidence

[9] Counsel for the Applicant tabled submissions and stated the Applicant was more than willing to continue improving the systems and processes he has in place to ensure compliance. The Applicant acknowledges that there have been some issues with the way he has operated the premises, however, he has a good understanding of his responsibilities as a licensee and duty manager and is committed to ensuring that the premises continue to operate in compliance with the licence conditions and the law.

[10] Counsel for the Applicant suggested the alcohol-related rubbish concerns have been resolved and highlighted the inspector's report outlining this. The Applicant stated that the car park was cleaned at the beginning of a staff member's shift and monitored throughout the day. Once a week the car park is professionally cleaned.

[11] The Applicant clarified their earlier written evidence had a statement (19b) which needed correcting. He advised in March 2024 following a monitoring visit, a written warning was issued for having an intoxicated patron on-site. The Applicant's previous written evidence stated the patron had arrived to collect takeaway food and had not consumed any alcohol on-site. He acknowledged this was incorrect and the patron had been attending a function and was intoxicated. The Applicant agreed the warning letter was fair and correct.

[12] The Applicant provided further information about the staff training undertaken, outlining the annual Servewise training, six monthly staff training based on relevant topics or issues coming through the incident log, and a monthly meeting with each of the six Duty Managers. Training records were being kept and the Duty Manager register was up to date.

[13] The Applicant confirmed he and his staff had not undertaken any formal de-escalation training however, in his experience throughout the hospitality industry he had developed skills in de-escalation which he has passed onto his staff through in-house training.

[14] The Applicant outlined the change in approach they have taken to hosting events, following a violent incident that occurred on the street outside the premises, during a music event he was hosting. Since late 2023 there have been no reggae or gangster music events and background checks have commenced for all other event performers. Friday night karaoke is now the only regular event hosted at the premises.

[15] During events, the Applicant organises additional security and duty managers to be working and has a regular roster of security on-site every Friday and Saturday evening.

[16] The Applicant responded to questions regarding the alcohol management plan they developed with their lawyer in February 2025. The plan outlined general steps to reduce risk, including limiting shots after a certain hour and limiting the number of drinks per customer.

[17] The Applicant stated food was always available, outlining the bar snack menu on offer at all times, and a full dinner menu between 5pm and 9pm from Tuesday to Saturday. He now had two staff working in the evenings when the cook was off, to ensure the bar was always covered if one staff member was preparing food for patrons. The Applicant clarified, in response to Police evidence of finding the deep fryers off, this was a normal routine to warm them up in the morning and then turn off until they were needed.

Licensing Inspector

[18] The Licensing Inspector spoke about processing of the application, where initial concerns arose from an alcohol related harm incident at the premises in August 2023. Due to the seriousness of the incident, several compliance checks were undertaken at the premises, identifying multiple issues with the operation of the premises. The Licensing Inspector outlined these being: incidents of intoxicated patrons being allowed to be on licensed premises, issues with fire exits being blocked and negative effect on the local amenity and good order.

[19] The Licensing Inspector advised the Committee of his dual role with the Palmerston North City Council as both a Licensing Inspector and a Food Safety Officer. He shared observations of food safety standards during a Food Safety Officer visit. He advised the general state of food safety was poor and the premise's food facilities and adjacent rooms and the areas were very unclean. It was the Licensing Inspector's view that the poor state of food safety practices onsite determined a lack of confidence in management with respect to the implementation of the food business registered Food Control Plan. The Licensing Inspector drew the Committee's attention to this as an example of the casual approach the Applicant takes regarding compliance.

[20] During the same visit to the premises the Licensing Inspector also observed an inaccessible fire exit with lights not functioning. This was raised with the Applicant at the time who organised immediate repairs. The Licensing Inspector stated he thought there should be a condition on the licence to maintain fire exits and keep them clear. They acknowledged there was some responsibility on the landlord, however keeping the fire exits working and clear was observed as a regular issue.

[21] The Licensing Inspector outlined how the Applicant took some steps to minimise the negative effect the business is having on the locality, however, the Licensing Inspector stated there was more work needed to improve the overall maintenance of the premises external areas due to overgrown vegetation and litter, but clarified this was not due to alcohol-related rubbish.

[22] The Licensing Inspector confirmed it was their view that the Applicant is not proactive in meeting their obligations under various pieces of legislation relevant to running their business. They were responsive to corrective actions, when prompted by external compliance visits. He stated that should the licence be renewed, increased monitoring would be undertaken of at least quarterly visits.

[23] The Licensing Inspector confirmed they have no ongoing concerns regarding duty managers and at each compliance check in the previous 12 months there had always been a duty manager present. Following feedback regarding record keeping, the Applicant now had a separate duty manager register for each licensed premises he operated.

[24] The Licensing Inspector recommended that the Committee considers the issuing of a truncated licence renewal period of 18 months, commencing from the licence renewal anniversary date.

Medical Officer of Health

[25] The Medical Officer of Health spoke about the premises being located in a vulnerable community with a deprivation rating of 10, an increase from the previous census where it was rated as a 9. They expressed the concern over the alcohol related harm incidents occurring in and around the premises, and the risk of significant and long-lasting impact on the people involved, the whanau and society in general.

[26] The Medical Officer of Health raised concerns that several of the duty managers listed on the register were also listed for other licensed premises in Whanganui, Dannevirke and Palmerston North. They did confirm a tri-agency operation was undertaken to visit all premises on the same day at exactly the same time and all sites were compliant.

[27] Particular attention was put on the on-going inability to maintain clear fire exits and the significant risk this puts on the public. The Medical Officer of Health stated some of the non-compliance may seem somewhat minor and technical, but submitted that if an applicant cannot get the small things right, how can they be trusted to get the big things right.

[28] The Medical Officer of Health highlighted the Act prohibits any licensee or manager from allowing an intoxicated person to enter the premises, selling or supplying alcohol to an intoxicated person, allowing a person to become intoxicated, allowing an intoxicated person to be or remain on a licensed premises and allowing disorderly conduct on the premise.

[29] The Medical Officer of Health's opinion, based on what they had heard in the hearing, the application should be declined as a whole.

New Zealand Police

[30] The Police did not provide opening submissions but responded to questions from the Committee. They advised the serious alcohol related harm incidents occurred late in the evening and thought the premises was not overly busy at the time. The Police did not present any evidence regarding callouts but guessed they were attending the premises at least once a month to respond to various incidents. They confirmed that from 5 recorded visits in the past 10 months the number of patrons on-site at any time was always 20 or fewer.

[31] The Police stated they have two main concerns with the premises. The first concern was not enough staff working during a shift to manage and monitor the number of patrons on-site. The second concern was a lack of training in de-escalation.

[32] The Police confirmed that their opposition to the application was not a total opposition to the application being granted, but rather to highlight their concerns and see conditions put in place to mitigate issues.

Right of Reply / Closing Submissions

[33] The Chairperson advised a short break would occur to allow Counsel for the Applicant to discuss responding to the evidence presented, with the Applicant.

[34] Counsel for the Applicant asked the Applicant about the evidence from the Licensing Inspector that the kitchen area being unclean including the extraction filters and build-up of grease. The Applicant explained that every six months the kitchen is booked in for a professional clean and that was due in the coming days. The chef had not been working over the weekend but cleans the kitchen on a weekly basis. The Applicant also highlighted there had not been concerns raised in the past from food inspectors about the state of the kitchen.

[35] Responding to the ongoing concerns raised regarding fire exits being blocked or not maintained in good working order, the Applicant stated it was an issue with his landlord who he was chasing, but had been told the fire exits would be fixed within 10 days.

[36] Counsel for the Applicant argued there was no evidence before the Committee that the immediate locality is a vulnerable locality. They stated that the deprivation score in isolation is not an adequate or reliable indicator of the vulnerability of the locality. Counsel for the Applicant submitted that the mere existence of a licensed premises does not cause alcohol related harm. They reminded the Committee there is no evidence of any reported noise concerns during its operation.

[37] Counsel for the Applicant confirmed the Applicant would agree to the truncated renewal of its licence of either 12 or 18 months.

Considerations of the Committee

[38] The Committee must first have regard to the objects of the Act and in particular to minimising the harm caused by the excessive or inappropriate consumption of alcohol.

[39] The duty to “*have regard to*” under s131 of the Act requires that consideration is given to the listed criteria. We are required to give “*genuine attention and thought*”. The weight to be attached to each is a matter for The Committee to decide. In *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123, Clark J summarised the applicable principles in respect of the renewal of a licence. He said at [43]:

“The factors to be considered in the course of assessing an application for a licence or for renewal, as the appellants submitted, stand to be assessed in terms of their potential impact upon the prospective risk of alcohol-related harm”.

[40] The Committee must consider the criteria for renewal as set out in s131 and the provisions of the Act in relation to the conditions sought by the objectors.

The Issues

[41] The District Licensing Committee note the following issues initially raised through objections and reporting from various agencies:

- a. Applicant failing to meet the object of the Act
- b. Suitability of the Applicant
- c. Staff training
- d. The general operation of the premise
- e. Alcohol related harm incidents on and around the premises
- f. Intoxicated people on the premise
- g. Ongoing issues with fire exits being blocked or not maintained
- h. The negative effect on the local amenity and good order

[42] Two public objections were received, and taken into consideration by the Committee when making this decision. The Committee noting the public objectors' concerns had also been raised by other parties.

[43] The Committee does not agree the Applicant is failing to meet the object of the Act. Though we do note the Applicant appears to have a casual approach to ensuring the requirements of the Act are met until monitoring and compliance is undertaken by external agencies. Positively, when issues have been highlighted, the Applicant has for the most part, put measures in place to address concerns.

[44] Regarding suitability of the Applicant, the Committee acknowledges whilst there are improvements to be made in a number of areas, no strong evidence has been presented to determine the Applicant as not suitable to hold a licence.

[45] The Committee is satisfied that appropriate systems, staff and general training are in place, and encourages the Applicant to ensure records are well maintained.

[46] The Committee finds that the general operation of the premise meets the Act. We note that there is no evidence of any noise concerns or selling alcohol to minors, and monitoring and compliance visits have found a duty manager to be on duty at all times. We also accept that whilst the Act appears to be met, there is value in a condition of a truncated license period, allowing for monitoring to ensure this continues.

[47] The Committee acknowledges there is evidence to show there have been several alcohol related harm incidents on or around the premises. We accept some contributing factors are outside of the Applicant's control and recognise the Applicant has put some measures in place to reduce the likelihood of future incidents. The Committee strongly suggests the Applicant consider formal de-escalation training for all staff as another tool to support a reduction of alcohol related harm incidents on the premises.

[48] The Committee was pleased to see evidence presented of an alcohol management plan however, it was not signed or dated, though the Applicant

confirmed it had been implemented. The plan outlined general steps to reduce risk, including limiting shots after a certain hour and limiting the number of drinks per customer, without any specificity of what limitations or time frames were in place. Whilst the applicant could provide further details as a result of questioning from the Committee, having a high level, vague document did not give clarity to those carrying out the plan.

[49] The Committee highlight the Act's prohibition of any licensee or manager from allowing a person to become intoxicated and to be or remain on a licensed premise. The Applicant has acknowledged a past warning for this was fair and appears to have systems in place with staff to prevent this happening again.

[50] The Committee is concerned at the lack of urgency from the Applicant to address ongoing issues regarding maintaining and keeping fire exits clear at all times. We believe it is appropriate to put a condition in place to address this.

[51] The Committee accepts there has been a negative effect on the local amenity and good order in relation to alcohol related litter. The Committee is satisfied the Applicant has made efforts to address this and it is no longer an issue.

[52] The Committee notes a number of other issues were raised by various parties, however, have chosen not to summarise due to relevance and scope.

[53] After hearing submissions and evidence from all parties the District Licensing Committee consider there to be benefit in conditions applied to the licensing to monitor the following issues:

- a. The general operation of the premise
- a. Ongoing issues with fire exits being blocked or not maintained

[54] Having considered the Application together with Agency Reports and written Objections, together with the oral evidence and submissions received, the Committee's position is that together with the conditions imposed, the concerns raised have been addressed and the object of the Act has been met.

[55] The Chairperson directed the non-publication of any direct reference to gang patronage or involvement, any staff members details and the names of the Committee members.

Site Visit

[56] The District Licensing Committee members undertook a site visit on 5 February 2025 along with the Committee Administrator. The Applicant and a staff member were present when the Committee toured the premises.

Decision

[57] The Committee, based on the evidence provided in the reports dated 17 October 2024, 23 October 2024, 31 October 2024, and 24 February 2025 by the Licensing Inspector, the New Zealand Police and the Medical Officer of Health, and related documents, is satisfied that the matters to which it must have regard as set out in the Act have been properly addressed and considered.

The On-Licence is renewed subject to the following conditions, pursuant to section 14 of the Act.

- Hours of trade being 8.00am to 2.00am Monday to Sunday
- Fire exits are maintained in good working order and kept clear at all times
- The licence shall be issued for 18 months from date of initial licence expiry.
- Any other conditions listed on licence number 39/ON/8131/2021.

The licence may be issued immediately.

DATED at Palmerston North this 8th day of May 2025



Aleisha Rutherford
Chairperson
Palmerston North District Licensing Committee



Antonia Crisford
Committee Member
Palmerston North District Licensing Committee



Chantelle Fraser-Clark
Committee Member
Palmerston North District Licensing Committee

