

Decision number:

**043-2024**

**IN THE MATTER**

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

**AND**

**IN THE MATTER**

of an application by **MORRISON SUPERMARKETS LIMITED** for the **grant** of an off-licence pursuant to s.100 of the Act in respect of premises situated at 116 Revell Street, Hokitika trading as "New World Hokitika."

**BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE**

Chairman: Murray Clearwater  
Member: Jim McDermott  
Member: Jacqui Low

**HEARING** at Hokitika on the 28<sup>th</sup> of May 2024

**APPEARANCES**

Mr. Iain Thain – for the Applicant - Morrison Supermarkets Limited (MSL)  
Mr. Ben Morrison - for the Applicant.

Mr. Wayne Knightbridge – Westland Alcohol Licensing Inspector ("the Inspector") – to assist.

Sergeant Russell Glue – Police Alcohol Harm Prevention Officer (AHPO) – in opposition.

Mr. Rodney Beckett – delegated officer for the Medical Officer of Health (MOoH) – in opposition.

## **RESERVED DECISION OF THE COMMITTEE**

### **Introduction**

1. On 21 December 2023 **Morrison Supermarkets Limited** applied for the grant of an off-licence for premises known as New World Hokitika. It was duly advertised and reported on by the agencies.
2. The current licence permits the sale of wine, beer and mead from Monday to Sunday 7.00am to 9.30pm. The hours are within the default national maximum trading hours as prescribed for off licences. The applicant seeks the same hours.
3. New World Hokitika is situated in the centre of the Hokitika township, and an OFF licence has been in place there for many years. The applicant has been operating under temporary authority for several months.
4. Both the Police and the MOoH have opposed the grant of the licence on the grounds that the ends of the aisles (EOA) of the Single Alcohol Area (SAA) are plainly visible from the checkout area. They seek a condition minimising the visibility of alcohol displayed on the SAA, not the outright refusal of the off licence.
5. Alternatively, they had sought agreement for only 0% alcohol to be displayed on the EOAs to minimise exposure from the checkouts.
6. All other criteria for granting the licence were largely uncontested, and the hearing was to focus primarily on the desirability or not, to impose such a condition. The applicant has exercised its right to not consent to the condition as sought by the Police and MOoH.

### **Applicant's Evidence**

7. Counsel for MSL, Iain Thain, opened for his client, and told the Committee that the applicant was an experienced operator that took its responsibilities seriously. They struggled to understand the position taken by the Police and MOoH, i.e. that they were more concerned with the visibility of the EOAs from the checkouts rather than the EOAs themselves.
8. Mr. Thain helpfully took the Committee through the legal tests we must apply when considering this application. In his submission he referred us to the precedent decisions of the High Court and the Court of Appeal around the role of the DLC when considering the imposition of discretionary conditions.
9. He believed that the opposers would fail to present any tangible evidence that would be sufficient to support the imposition of a restrictive condition around the EOAs.
10. Mr. Ben Morrison is the director and owner of the applicant company. He read his brief of evidence and told the Committee he is an experienced operator of supermarkets.

11. He outlined his recollection of the meetings he had with the Police, MOoH and the Inspectors. He denied that he had 'agreed' to stock the EOAs with only 0% alcohol. He did recall the discussion but stated that it stopped short of agreeing to the proposition.
12. He has instigated a six month trial of stocking 0% beer and wines on the sides of the EOAs but said it was too early to say how well, or not, that is going. However, he had noted a lift in sales for Asahi 0% beers already.
13. He confirmed that the correct plan for the SAA is that marked exhibit 'A' and dated 29 January 2024. He asked us to note that the checkouts have now been reconfigured and the closest one was over 11 metres from the SAA.
14. He said there would be significant costs to the business in staffing and infrastructure if they were to lose the EOAs.
15. During questioning he said there were insufficient product lines and volumes to stock the EOAs with 0% or low-alcohol products if he was required to do so.
16. The black 'wings' on the sides of the EOAs had always been there and he hadn't altered them in any way.

#### **Police Evidence**

17. Sergeant Glue read his Brief of Evidence. He highlighted the particular concerns he held.
18. His grounds of opposition was identical to that of the MOoH. In brief it was that the exposure of alcohol to customers at the checkouts from the EOA results in *"spontaneous purchasing of alcohol by people who hadn't initially intended to purchase alcohol."*
19. And secondly, he believed that the director of the company had put his suitability at risk by stocking alcohol on the EOAs that was clearly visible from the checkouts.

#### **Medical Officer of Health Evidence**

20. Mr. Rodney Beckett spoke to his brief of evidence that contained identical grounds of opposition as the Police.
21. He too, believed that the exposure of alcohol to shoppers **at the checkouts** was unacceptable and did not contribute to the achievement of the Object of the Act.

#### **Alcohol Inspector Evidence**

22. Mr. Wayne Knightbridge is an experienced inspector and confirmed his report was true and correct. He believed that the application was capable of being granted on standard conditions.

23. He did recommend, however, that the black wings that were placed on the sides of the EOAs be retained, and alcohol products not be stacked above the sight line to the checkouts.

## Closings

24. The Inspector said he believed the current layout meet the provisions of the Act.
25. The Police said the original application was lacking in detail and he believed the Committee should impose a condition requiring that the wings remain in place and are only stocked with 0% alcohol.
26. For the MOoH Mr. Beckett said that upon the first inspection the EOAs did not comply in his view but now that the outside of the wings held 0% alcohol, he was satisfied that the exposure had been minimised.
27. For the applicant, Mr. Thain, said the Committee had no evidence before it to support any additional discretionary conditions around the EOA.
28. He said there was no provision in the Act to prohibit visibility of alcohol from customers at the checkout. There are prohibited areas of a supermarket where the SAA cannot be located. This was not the case at New World Hokitika.
29. He said without any evidence being presented to support a condition around the EOA the Committee was unable to impose one.
30. It was put to Mr. Thain that the findings of the DLC in Countdown Whitianga and the subsequent appeal hearing before ARLA, **General Distributors Ltd v TCDLC and Medical Officer of Health [2024] NZARLA 26**<sup>1</sup> had some similarities to those that were facing the Committee in New World Hokitika.
31. In a written submission, dated 31 May 2024, Mr. Thain sought to distinguish the two cases in that the exposure the DLC found at Countdown Whitianga was way more overt and prominent than at NW Hokitika.
32. The SAA was also in a far more prominent, but 'lawful', position at Whitianga. At NW Hokitika the SAA was positioned within an aisle and well away from the main customer thoroughfares.

## Relevant legislation

33. Section 112 Compulsory conditions relating to the display and promotion of alcohol in single alcohol area in supermarkets and grocery stores.

*Compulsory conditions relating to display and promotion of alcohol in single area in supermarkets and grocery stores.*

*(1) The purpose of this section and sections 113 and 114 is to limit (so far as is reasonably*

---

<sup>1</sup> General Distributors Ltd v TCDLC and Medical Officer of Health [2024] NZARLA 26

*practicable) the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol, and advertisements for alcohol.*

- (2) *The licensing authority or licensing committee concerned must ensure that, when it issues or renews an off-licence for premises that are a supermarket or grocery store, it imposes on the licence a condition describing one area within the premises as a permitted area for the display and promotion of alcohol.*
- (3) *On the renewal of an off-licence for premises that are a supermarket or grocery store, any single-area condition imposed when the licence was issued (or was last renewed) expires.*
- (4) *Subsection (3) is subject to section 115(4).*

### Section 113 Describing alcohol areas

- (1) *The licensing authority or licensing committee concerned must have regard to section 112(1)—*
  - (a) *when describing an alcohol area; and*
  - (b) *when taking any other action under this section; and*
  - (c) *when forming any opinion for the purposes of this section.*
- (2) *An alcohol area must be described by means of a plan of the footprint of the premises concerned (or, in the case of premises on more than one level, a plan of the footprint of the level on which the area is or is to be located) showing—*
  - (a) *the proposed configuration and arrangement (or, in the case of the renewal of a licence, the existing or any proposed new configuration and arrangement) of the premises or level; and*
  - (b) *the perimeter of the area.*
- ...
- (5) *The authority or committee must describe an alcohol area within the premises only if, in its opinion,—*
  - (a) *it is a single area; and*
  - (b) *the premises are (or will be) so configured and arranged that the area does not contain any part of (or all of)—*
    - (i) *any area of the premises through which the most direct pedestrian route between any entrance to the premises and the main body of the premises passes; or*
    - (ii) *any area of the premises through which the most direct pedestrian route between the main body of the premises and any general point of sale passes.*
- (6) *For the purposes of this section and section 114, general point of sale means anything that is—*
  - (a) *a checkout, till, or cashbox where goods other than alcohol (or alcohol and goods other than alcohol) may be bought; or*
  - (b) *a device by which goods other than alcohol (or alcohol and goods other than alcohol) may be paid for without the involvement of any person other than the buyer.*

### Section 114 Effect of single-area conditions

- (1) *Every single-area condition takes effect as a condition that the licensee of the premises concerned must ensure that—*
  - (a) *no display or promotion of, or advertisement for, alcohol occurs on the premises at any place outside the alcohol area; and*
  - (b) *the premises are not reconfigured or rearranged in a way whose effect (whether intentional or not) is that the alcohol area contains—*
    - (i) *any area of the premises through which the most direct pedestrian route between any entrance to the premises and the main body of the premises passes; or*
    - (ii) *any area of the premises through which the most direct pedestrian route between the main body of the premises and any general point of sale passes.*

...

- (4A) *The effect of a single-area condition set out in subsections (1) to (4) does not apply in relation*

*to the display or promotion of, or the advertisement for, low-alcohol or non-alcoholic beer, wine, or mead.....*

(5) *For the purposes of this section,—*

(a) *neither of the following is a promotion of alcohol:*

- (i) *a sign (consistent with other general signage in the supermarket or grocery store concerned) giving directions to, or describing the location of, an area where alcohol is available for purchase;*
- (ii) *a newspaper, magazine, or catalogue containing a promotion of or advertisement for alcohol; and*
- (b) *described means described under [section 113](#); and*
- (c) *designated means designated under [section 113\(3\)\(b\)](#); and*
- (d) *low-alcohol or non-alcoholic beer, wine, or mead means a product that is specified in [section 58\(1\)\(a\) to \(d\)](#) but that is not alcohol.*

**34. Section 3 of the Act states the purpose of the Act as follows:**

(1) *The purpose of Parts 1 and 3 and the schedules of this Act is, for the benefit of the community as a whole, —*

- (a) *to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and*
- (b) *to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.*

(2) *The characteristics of the new system are that—*

- (a) *It is reasonable; and*
- (b) *Its administration helps to achieve the object of this Act.*

**35. Section 4 states the object of the Act as follows:**

(1) *The object of this Act is that —*

- (a) *The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
- (b) *The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*

(2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes —*

- (a) *Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
- (b) *Any harm to society generally or the community, directly or indirectly caused, or directly and indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

**36. Section 105 of the Act provides the criteria that the licensing committee must have regard to in deciding whether to grant a licence as follows:**

**105** *Criteria for issue of licences*

(1) *In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*

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

- (f) *whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:*
- (g) *whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*
- (h) *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](#).*

#### **106 Considering effects of issue or renewal of licence on amenity and good order of 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.*

**We go through each of the criteria in greater depth.**

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

37. This section requires that the licensing committee must have regard to the **Object of the Act**. We are also mindful of the recent Supreme Court ruling that said we must consider Section 3 and 4 together.

38. Clearly our decision making must be reasonable and is to benefit the community as a whole. We must also turn our minds to the requirement that our decision needs to help achieve the twin objects of the Act.

39. We return to this criterion once we have considered the other clauses of Section 105 and 106.

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

40. Section 105(1)(b) provides that the applicant must be a suitable entity to hold an alcohol licence. The suitability of the applicant is not seriously challenged by the agencies, and it appears that MSL and its alter ego, Ben Morrison, does take its responsibilities seriously.

41. The Committee finds the applicant to be a suitable entity to hold an OFF Licence under this Act.

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

42. Westland does not have a Local Alcohol Policy. There is nothing for us to consider.

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

43. The current operating days and hours are **Monday to Sunday 7.00am to 9.30pm**. These are unremarkable and are within the default national maximum trading hours for off licences and are not contested.

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

44. The premises is a large supermarket with aisles and various specialty departments within the store. The design and layout is similar to other stores of this nature.

45. The single alcohol area is well defined and has three EOAs. One at the 'back' of the aisle and two on the 'front' of the SAA.

46. Of significance is the alterations undertaken by the applicant in that he has reconfigured the checkouts, no doubt to accommodate self-service points of sale and the nearest checkout is now some 11 metres from the SAA.

47. The thrust of the opposition was that shoppers at the checkouts should not be able to see alcohol on the EOAs in the SAA from the checkout.

48. There is no provision in the Act to support this proposition.

**Section 105(1)(f) Whether the applicant is engaged in or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods.**

49. The application contains details of the large range of other goods that are stocked and are consistent with those expected in a large supermarket.

**Section 105(1)(g) Whether the applicant is engaged in or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, and food, and if so, which services.**

50. A number of additional services are offered from the supermarket such as hireable floor cleaners, Lotto outlet etc.

**Section 105(1)(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.**

51. We are directed to the parameters of s.106(1) and to have regard to a series of matters (as they relate to the locality). Firstly, we consider current and possible



future noise levels. The issue of noise was not raised by any of the parties, and we do not see this as a determining factor.

52. We are further obliged to consider the number of premises for which licences of the kind concerned are already held. The proliferation of off licences in this area was not raised as a concern.

53. We are required to consider “the purposes for which land near the premises concerned is used.” The premises is situated in among other retail businesses.

**Section 105(1)(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 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**

54. There is no evidence before the Committee of current problems in this area that would be sufficient for us to invoke this criteria.

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

55. The applicant stated that they have at least 9 certificated managers, have regular staff meetings and robust policies in place regarding the prohibition of the sale and supply of alcohol to minors and intoxicated persons.

**Section 105(1)(k) Any matters dealt with in any report of the Police, an Inspector and the Medical Officer of Health under Section 129**

56. The opposition of the Police and MOoH are discussed in depth elsewhere in this decision.

57. Ultimately it is the Committee who must assess the evidence adduced, **and the application in its entirety**, as to whether it is necessary for us to impose a discretionary decision around the visibility, and indeed the actual existence of the EOAs in the SAA.

### **Reasons for the Decision**

58. Section 3 and 4 of the Act requires us to act reasonably with the aim of helping to achieve the Object of the Act in the exercise of our duties. We are also bound to comply within the procedures and provisions of this Act.

59. As the High Court clearly spelt out in ***J & G Vaudrey Limited CIV-2015-409-000098 [2015] NZHC 2749 at [14](g)***<sup>2</sup>

---

<sup>2</sup> J & G Vaudrey Limited CIV-2015-409-000098 [2015] NZHC 2749 at [14](g)

The relevant body has a discretion to impose any further conditions which are reasonable and that are “not inconsistent” with the Act. In deciding whether to impose such conditions, the relevant considerations are these:

- (i) the relevant body **must have identified a risk which it seeks to abate, or a benefit which it seeks to secure;**
- (ii) that **risk or benefit must be consistent with the purpose and object of the Act, and not inconsistent with the Act in its entirety;**
- (iii) the relevant body **must direct itself as to all relevant circumstances;**
- (iv) it must then **weigh the risk to be abated, or benefit to be secured, against the relevant circumstances as identified;**
- (v) the **condition must be a proportionate response;**
- (vi) an absolute prohibition would not ordinarily be reasonable, nor a condition which secured a benefit or abated a disbenefit only marginally; equally, a condition may not be absurd, ridiculous, patently unjustifiable, extreme or excessive; and
- (vii) **ultimately whether a condition is reasonable will depend on an objective assessment of whether there is a rational and proportionate connection, between the identified risk or benefit, when weighed against all relevant considerations. (our emphasis)**

59. The real issue with EOAs is whether or not their mere existence and more importantly prominence, is evidence that the applicant is not trying to minimise the exposure of alcohol to shoppers as far as is reasonably practicable.
60. As we have tried to explain to the Police and the MOoH, there is no prohibition on visibility from the checkout area as long as the SAA is not in one of the two prohibited areas of a supermarket. At New World Hokitika it is situated within an aisle well away from the prohibited areas.
61. With respect to the submissions of Mr. Thain, the Committee does have the mandate, and the ability, to form its own opinion on whether the SAA and EOAs are complaint or not.
62. Other DLCs and ARLA have found that where EOAs are “pronounced and confronting”, they do not minimise the exposure of alcohol as far as reasonably practicable.
63. The High Court in **Rainger v General Distributors Limited [2019] NZHC 3483<sup>3</sup>**, the learned Justice said at paragraph 47:

***“Because of their greater marketing impact compared to other shelving displays, the inclusion of aisle-ends in an alcohol area may be relevant to the issue of whether the proposed alcohol area limits exposure to shoppers to alcohol displays as far as reasonably practicable.***

***Whether they are relevant will depend on the circumstances in each case and the degree to which the effect that they may have bears upon the issue of limiting the exposure of shoppers to displays of alcohol so far as is reasonably practicable. (Underlining is our emphasis)***

---

<sup>3</sup> Rainger v General Distributors Limited [2019] NZHC 3483 at [47]

64. After standing back and measuring the application against the Purpose and the Object of the Act we find that the EOAs, whilst overt and obvious, do not meet the threshold of "pronounced and confronting" and an off licence will be granted with standard conditions.
65. We are not satisfied that there is sufficient evidence adduced of a 'risk to be abated' or a 'benefit to be secured', to the level that we should consider imposing a discretionary condition around the EOAs.
66. In saying this we do remind Mr. Morrison that we expect him to 'tread lightly' with the use of the EOAs on his SAA. If overstocked and over promoted, it would not take much more to cross the line and be not minimising the exposure of alcohol to shoppers.
67. He would be wise to retain the black 'wings' and continue stocking the SAA with low and zero-percent alcohol products to minimise the exposure of full strength alcohol to shoppers.

### **The Decision**

The **Westland District Licensing Committee**, acting pursuant to the Sale and Supply of Alcohol Act 2012, **grants** an OFF licence to **Morrison Supermarkets Limited** in respect of premises situated 116 Revell Street, Hokitika trading as "**New World Hokitika.**"

As a matter of completeness, pursuant to Section 203(5) we prohibit the publication of the sales data provided with this application.


The following conditions apply to the licence.

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, and supplied free as a sample for consumption on the premises, only on the following days and hours: **Monday to Sunday 7.00am to 9.30pm.**
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, within the licensed area, 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 **29 January 2024**. 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.

**The licence is granted for 12 months from the date of issue.**

**DATED** at Hokitika this 1<sup>st</sup> day of June 2024



Murray Clearwater  
Commissioner  
For the Westland District Licensing Committee



**NOTE**

**Sections 153, 154 and 155 of the Act relating to the right to appeal against this decision are in effect.**

**A decision to which this section applies has effect during the period allowed for filing an appeal against the decision.**

**The licence can issue forthwith.**

Minute number: 043-2024

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

**AND**

**IN THE MATTER** of an application  
by **Morrison Supermarkets  
Limited**  
pursuant to s.100 of the Act  
for a new OFF Licence for  
premises situated at 116  
Revell Street, Hokitika known  
as "**New World Hokitika**"

**BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE**

**Murray Clearwater Chairperson**

This is an application by **Morrison Supermarkets Limited** for a new OFF Licence for premises situated at 116 Revell Street, Hokitika known as "**New World Hokitika.**"

They currently trade under Temporary Authority however the substantive application has drawn opposed reports from the Police and the MOoH.

They believe the end of aisles should not contain full strength alcohol and abut the adjacent thoroughfare. They also allege that alcohol should **not be visible** from the checkout area.

There is some substantive case law available around these issues that may assist the parties achieve a resolution to this impasse.

Meantime I direct this matter be set down for a hearing in due course.

**Update**

**Update**

---

The hearing date is now set for Tuesday 28 May 2024 at 9.00am.

The Police and MOoH are to lodge and disclose the evidence they intend to rely on with the DLC Secretariat by 5.00pm on Monday the 13th of May 2024.

The applicant is to lodge their response by 5.00pm on Monday the 20th of May 2024.

Dated at Hokitika this 1<sup>st</sup> day of May 2024

A handwritten signature in black ink, appearing to read 'Murray Clearwater', written over a horizontal line.

Murray Clearwater  
Commissioner  
**Westland District Licensing Committee.**

