

AND

IN THE MATTER

of an application by Shivam Aniket Holdings Limited for renewal of an off-licence pursuant to s.127 of the Act in respect of premises situated at 39 Great South Road POKENO known as "Pokeno Liquor".

BEFORE THE WAIKATO DISTRICT LICENSING COMMITTEE

Commissioner: Dr Michael Cameron
Members: Mr Jason Howarth
Mr Barry Smedts

HELD at **NGAARUAWAAHIA** at 9.30am Friday 5 June 2026.

APPEARANCES:

Ms S Chawla, Director of the applicant company
Mr J Young, Counsel for the applicant company
Ms C Sturzaker, Licensing Inspector

SITE VISIT:

A site visit was undertaken by the District Licensing Committee (the Committee) on the afternoon of Thursday 4 June 2026. The Director of the applicant company was present for the site visit.

DECISION

The application for renewal of an off-licence in respect of premises situated at 39 Great South Road, POKENO known as "Pokeno Liquor" is granted.

INTRODUCTION:

[1] Shivam Aniket Holdings Limited has applied for renewal of an off-licence in respect of premises situated at 39 Great South Road, POOKENO and known as "Pokeno Liquor". The application was filed with the Waikato District Council on 15 January 2026.

[2] The general nature of the business is that of a bottle store.

[3] The application was duly advertised in accordance with section 101. One public objection was received. Reports on the application were received from an inspector, the Medical Officer of Health, and the Police. There is no opposition from any of the reporting agencies. Given the public objection, the application was set down to be determined at a public hearing.

PRE-HEARING MATTERS:

[4] On 23 May 2026, the Committee received a request from Counsel for the applicant, giving advance notice that the applicant would be enquiring into the objectors status as a Maaori Warden. This had been an issue at previous hearings. Mr Young asked the Committee to direct the objector to produce her warrant.

[5] On 26 May 2025, the Committee Secretary received an email from Counsel for the objector, noting that Ms Peka "wishes to strongly object to the DLC itself taking legal advice from Brookfields Lawyers and John Young while at the same time hearing from Brookfields Lawyers and John Young in their capacity acting for applicants or licensees".

[6] The Committee notes that a similar matter was raised in another hearing before it, and that a request was made by Counsel for the objector for further information. The Committee notes that the request was referred to the Waikato District Council Regulatory Services Manager and is being processed by the Waikato District Council under the Local Government Official Information and Meetings Act 1987.

[7] The Committee notes that conflicts of interest are a matter for the practitioner to manage as part of their professional obligations. It is the usual practice of this Committee to raise potential or perceived conflicts of interest at the beginning of a hearing.

[8] On 27 May 2026, the Committee received a second memorandum from Counsel for the applicant, noting that Ms Peka had belatedly withdrawn her objection in relation to a matter before the Auckland District Licensing Committee. He noted that he was concerned that Ms Peka might belatedly withdraw her opposition again, and asked the Committee to issue a direction asking Ms Peka to confirm that she would attend the scheduled hearing.

[9] On 29 May 2026 the Committee, through the Secretary, advised that they would not direct Ms Peka to attend the hearing or to indicate that she would attend. The Committee had determined that there were still matters that it would like to consider at a hearing.

[10] On 2 June 2026, the objector advised the Committee that they withdrew their objection. Nevertheless, the hearing proceeded as originally scheduled.

HEARING:

[11] As no reporting agencies were opposed, and the objector had withdrawn their objection, the hearing proceeded directly to the Director of the applicant company, Mr Sanjiv Chawla, answering questions from the Committee.

Witness for the applicant – Mr S Chawla:

[12] Asked about whether there was a written roster for the business, Mr Chawla responded that they do it manually, and on a daily basis. He has three full-time employees (Manpreet Singh, Suresh Kumar, Gurpreet Kumar), plus himself. Asked about Harpreet Harpreet, Mr Chawla noted that Harpreet was used for emergencies, on a casual basis, and hadn't worked at the premises for 1.5 years.

[13] In response to questions from the Committee, Mr Chawla confirmed that he had owned Pokeno Liquor since 2016, and that he has another store in Browns Bay, Auckland.

[14] Asked about what training he does, Mr Chawla responded that they do training every three months, run by either himself or Manpreet Singh. They also have staff complete Servewise. Mr Singh said that he will request the inspector to do some training as well, and will request access the Allied Liquor's training as well. They currently use the 'Manager's Guide' provided by the inspector for training. He had not used anyone external as yet.

[15] Mr Chawla noted that he had done the Allied Liquor training himself in 2023, and had done Servewise in 2024 and 2026.

[16] Asked about training plans, Mr Chawla responded that he plans training in advance for three to four months. He noted that training is recorded in the training register.

Licensing Inspector – Ms C Sturzaker:

[17] Ms Sturzaker noted that there was no training register or managers register available at her previous site visits, including prior to the previous renewal.

[18] Asked whether she was happy with the training that had been proposed by the applicant, Ms Sturzaker noted that there was no training on licence conditions, or on the liquor ban area that the premises is located in. She would like to see more substance to the training.

FINAL MATTERS:

[19] At the close of the hearing, the Committee requested that the applicant provide an updated training plan covering a period of not less than twelve months, specifying when training is planned to be conducted, by whom, and what the training will cover. The training plan should also include a commitment to all staff completing Servewise training on an annual basis and by a particular date each year.

[20] The applicant provided the updated training plan on 9 June 2026.

CRITERIA FOR DETERMINING THE APPLICATION:

[21] In deciding whether to renew an on-licence the committee must have regard to the matters detailed in s 131(1) of the Act. These are:

- (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.

[22] The relevant matters in section 105(1) are:

- (a) the object of the 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.

[23] In the Committee's view, s 105(1)(a) and (j) are most relevant when considering the renewal application. The Committee has considered the other criteria in s131(1)(b), (c), and (d), and s 105(1)(b), (c), (d), (e), (f), (g), and (k), along with s 106(2), and is satisfied regarding those criteria.

REASONS AND DECISION:

S131(1)(a) Matters related to S105(1)

[24] Matters related to s 105(1) of the Act are dealt with in their own sections below.

S105(1)(j) Systems, Staff, and Training

[25] When reviewing the documentation for the hearing, the Committee became concerned about the training and record keeping on offer at the premises. At the hearing the Committee sought greater assurance about the regularity, content, and quality of the training.

[26] After the hearing Mr Chawla provided an updated training plan, that laid out his expectations about future training, including annual training with the licensing inspector or licensing agent, and Servewise, quarterly refresher training run by himself or the store manager on a range of topics, and discussion at weekly meetings.

[27] The Committee is now satisfied that there is adequate training in place at the premises, and that the applicant has appropriate systems, staff, and training to comply with the law including keeping appropriate training records.

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

[28] The Committee is required to undertake the evaluative exercise as outlined in *Christchurch Medical Officer of Health v J & G Vaudrey Limited* [2015] NZHC 2749. The steps in this exercise are outlined in paragraph [56] of Vaudrey:

“[56] So, in my view, the position can be summarised as follows:

- (a) The role of the relevant body upon receipt of an application for licensing or re-licensing is an evaluative one, requiring the decision maker to make a merits-based determination on the application.
- (b) In considering an application, the relevant body is fundamentally required to assess whether a licence ought to issue. In so doing, it must:
 - (i) consider any objections made by persons who have a greater interest in the application than the public generally;
 - (ii) consider any opposition filed by the constable in charge of the Police station nearest to where the application is filed, a Licensing Inspector, and the Medical Officer of Health;
 - (iii) have regard to the criteria stipulated in s 105 of the Act (for present purposes including the design and layout of the premises); and
- (c) The relevant body must finally cross-check whether the application is capable of meeting the object of the Act.
- (d) It must impose the conditions required by s 116(2) and in the case of a supermarket or grocery store, the single area condition (which I discuss in more detail below).
- (e) It may impose further conditions in accordance with ss 116(1) and 117 (which I discuss in more detail below).”

[29] In a recent High Court decision, *Alcohol Licensing Inspector, Auckland Council v Singh 13 Investments Ltd* [2025] NZHC 2868, Gardiner J made clear that the object of the Act is its own criterion:

[135] In my view, ARLA did not engage with these broader concerns as it was required to do pursuant to s 105(1)(a). ARLA failed to consider the two limbs of the object as a standalone criterion. It failed to ask the essential question of whether issuing a licence to the premises was consistent with the object of minimising alcohol-related harm, considering the location of the off-licence opposite two schools and adjacent to a third, the low socioeconomic status of the area, the intensity of existing off-licences in the locality, and the evidence of alcohol-

related harm in the community presented to it. Instead, it considered the object of the Act met on the narrow basis that the applicant would comply with its legal obligations and not sell alcohol to minors. Mere compliance by the applicant will not achieve the object of minimising alcohol-related harms of the kind identified by the agencies and objectors.

[30] Thus, the Committee's task is not simply to cross-check whether the application is capable of meeting the object of the Act by reference to the other criteria in S105(1) and S131(1), but to consider the two limbs of the object of the Act as their own standalone criterion.

[31] The object of the Act is that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

[32] No evidence related to alcohol-related harm was put before the Committee.

[33] In *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123, Clark J wrote at [67]:

The Act looks to minimise alcohol-related harm. Where there is an evidential foundation enabling a link to be drawn between a real risk of alcohol-related harm and the grant or renewal of a licence, the harm must be minimised not ignored or condoned.

[34] In this case, there is no evidential foundation enabling a link to be drawn between a real risk of alcohol-related harm and the renewal of this licence.

[35] Having inquired into the application, and received evidence and submissions from all parties, the Committee has evaluated the application against the criteria in s 105 and s 131 of the Act. As outlined earlier in the decision, the Committee has determined that the application satisfies all the criteria.

[36] Overall, and as outlined in paragraphs [28] to [35] above, the Committee is satisfied that the renewal application is capable of meeting the object of the Act.

Conclusion:

[37] The application for renewal of an off-licence for the premises situated at 39 Great South Road, POOKENO and known as "Pokeno Liquor" is granted, subject to conditions.

Conditions:

[38] Sections 110 and 111 of the Act detail compulsory and discretionary conditions that may be imposed on the licence. Section 133 also provides that particular conditions may be imposed if any relevant local alcohol policy is in force and that the renewal of the licence without those conditions would be inconsistent with the policy.

[39] Section 135 provides that, subject to s 133, the licence may be renewed on the conditions presently attaching to it or on any different conditions, relating to any matter, that the committee thinks fit.

The licence will be subject to the following conditions:

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day.
- (b) Alcohol may be sold under the licence only on the following days and during the following hours:

Monday to Sunday 10:00 am to 10:00 pm

- (c) The whole of the premises is designated as a supervised area.
- (d) Drinking water must be freely available to customers at the following places while alcohol is being supplied free as a sample on the premises:
In the body of the premises near to where the samples are being provided.
- (e) The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
 - (i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- (f) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
 - (i) All staff will be trained in their responsibilities under the Act.
 - (ii) A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty responsible for the management of the sale and supply of alcohol under the licence.
- (g) The sale or delivery of alcohol is authorised on the premises generally. The premises situated at Shop 5, Great South Road, Pokeno, are more precisely identified in a plan dated and stamped as received by the Waikato District Licensing Committee on 19 December 2018.

DATED at Ngaaruawaahia on 11 August 2026

Michael Cameron
Commissioner
Waikato District Licensing Committee

