

**IN THE MATTER**

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

**AND**

**IN THE MATTER**

of an application by **NIRMAL 0013 LIMITED** for the grant of an off-licence pursuant to s.100 of the Act in respect of premises situated at 47 Queen Street, Wairoa known as the “Bottle-O Wairoa.”

**BEFORE THE WAIROA DISTRICT LICENSING COMMITTEE**

Chairman: Murray Clearwater  
Member: Chaans Tumatoroa-Clarke  
Member: David Fellows

**HEARING** at Wairoa on Monday 4 August 2025

**APPEARANCES**

Mr. Simon Middlemiss– counsel for the applicant **Nirmal 0013 Limited**  
Mr. Amandeep Bakshi- for the applicant  
Mr. Mayank Pandya – for the applicant

Ms. Lauralee Ruth Bramley – Wairoa Alcohol Licensing Inspector (“the Inspector”) – in opposition  
Dr. Matthew Radford- delegated officer for the Medical Officer of Health (MOoH)- to assist  
Constable Alexa Coleman – Police Alcohol Harm Prevention Officer (AHPO)– in opposition

**RESERVED DECISION OF THE COMMITTEE**

**Introduction**

1. By an application dated 17 March 2025 **Nirmal 0013 Limited** applied for an off-licence for an existing bottle store in Wairoa. It was duly advertised and did not attract any public objections and was reported on by the agencies. The applicant

has been operating under Temporary Authority since January 2025.

2. The applicant sought the existing licensed hours of Monday to Sunday 10.00am to 9.00pm. These hours are within the default national maximum trading hours for off licences and at the maximum limits of the Wairoa Local Alcohol Policy.
3. The bottle store has been in existence for several years.
4. The Police and the Inspector opposed the application when it was discovered that the sole director of the company, Gayatri Magan MAKAN, was the estranged wife of Amandeep Bakshi, who was the operational face of the company.
5. Ms. MAKAN was a 'paper director' only and had nothing to do with the application or the operational side of the business.
6. The agencies reports revealed that Mr. Bakshi had one conviction for drink driving and an excess blood alcohol charge still before the Courts. It was also discovered that two other bottles stores operated by Mr. Bakshi had recently failed Controlled Purchase Operations.
7. The application was set down for a formal hearing as the Committee needed to hear the concerns of the Inspector and the Police.

### **Applicant's Evidence**

8. Mr. Middlemiss provided the Committee with a short opening and advised that Mr. Bakshi had recently been made a director of the company with his wife but that she remained the 100% shareholder.
9. He asked for a non-publication order relating to the personal and health issues outlined in Mr. Bakshi's supplementary brief of evidence. This was so ordered by the Committee, and we will refer to those matters in general terms only.
10. Counsel conceded that Wairoa was a vulnerable community and that the DLC was entitled to find that the elevated mantle of suitability applied to this applicant.
11. He also submitted that if this was to be an additional bottle store for the town the DLC might very easily find reason to refuse it on vulnerability and suitability grounds. But he said, this was an existing store and not an additional outlet.
12. He tried to persuade us to follow the dictum of a majority 2020 Supreme Court ruling **New Zealand Law Society v Stanley [2020] NZSC 83**<sup>1</sup> that determined that when looking at the relevance of convictions "... ***the focus of the evaluation must be resolutely forward looking***"
13. The decision also found that decision makers must determine whether convictions remain relevant at the time of the current inquiry. With the greatest of

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<sup>1</sup> New Zealand Law Society v Stanley [2020] NZSC 83

respect to the Supreme Court we differentiate this case from the one the Supreme Court was considering in that this applicant wants to be intimately involved with the sale and supply of alcohol (Arguably New Zealand's most dangerous drug) and in our view the applicant should be setting an example for his staff and his customers by not drinking to excess and driving.

14. The appellant in the Supreme Court case was seeking to be readmitted to the (Court) bar and was not involved in the high risk activity of promoting and selling alcohol.
15. However, we also acknowledge that our decision making must be reasonable under the circumstances that we find ourselves in.
16. Mr. Middlemiss called two witnesses for the applicant company. We heard from one of the directors of Nirmal 0013 Limited, Amandeep Bakshi, and also the newly appointed Compliance Manager, Mayank Pandya.
17. Mr. Amandeep Bakshi spoke to his application. He told the Committee he would not be responsible for the day to day management of the business as he had appointed an on-site Store Manager for each of their current stores and the six others he was in the process of buying. Two of those six stores have been purchased by a nominee third party and not within his control.
18. He currently owns 8 licensed premises and two vape stores. He deposed that it was a matter of convenience that his wife was the director of Nirmal 0013 Limited. He denied that it was anything to do with his 2021 drink drive conviction or the second charge of excess blood alcohol that was still before the court.
19. Whilst conceding that he was ultimately responsible for what happens in his stores, he produced an Organisation Chart showing store managers in each of his 8 stores and a Compliance Manager, Operations Manager and an Operations & Payroll Manager that will work under his directorship.
20. He also told us that he had spent a lot of money upgrading the store already with new carpets, security cameras and internal and external lighting.
21. In his supplementary brief of evidence Mr. Bakshi outlined the personal and health battles he has been dealing with in recent years. He advised that the active charge that he had been defending since November 2023 was finally withdrawn by Police on 31 July 2025, 4 days before this hearing. He produced evidence of attending an Impaired Drivers Course on the 28<sup>th</sup> and 29<sup>th</sup> of July 2025.
22. He admits what he did was wrong and that he was driving under the influence of alcohol. During questioning he admitted that he had drunk a bottle of Tequilla that evening. He denied the behavioural descriptions of him as outlined by the Police at the time. On this matter we prefer the evidence of the sober Police officer

compared with the recollections of a man dealing with health issues and having had consumed a large amount of alcohol.

23. He told us that the arrest was a turning point in his life, and he has not drunk alcohol since that night. He is receiving medical treatment for his health issues that appear to be working, and he does not intend to drink alcohol again.
24. He said he is currently developing a 'supermarket' next to the bottle store and will not be applying for an alcohol licence for it. This is a wise move, and we will hold him to his word.
25. Next, we heard from Mayank Pandya who told the Committee that he was the newly appointed Compliance Manager for the Nirmal group. He was currently store manager at Bottle-O Island Bay but would go to fulltime Compliance Manager once a replacement manager is found for the store.
26. He has developed, and produced, a training plan that will be used in all stores for all employees. He has revised the Incident Log to an online portal that will be easy for staff to lodge incidents and for him to review them. He had a background as a teacher and was confident in his ability to train staff and achieve full compliance.
27. Overall, we were impressed with Mr. Pandya and believe he will be an asset to the business once he goes full time on compliance.

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

28. Dr. Matthew Radford appeared as the delegated officer for the Medical Officer of Health (MOoH). In his position of assisting the Committee he reminded us that the Wairoa District had a population of 8800 of which 68% identify as Maori. He said there are higher rates of hazardous drinking within the local population and alcohol has been deemed NZ's most harmful drug in a 2023 study.

### **Inspector's Evidence**

29. The Inspector was rightly concerned when told by the licensing consultant for Nirmal 0013 Limited that the sole director had no knowledge of the workings of the application, or of the provisions of the Act.
30. She eventually got to speak with Amandeep Bakshi by phone in January 2025 when he was out of the country.
31. She was concerned with the CPO failures at other stores operated under the 'management' of Mr. Bakshi. One of the failures occurred whilst the business was trading under Temporary Authority.

32. And finally, she pointed out that Wairoa was a vulnerable community and the elevated level of suitability should be applied.

### **Police Evidence**

33. Constable Alexa Coleman is the AHPO for the Gisborne, Wairoa and East Coast region.
34. She told us the Police opposed the granting of an OFF Licence to Nirmal 0013 Limited as they believe the applicant was unsuitable and due to recent CPO failures in other stores operated by Nirmal the Police believed the applicants systems, staff and training were not up to the standard required for a vulnerable population like Wairoa.
35. Police initially did not oppose the application as they were unaware that Amandeep Bakshi was effectively running the businesses and that his estranged wife was a director in name only. Leave was sought and granted to change the Police stance to opposed.
36. Constable Coleman confirmed that the active charge of driving with excess blood alcohol was withdrawn by Police on 31 July 2025 after Mr. Bakshi had completed an Impaired Driving Course. She advised that the withdrawal of the charge was not supported by the arresting officer, but her submission was overruled by the Police Prosecution Service.
37. However, as we explained to Mr. Bakshi at the hearing, he admitted that he had been drinking alcohol and driving on that night and that the offending was serious and recent. It was further aggravated by the similar offence in 2022.
38. We counter that against the health and personal issues that were prevalent at that time in Mr. Bakshi's life.

### **Relevant legislation**

39. Section 3 of the Sale and Supply of Alcohol Act 2012 ("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.**

40. 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).*

41. 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:

**105Criteria 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](#).*

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

## **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.*

*(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.*

## **Reasons for the decision**

### **Criteria to be considered**

42. The Act provides that in deciding whether to grant a licence, the licensing committee **must have regard** to the matters contained in section 105 and 106 of the Act and then stand back and measure them against the Object of the Act.

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

43. Section 105(1)(a) of the Act requires the licensing committee to have regard to the object of the Act and in particular that the sale, supply and consumption of alcohol should be undertaken safely and responsibly.
44. However, it is a given that although off-licensed sellers may exercise some influence over the **sale of alcohol** they can do little, if anything, to control the later on-supply, and consumption of alcohol, as it occurs away from the seller's premises and their sphere of control.
45. We must also consider Section 3 of the Act together with Section 4 whilst administering the Act in a reasonable manner and for the benefit of the community as a whole.
46. As we alluded elsewhere in this decision had this been an application for an additional licensed premises in Wairoa the outcome would most likely have been different.

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

47. Section 105(1)(b) says that the applicant must be a suitable entity to hold an off-licence. In this regard the suitability of the applicant is challenged by the Inspector and the Police.
48. It was unacceptable in our view to have the company fronted by Mr. Bakshi's wife who has no knowledge of the industry and this application. As the Police pointed out, other courts and tribunals have said directors need to direct and managers need to manage their businesses.
49. Mr. Bakshi was made a joint director of the company a few weeks before the hearing and took a risk in that if we found that him, and his convictions and actions, made him unsuitable to have a role in this industry, that would fatally effect the suitability of Nirmal 0013 Limited.
50. In *Re Sheard* 1 NZLR 751 (1995) Holland J<sup>2</sup>  
***"...The real test for suitability is whether the character of the applicant has shown to be such that he is not likely to carry out properly the responsibilities that go with holding a licence..."***
51. In *Two Brothers Wholesale Limited* [2021] NZARLA 32 at (103) <sup>3</sup> the Authority said  
***"... it is not correct that suitability must only be considered in the context of the operation of licensed premises as regards the safe and responsible sale and supply of alcohol.... suitability is much wider and includes considerations of the character and reputation of the applicant and its honesty as well as considerations of the operation of premises. Whether or not the grant of the licence will result in the reduction or increase in liquor abuse is a relevant issue as are considerations about how a licensee will deal with liquor abuse issues that may arise from the establishment of the business, but suitability is not restricted to these matters."***
52. In *Utikerev Dhillon and Sons Ltd* (2014) NZAR 431 at (48) <sup>4</sup> the Authority said:  
***"When assessing suitability, an applicant's proposals as to how the business is to operate are relevant but focusing only on future conduct amounts to an error of law. The applicant's past conduct is also relevant." (highlighting our emphasis)***
53. It is somewhat fortunate that there are a number of positives that counter against an outright refusal. Firstly Mr. Bakshi appears to be stepping back from frontline

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<sup>2</sup> *Re Sheard* 1 NZLR 751 (1995) Holland J

<sup>3</sup> *Two Brothers Wholesale Limited* [2021] NZARLA 32 at (103)

<sup>4</sup> *Utikerev Dhillon and Sons Ltd* (2014) NZAR 431 at (48)



duties around the sale of alcohol. He has appointed store managers for each of the stores. Secondly, he has (partially) appointed Mayank Pandya as Compliance Manager for the group of bottle stores. And thirdly there appears to have been some health and personal life issues that impacted on Mr. Bakshi behaviours.

54. It does not excuse him of the actions that raised concern for the agencies and the Committee, but they do contextualize them. The agencies would have been remiss had they not opposed this application.
55. Again, had the evidence indicated that Mr. Bakshi would have a sole, or direct, hands on the day to day activity in the business, the final outcome may well have been different.

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

56. In respect of section 105(1)(c) of the Act there is a Local Alcohol Policy currently in existence and the application does not offend against it.

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

57. The proposed operating hours are Monday to Sunday 10.00am to 9.00pm and are within the default national maximum trading hours for off licences and the Wairoa LAP.

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

58. The Committee conducted a site visit of the premises and noted that the business was in our view RTD 'heavy' and that 0% products were tucked away in a back corner fridge of the store. Boxes of shots and spirit miniatures were prominently placed at the point of sale, no doubt for impulse purchases.
59. We noted that there had been investment in the lighting and flooring of the store as advised in Mr. Bakshi's evidence.

### **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**

60. The applicant advised they sell chips and peanuts and the like, and also tobacco products.

### **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 goods, and if so, which services.**

61. No other services are offered.

**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.**

62. 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. There is no allegations of noise nuisance being created by this activity.

63. In regard to the current, and possible future, levels of nuisance and vandalism we note that there was no evidence adduced suggesting there were behavioural problems around this premises.

64. We are further obliged to consider the number of premises for which licences of the kind concerned are already held. We heard that there is four other off-licensed premises within 500 metres of this store, including one off-licensed New World supermarket, The Clyde Hotel, Wairoa Wines & Spirits and the Wairoa Club (members only).

65. We are required to take into account “the purposes for which land near the premises concerned in used.” There are 11 potentially sensitive sites within 500 metres of this store. But this is an existing store and no evidence was adduced alleging that the store had been creating issues for the residents of Wairoa.

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

66. The applicant advises that the current business has 4 certificated managers appointed to it.

67. As discussed earlier, the applicant has appointed a Compliance Manager who has been tasked to ensure the businesses are compliant in all areas.

68. We expect to see a highly trained and documented workforce in the immediate future.

**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**

69. The Police opposed on suitability grounds and inadequate staff systems and training. Those concerns have been discussed in greater detail elsewhere in this decision.

70. The Inspector was rightly concerned that the initial directorship was not appropriate, and it was an unsuitable entity to operate a high risk bottle store in this township. Those concerns have been discussed in greater detail elsewhere in this decision.
71. The delegated officer for the Medical Officer of Health offered no matters in opposition but helpfully reported on the demographics of this vulnerable community.

## **The Decision**

72. Section 3 of the Act requires us to act reasonably in the exercise of our duties and to administer the Act with the aim of contributing to the Object of the Act.
73. We are persuaded, on balance, that the licence should be granted. We were impressed with the skill set of Mayank Pandya and the policies he has put together.
74. It was a wise move by Amandeep Bakshi to 'own up' to his failings and personal issues. He was familiar with demographics of the area when questioned, and he has invested money into the business and the building. He is in the process of setting up a 'supermarket' nearby, indicating further investment in the town.
75. He has invited the Committee to impose a condition relating to single sales of beer, RTDs and ciders and any other condition we feel is required. We expect to see low-alcohol and zero percent alcohol to be prominently displayed in the store.
76. The onus is now, of course, for the applicant to turn words into actions. It is often said that the first year is the 'probationary period' for licensees to prove themselves as competent operators. The ball is firmly in the hands of Mr. Bakshi and his managers.
77. We strongly suggest Mr. Bakshi continues to abstain from the consumption of alcohol. Any further offending would surely deem both him and the company unsuitable to hold any alcohol licence. There would be a domino effect should this occur. Simply stepping aside from a directorship does not 'cleanse' the company.
78. And finally, we advise that pursuant to Section 201(4) we can rehear any matter that we have determined for any reason, and we would not be slow to do so should further issues arise with Nirmal 0013 Limited and its premises.

The Licence will be granted for 12 months from the date of issue on standard conditions

and other reasonable, discretionary conditions, as consented to by the applicant at the hearing.

**The following conditions are to apply:**

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours: **Monday to Sunday 10.00am to 9.00pm;**
2. No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day.
3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied.
4. The whole of the premises is designated as a **Supervised Area;**
5. **The Licensee must have available for consumption off the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages.**
6. A properly appointed certificated or Acting or Temporary Manager must be on duty at all times, within the licensed area, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.
7. **No single sales of beer, RTDs or ciders smaller than 600ml and under \$6.00 per unit is permitted;**
8. The Licensee must display:
  - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
  - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
  - c. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principal entrance.

**DATED** at Wairoa this 11<sup>th</sup> day of August 2025

A handwritten signature in black ink, appearing to read 'Murray Clearwater', enclosed within a thin black rectangular border.

Murray Clearwater  
Commissioner  
For the Wairoa District Licensing Committee

**NOTE**

**Sections 152 to 155 of the Act relating to the right to appeal this decision are in effect.**

**This decision has no effect for ten working days from the date on which a copy this decision is given to the Inspector and the Police.**