

Decision No. Reference OFF858

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

**AND**

**IN THE MATTER** of an application pursuant to section 127 (2) of the Sale and Supply of Alcohol Act 2012 by **Global Wines & Spirits Limited** for the renewal of an OFF Licence for premises situated at 42B Main Road, Otaki, and known as Big Barrel Otaki

**BEFORE THE KAPITI COAST DISTRICT LICENSING COMMITTEE**

Chair: Cr Nigel Wilson

Members: Mrs Jackie Elliott

Mr Bede Laracy

**HEARING** at Kapiti Coast District Council offices, Paraparaumu, on 1 May 2024.

**APPEARANCES**

**Mr John Young of Brookfields Lawyers** – acting for the applicant Global Wines & Spirits Ltd

**Mr Palwinder Singh** – Owner of Global Wines & Spirits Limited

***Mr Young and Mr Singh both appeared via Zoom***

***Reporting Agencies:***

**Antoinette Bliss** - Licensing Inspector

**Luke Taunton** – Police Sergeant

**Constable Manu Leiluai** appeared as an observer for Police

All those appearing were sworn in.

## INTRODUCTION

1. This is a hearing for an application pursuant to section 127 (2) of the Sale and Supply of Alcohol Act 2012 by **Global Wines & Spirits Limited** for the renewal of an OFF Licence for premises situated at 42B Main Road, Otaki, and known as Big Barrel Otaki

## THE APPLICATION

2. A copy of the application (15 June 2023) was forwarded to the reporting agencies and the Licensing Inspector. The Licence expired on 26 July 2023 but has remained valid as the application for renewal was filed prior to this date. The applicant had not sought any variation to the conditions of the licence.

3. The application was publically notified and the District Licensing Committee Secretariat did not receive any objections to the application in accordance with section 102 of the Sale and Supply of Alcohol Act 2012.

4. The District Licensing Committee received the Application and the Inspector's Report on January 26, 2024. It was explained the substantial seven month delay was due to the Applicant having issues with the development of their website, through which they make alcohol sales.

5. Primarily at issue for the DLC is a section of the application that requires the applicant to meet an additional condition, that being:

*All deliveries of alcohol must be signed for by a person aged 18 years or older.*

## BACKGROUND

### **Remote sales**

7. Section 59 of the Act and regulation 14 of the Regulations outline requirements which are considered 'reasonable procedures' for the purposes of complying with the Act to verify the buyer and receiver of alcohol by remote sale is not under the purchase age.

8. SA59.03 and SA59.04 cover obligations to verify entitlement to purchase but do not mention the 'receiver'. NZ Police and the Inspector have been working together to request that holders of Off licences ensure the receiver is over the purchase age, as they are not dealing face to face with the purchaser.

### **Undertakings and additional discretionary conditions:**

- Remote sales requirements

Information around the requirements for remote sales was supplied and the applicant has agreed, via Mr John Young, to the following undertaking, in an email dated 30 November 2023:

### **Undertaking**

I am instructed to advise that the undertakings sought can be given as follows:

1. The directors of BB have read and understood The Sale and Supply of Alcohol Act 2012 and The Sale and Supply of Alcohol Regulations 2013 requirements that need to be met to sell alcohol remotely.
2. The directors of BB undertake to implement the systems required for remote sellers as outlined by you in regard to the "internet". This email is advice that this is now complete, and you can undertake your check.

However, in response to the Additional Condition - ***All deliveries of alcohol must be signed for by a person aged 18 years or older.***

9. Mr John Young, Partner, Brookfields, representing the applicant, responded to advise they do not agree with the addition of the condition in an email dated 30 November 2023.

10. *The full response from Mr Young is below:*

*The Big Barrel (BB) website has now been updated. There were some technical issues, hence the delay.*

*I am instructed to advise that the undertakings sought can be given as follows:*

3. *The directors of BB have read and understood The Sale and Supply of Alcohol Act 2012 and The Sale and Supply of Alcohol Regulations 2013 requirements that need to be met to sell alcohol remotely.*
4. *The directors of BB undertake to implement the systems required for remote sellers as outlined by you in regard to the "internet". This email is advice that this is now complete, and you can undertake your check.*

*As discussed, my client does not agree to a condition that states "All deliveries of alcohol must be signed for by a person aged 18 years or over". The reason for this is that a third party makes deliveries and therefore BB cannot completely control the systems and processes of that third party.*

## HEARING

### APPLICANT'S EVIDENCE

11. Mr Palwinder Singh, owner of Big Barrel (51% owner of Global Wines & Spirits) stated he was a committed and practicing Sikh and he originally came to New Zealand to study. His Brother Aktar is also a shareholder.
12. Mr Singh said it was a company policy to have deliveries signed by a person aged 18 or over. He said the Otaki shop does not do remote deliveries.
13. Mr Singh said Otaki customers cannot get remote orders and can only do click and collect.
14. Mr Singh said Otaki staff have done deliveries in the past but that ceased at the end of Covid restrictions.
15. Mr Singh said the additional condition requiring that *all deliveries of alcohol must be signed for by a person aged 18 years or older* was unnecessary because the Otaki store did not sell remotely.
16. Mr Singh said they cannot control third party deliverers but they have had discussions with deliverers to ensure they understand the company's policy.
17. Mr Singh said he was comfortable with ID being required but not necessarily signatures.

### CROSS EXAMINATION OF THE APPLICANT

18. Committee member Jackie Elliott asked if records were kept of ID produced. Mr Singh said they weren't but said they were one of the very few to put in very strict conditions.
19. Asked if delivery is made to the person who placed the order with the same ID Mr Singh said right now that is not happening. He said the only courier they use is NZ Couriers. Mr Singh said when they take an order the delivery is out of their control. He said the Courier is required to get a signature and ID and this is in development, and no parcel is to be left unattended. Mr Singh said generally the level of checks is very low.
20. Committee member Bede Laracy asked further about ID. Mr Singh said they don't want to be limited to a signature. He said they were happy to take on conditions and be the best in New Zealand.
21. Mr Laracy asked if they use Deliver Easy. Mr Singh said they do use Deliver Easy – He said Deliver Easy drivers come to our stores and get alcohol from us as Trade Customers.
22. In Relation to section 59 Mr Laracy put it that a Buyer is a Person, not a location. Mr Young for the applicant agreed.

23. In relation to Click and Collect Mr Singh said they can sell 24/7 but don't deliver until they have an endorsed license as per Section 40.
24. Licensing Inspector Bliss asked if we went to a lockdown scenario would the store do deliveries. Mr Singh said they have qualified staff and yes, they would.
25. Police Sergeant Taunton asked why intoxication was not mentioned in relation to delivery conditions. Mr Singh answered this was part of ongoing development and Yes, they would be happy to have that added. He said NZ Couriers confirmed they are training their couriers about alcohol delivery.

#### **EVIDENCE IN CHIEF FROM POLICE**

26. Police Sergeant Taunton said the Police had not opposed the renewal of the licence on application. He said he was happy to take any questions in relation to the application.
27. In response to a question about Police processes for assessing applications Sgt. Taunton said the Wellington District has a full time team of four to cover the entire area.
28. Sgt. Taunton said in the view of the Police there are quite substantial risks with remote sales. He said the need to be responsible should flow through the Act.
29. Sgt. Taunton said Police believe that in the sale of alcohol to a remote customer they need to ensure the alcohol is delivered safely and responsibly.
30. Sgt. Taunton said On Licence sales require ID and checks on level of intoxication and the same should apply to Off Licence remote sales. He said there need to be adequate check that alcohol is not being delivered to prohibited persons, under 18 year olds, and intoxicated persons.
31. Sgt. Taunton said unattended delivery is also a risk and the responsibility lies with the Licensee.
32. Sgt. Taunton said he understood the difficulty posed by having an independent courier but that ultimately that was a business decision and reasonable steps must be taken to ensure safe delivery.
33. Sgt Taunton said Police do not think it is unreasonable to have as a condition of the Licence that alcohol is not to be delivered to a prohibited person or left unattended. He noted other DLCs were supportive of this view and he has seen such undertakings in DLC decisions.

#### **CROSS EXAMINATION OF POLICE**

34. Committee member Mr Laracy asked do Police actively check at delivery level. Sgt Taunton said he believed Police should and will be doing so in the future to check conditions. He said they do actively test CPOs

(Controlled Purchase Operations). He noted the applicant had stated his checks prevented a lot of young people from purchasing alcohol.

35. The Chair asked would conditions assist Police in ensuring the safe sale and supply of alcohol. Sgt. Taunton said yes, there are a number of advantages to having conditions or undertakings. He said this makes it very clear in relation to enforcement.
36. Mr Laracy asked if online purchasing of alcohol by young people was increasing. Sgt. Taunton said, no, not to his knowledge.
37. Committee member Elliott asked if online verification records were kept. Sgt. Taunton said keeping of records would be useful. He said alcohol contributes to a third of Policing issues and young people are at a high risk.
38. Mr Young for the applicant put it to Sgt. Taunton that Police had not opposed the application. Sgt. Taunton stated when he was made aware of the issue it was already in hearing. He said he had come to the Hearing not in opposition but to assist with information for the DLC.
39. Mr Young asked what condition Sgt. Taunton is stating. Sgt Taunton said the condition would be that alcohol will not be delivered to any prohibited person or left unattended.
40. Mr Young asked what was the basis for Police concern regarding remote delivery. Sgt Taunton replied that if we did nothing more than section 14 then alcohol could be provided to anyone.
41. Mr Young suggested to Sgt. Taunton that the Police issue was with the Act rather than with his client, to which Sgt. Taunton agreed.
42. Mr Young raised the case of My Noodle (***see footnote and reference***) which was heard by the DLC of the Queenstown Lakes District Council. Mr Young was using this as an example of how Ad Hoc policy was not good in decision making. Mr Young's question was did Sgt. Taunton think a Local Alcohol Plan (LAP) would assist in consistent decision making. Further, Mr Young asked if Sgt. Taunton thought it fair to have restrictions on his client (the applicant) that others don't have. And further, Mr Young asked if Police thought it fair to put forward that particular additional condition requiring that *all deliveries of alcohol must be signed for by a person aged 18 years or older*.
43. Sgt. Taunton said yes he thought that condition was fair. He said there was often a case by case basis and there are others in similar circumstances who have given such an undertaking. He said remote sales criteria could be more consistent.
44. The Chair noted it was not the agencies who set the conditions, though they may recommend them. Conditions are set by the DLC. The Chair also noted for the record that the Kapiti District does not have an LAP.
45. In relation to the additional condition Mr Young asked Sgt. Taunton if he accepted the condition he wanted to impose would involve delivery by a third party. Sgt. Taunton said he understood that to be the case. He said if there was a breach the Police response in general terms would be to

assume Licensee responsibility and what steps have been taken. He said Police operate with a graduated response approach in terms of breaches.

46. Mr Young asked if Police had any issues with this particular store. Sgt. Taunton said no.

#### EVIDENCE IN CHIEF FROM LICENSING INSPECTOR

47. Kapiti District Licensing Inspector Antoinette Bliss reiterated the main points of her evidence as tabled in her report dated 25 January 2024.
48. The main points raised in the Inspector's report relative to remote sales include:
49. Section 59 of the Act and regulation 14 of the Regulations outline requirements which are considered 'reasonable procedures' for the purposes of complying with the Act to verify the buyer and receiver of alcohol by remote sale is not under the purchase age.
50. SA59.03 and SA59.04 cover obligations to verify entitlement to purchase but do not mention the 'receiver'. NZ Police and the Inspector have been working together to request that holders of Off licences ensure the receiver is over the purchase age, as they are not dealing face to face with the purchaser.
51. The applicant was sent an email outlining the following additional discretionary condition. Mr John Young, Partner, Brookfields, representing the applicant, has responded to advise they do not agree with the addition of the condition in an email dated 30 November 2023.
52. Additional condition *All deliveries of alcohol must be signed for by a person aged 18 years or over.*
53. An inspection of the website ([www.bigbarrel.co.nz](http://www.bigbarrel.co.nz)) was conducted by the Licensing Inspector.
54. **Internet site: The Inspector noted the following:**
- *Reasonable steps to verify that people not under purchase age*
  - Section 14(a) and (b) comply (information included with application material).
  - *Information to be provided by remote sellers*
    - Section 15(1) and (3) comply (information included with application material).
  - **Telephone order**
  - The applicant confirmed that procedure in section 14(3) is complied with.
  - **Physical order form**
  - The applicant advised they do not use a physical order form for ordering, customers are directed to the website.
55. The inspector concluded: The applicant has provided adequate documentation and information to demonstrate that the required legislative measures are being undertaken to ensure the responsible sale of alcohol, and that harm will be minimised.

## **CROSS EXAMINATION OF THE INSPECTOR**

56. Ms Bliss was asked if there was an adequate process for Couriers. Mr Bliss replied there had been conversations with Couriers and the process was better now.
57. Ms Bliss was asked if remote sales orders can be made by phone as well as computer. She said yes they can with credit card authorisation.
58. Ms Bliss referred to Section 14 of the Act subsection 3 in relation to phone sales: In the case of a telephone order, the procedure is to—
- (a) ask the prospective buyer to declare, orally, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—
    - (i) once when the conversation concerned begins; and
    - (ii) again, immediately before the conversation is completed; and
  - (b) refuse to sell alcohol to the prospective buyer unless, on both occasions, he or she declares that he or she is 18 years of age or over (and, where a prospective receiver is involved, also declares that the prospective receiver is 18 years of age or over).
59. It was noted this is handled on a store by store basis – which some do and some do not.
60. Ms Elliott named two ‘at risk’ premises in relation to the Big Barrel site and the Inspector confirmed they will be added to the list.

## **CLOSING SUBMISSIONS**

61. The Inspector Ms Bliss said Otaki has a high deprivation index and required caution around alcohol sales. Ms Bliss said after discussions with Police she proposed the suggested additional condition.
62. Ms Bliss said 45 of 49 Licensees had agreed to this condition.
63. Sgt. Taunton said Police had not opposed the application and had attended to assist the DLC.
64. Sgt. Taunton said Police had procedures in monitoring these conditions. He said the delivery responsibility lay with the Licensee.
65. Mr Young said the Act did not prevent minors from buying alcohol. He said police are asking the DLC to go beyond the Act
66. Mr Young said there is no drinking age in New Zealand, only a purchasing age. He said there is evidence of teens drinking in the streets.
67. Mr Young said the additional condition would be a breach of natural justice as his client hadn’t had the opportunity to consider this.



68. Mr Young said there was not a danger of orders being a 'top up' purchase because of the delay in delivery.
69. Mr Young said conditions are not designed to prevent breaches of the Act.
70. Mr Young said the DLC can't be inconsistent with the Act but noted the object of the Act is so broad it is unlikely to breach the Act.
71. Mr Young again cited the My Noodle decision from the Queenstown Lakes District Council DLC which went to the Court of Appeal where he said they had consulted and had a policy with the authority to put in a sunset clause.
72. Mr Young noted the condition as set out in the Inspector's report did not specifically refer to intoxication or age.
73. Mr Young advised caution on a DLC straying too far beyond the Act.
74. It was noted from Police that Section 59 covers this aspect.
75. Mr Young concluded that Mr Singh continues to agree with his current conditions and has been helpful and transparent.

## **COMMITTEE'S CONCLUSION**

70. The Committee gave consideration to all of the evidence presented on the papers and at the hearing.

71. The Committee found Mr Singh responsive and sincere in his application and appreciated his candour. The Committee appreciated that the applicant was very well represented by Mr Young who was thorough in the presentation of case and searching in questions of reporting agencies.

72. The Committee also notes the difficulty Police representatives often find themselves in when attending Hearings having often been handed the case at relatively short notice.

73. The Committee noted the observation made in evidence by Mr Young that the condition does not appear to be universally applied has validity. However it is now the DLC's consistent policy that this condition will apply.

74. The Committee is mindful that Section 59 of the Act covers obligations to verify entitlement to purchase but do not mention the 'receiver'.

75. The Committee were told on the papers and at the hearing that New Zealand Police and the Inspector have been working together to request that holders of Off licences ensure the receiver is over the purchase age, as they are not dealing face to face with the purchaser.

76. The Committee is satisfied that Section 59 is, while not sufficiently comprehensive in its anticipation in advances relating to remote sales, nevertheless significant in the guiding principles of remote sales processes.

77. Section 59 Requirements relating to remote sales by holders of off-licences

(1) The holder of an off-licence must ensure that any alcohol sold by remote sale is not delivered to the buyer (or to any other person on the buyer's behalf) at any time after 11 pm on any day and before 6 am on the next day.

(2) Subsection (1) applies whether the alcohol is delivered by the seller or by some other person.

(3) The holder of an off-licence must take **reasonable steps** to verify that the buyer of any alcohol that the holder sells by remote sale (and, if a person other than the buyer is to receive it, to verify that the receiver) is not under the purchase age.

(4) The holder of an off-licence takes reasonable steps to verify that the buyer of any alcohol that the holder sells by remote sale is not under the purchase age if he or she complies with a procedure declared by regulations made under this Act to be a reasonable procedure for the purposes of complying with subsection (3).

(5) The holder of an off-licence who sells alcohol by remote sale via the Internet must comply with any regulations made under this Act requiring information to be visible on the holder's website when people browse, enter, or otherwise access it.

(6) The holder of an off-licence who sells alcohol by remote sale by mail order must comply with any regulations made under this Act requiring information to be published in the holder's catalogues.

(7) The holder of an off-licence who sells alcohol by remote sale by telephone must comply with any regulations made under this Act requiring information to be given to callers.

78. The Committee are of the view the intention of Section 59 is clear in that it emphasises the importance of processes around the protection of those under the legal age to purchase alcohol.

79. The Committee considers the implications in (1) and (2) of Section 59 are clear in not absolving the seller from the delivery act in the event of the seller contracting out the delivery. While this part of Section 59 relates directly to the hours of delivery the Committee is of the view the intention is also able to be drawn around verification at the point of delivery.

*(1) The holder of an off-licence must ensure that any alcohol sold by remote sale is not delivered to the buyer (or to any other person on the buyer's behalf) at any time after 11 pm on any day and before 6 am on the next day.*

*(2) Subsection (1) applies whether the alcohol is delivered by the seller or by some other person.*

80. The Committee also heard from Sgt. Taunton (31.) who said unattended delivery is also a risk and the responsibility lies with the Licensee.

81. The Committee found no issues with the application other than the non-agreement with the additional condition requiring ***All deliveries of alcohol must be signed for by a person aged 18 years or older.***

82. The Committee heard from Mr Singh that it was a company policy to have deliveries signed by a person aged 18 or over. He said the Otaki shop does not do remote deliveries. The Committee accepts this as the current state however the Committee must be mindful of what may legally occur under the licence.

83. Mr Singh said Otaki customers cannot get remote orders and can only do click and collect. However he said Otaki staff have done deliveries in the past but that ceased at the end of Covid restrictions.

84. Mr Singh said the additional condition requiring that *all deliveries of alcohol must be signed for by a person aged 18 years or older* was unnecessary because the Otaki store did not sell remotely. However the Committee is again mindful of the fact the Otaki could deliver remotely at any time in accordance with prevailing company policy and therefore the Committee needs to ensure the safe sale and supply of alcohol is adhered to.

85. Mr Singh said they cannot control third party deliverers but they have had discussions with deliverers to ensure they understand the company's policy. The Committee is of the view third part deliverers would have to act in accordance with conditions set down on the licence from the DLC and the responsibility to do so lays with the Licensee.

86. When asked if delivery is made to the person who placed the order with the same ID Mr Singh said right now that is not happening. He said the only courier they use is NZ Couriers. Mr Singh when they take an order the delivery is out of their control. He said the Courier is required to get a signature and ID and this is in development, and no parcel is to be left unattended. Mr Singh said generally the level of checks is very low.

87. Some of the statements in 86. (above) gave the Committee cause for concern, notably that from the point of pick up a delivery is out of the licensee's control. The DLC is not empowered to directly control couriers but can set conditions for the licensee who will then have to set requirements on the delivery agent to ensure the conditions are met. Mr

Singh's statement relating to low levels of checks was taken as an observation on the general industry standard.

88. The Committee also noted the questions of Police Sergeant Taunton relating to why intoxication was not mentioned in relation to delivery conditions, and the response from Mr Singh that this was part of ongoing development and yes, they would be happy to have that added. The Committee also noted Mr Singh's view that NZ Couriers confirmed they are training their couriers about alcohol delivery. The DLC is of the view they could assist in this regard by making conditions of delivery clear.
89. The Committee considered Sections 116 and 117 of the Act in relation to the application.

**116 Particular discretionary conditions, and other compulsory conditions: off-licences**

(1) The licensing authority or licensing committee concerned may issue an off-licence subject to conditions of any or all of the following kinds:

(a) conditions prescribing steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of alcohol to prohibited persons are observed:

(b) conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied:

(c) in the case of premises where (in the opinion of the authority or committee) the principal business carried on is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered on or from the premises.

(2) The licensing authority or licensing committee concerned must ensure that every off-licence it issues is issued subject to conditions—

(a) stating the days on which and the hours during which alcohol may be sold or delivered; and

(b) if there are in force regulations under this Act empowering the authority or committee to determine for premises of different kinds different levels of licensing fee prescribed by the regulations, stating the fees payable for the licensing of the premises concerned; and

(c) stating (directly or by description) a place or places on the premises at which drinking water is to be freely available to customers, while alcohol is being supplied free or sold, as a sample, on the premises.

(3) In deciding the conditions under subsection (2)(a) subject to which a licence is to be issued, the licensing authority or licensing committee concerned may have regard to the site of the premises in relation to neighbouring land use.

(4) Subsection (1)(b) is subject to the Human Rights Act 1993.

Section 116(2)(c): amended, on 2 August 2024, by section 8 of the Sale and Supply of Alcohol (Winery Cellar Door Tasting) Amendment Act 2024 (2024 No 29).

**90. Section 117 Other discretionary conditions**

(1) The licensing authority or licensing committee concerned may issue any licence subject to any reasonable conditions not inconsistent with this Act.

(2) The generality of subsection (1) is not limited or affected by any other provision of this Act.

90. The Committee noted the acknowledged by the applicant that section 117(i) gives broad powers to impose reasonable conditions

91. The Committee is of the view section 117 allows for the imposition of the additional condition as it is deemed to meet the criteria of a reasonable condition.

92. The Committee considered **Section 132 Imposition of conditions on renewal**

(1) When renewing a licence of any kind, the licensing authority or the licensing committee concerned—

(a) may impose any conditions subject to which it may issue a licence of that kind; and

(b) must impose any conditions subject to which it must issue a licence of that kind; and

(c) may, whether consequentially or not, vary or cancel any conditions applying to the licence before its renewal (whether they are conditions subject to which the licence was issued or conditions imposed on some earlier renewal).

(2) A condition imposed—

(a) has the same effect as it would if it were a condition subject to which the licence was issued; and (in particular) a failure or refusal to comply with it has the same effect, and may result in the same consequences, as a failure or refusal to comply with a condition subject to which the licence was issued; and

(b) may be varied under section 120 as if it were a condition subject to which the licence was issued.

(3) Subsection (1) applies to all renewals of licences, whether they were issued under this Act or a former licensing Act.

**DECISION:**

93. In the matter of an application pursuant to section 127 (2) of the Sale and Supply of Alcohol Act 2012 by **Global Wines & Spirits Limited** for the renewal of an OFF Licence for premises situated at 42B Main Road, Otaki, and known as Big Barrel Otaki the Committee considered the evidence, written and presented of the Applicant, Applicant's Counsel Mr Young, and the reporting agencies. The Committee considered the application in reference to Sections 59, 132, 109, 116, and 117 of the Act.

94. The District Licensing Committee hereby:

(a) Declines the application by **Global Wines & Spirits Limited** for the renewal of an OFF Licence for premises situated at 42B Main Road, Otaki in the absence of agreement on the part of the applicant with respect to the additional condition requiring that ***All deliveries of alcohol must be signed for by a person aged 18 years or older.***

(b) The Committee is prepared to accept the application subject to the acceptance of an additional condition that reads:

***All deliveries of alcohol must be signed for by a person aged 18 years or older. Signs of intoxication on the part of the recipient would result in non-delivery.***

Dated at Paraparaumu this 4th day of October 2024.

A handwritten signature in black ink, appearing to be 'Nigel Wilson', written in a cursive style.

Nigel Wilson

Chairperson

Kapiti Coast District Licensing Committee

**Footnote:** RE: My Noodle (from 42. above) DLC Chair Wilson spoke with DLC Lyal Cocks of Queenstown Lakes District Council DLC about the potential relevance. While it was noted that the My Noodle had relevance in the broadest sense in that it challenged a changed ruling that it believed was not fully consulted on, the case was in 2009 and ultimately the Court of Appeal did not find for the appellant.