

Analyzing the myth of 'vexatious' alcohol objections

Background

“... this bill allows anyone or any organisation from anywhere within the realm to submit. So some of my local Tāmaki liquor stores could have people from Invercargill—no offence to people from Invercargill; they're fantastic. But why would a group or a person from Invercargill have any right to opine on what's happening in the electorate of Tāmaki is beyond me, and so it just doesn't make sense.”

– Simon O'Connor, National. Hansard debate on the Second Reading of the Sale and Supply of Alcohol (Community Participation) Amendment Bill.

On the 31st of August 2023, the Sale and Supply of Alcohol (Community Participation) Amendment Act (the Act) came into force. The Act aimed to facilitate greater community engagement into local licensing processes. As part of this, the Act allowed any person to object to a licence application (apart from trade competitors, except when affected in a way unrelated to trade competition). Before this change, narrow case law interpretation meant that for the most part, only people residing within two kilometres of a licensed premise could object to an application.

The above excerpt from the second reading of the Community Participation Amendment Bill is one of multiple voiced concerns that allowing anyone to object to an alcohol licence will open floodgates for frivolous or vexatious objections to District Licensing Committees (DLCs), particularly from other parts of the country.

What did we aim to find out?

The aim of this work was to count the number of frivolous or vexatious objections made to licence applications in Tāmaki Makaurau, Auckland, since the change to allow anyone to object came into force. For this analysis, a frivolous or vexatious objection was defined as one that was not made in good faith – either with no serious purpose or value or designed to be frustrating or confrontational in nature. Close attention was paid to objections made from outside of Auckland.

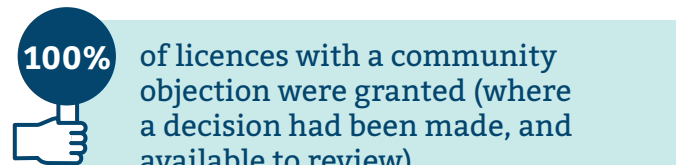
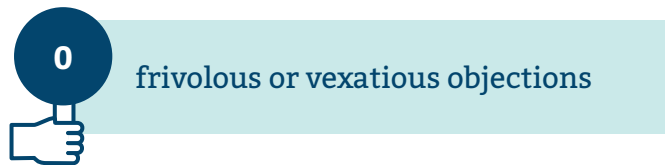
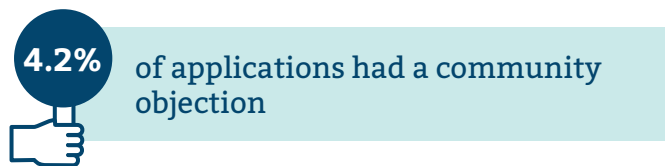
Choosing Auckland for this analysis was deliberate. As biggest city in New Zealand covered by one Council, if there was going to be any developments in new practice stemming from the change in law, it is likely to show up first in Auckland.

This review was undertaken in April 2025, 19 months after the change to allow anyone to object was put into force. The data required was obtained either from Auckland Council through the Local Government Official Information Management Act (LGOIMA), or from hearing documents available publicly on the Council website.



What were the results we found?

In total, 789 applications for on/off licences were lodged with Auckland Council between 31 August, 2023 and 30 March, 2025 (excluding withdrawn applications). Of these, 33 had community objections, with most proceeding to a hearing. From the 33 applications, we reviewed 582 individual community objections.



All but two objections were from those who either lived nearby (this was the vast majority), worked nearby, or had other connections to the area. Some objections were made through community groups (such as local Body Corporates or the City Centre Residents Group) or using submission tools, such as Jotform, that include templated comments. However, in many of the objections that used templated comments, individualised text was also included.

Two objections did not indicate their location:

1 = This objector indicated that they were in China. However, given the level of close and relevant detail provided as part of their objection, and the personalised content included, the objection was not deemed to be frivolous or vexatious.

2 = This objector submitted a comment in support of the licence. This submission was vague and short, supporting the application on the grounds that alcohol harm is an individuals' responsibility. They mentioned that the applicant was a "savy [sic] business person". Despite the lack of detail specific to the premise and no location noted for the objector, we did not deem this a frivolous or vexatious objection.

Our analysis identified a number of trends in community concerns. Very few objections were unrelated to these issues. They included concern around:

- Noise from the licence and how this would impact them
- Risks to the amenity of the area, including safety
- Proximity to sensitive sites, such as nearby schools
- Deprivation of the local community.

“This liquor outlet is located directly across the street from Birkenhead Primary School. People buying liquor from this shop can be seen sitting on the benches by the shop, drinking alcohol at all hours and behaving drunkenly, including rolling around on the footpath, in full view of children coming and going ... Drinkers buying alcohol from this outlet also drink and urinate on school grounds in broad daylight, where school children can see them from inside the school.”

– quote from an objection to an off-licence application.

“On nights and early mornings they have opened for hosting sporting games on tv we have been woken up or kept awake from the sound travelling up the street. Turning into a tavern will create more noise pollution for nearby residents. We are both early morning and weekend workers and moving and residing in Milford in a quiet neighbourhood was one major factor for us wanting to be here. Having it sound like our neighbours are having a party every night is not ideal.”

– quote from an objection to an on-licence application.

Despite community objections, all licences were granted (of those where the DLCs decision is available). Additionally, even when written community objections were numerous (such as one licence with 140 objections), very few objectors presented in person at the hearings. Case law dictates that unless an objection is given in person, it is to be given very little, if any, weight on decision-making.

As well as this, many objections were made using templates, particularly through online tools such as Jotform. These used templated comments alongside individualised comments. The DLC noted several times that they found it difficult to determine the primary concerns of the objection, particularly if the objector doesn't appear in person before the Committee.

What does it all mean?

Most alcohol licence objections were from people who live and work nearby. The change resulting from the Sale and Supply of Alcohol (Community Participation) Amendment Act 2023 has likely removed barriers to object for those who live nearby but outside the two-kilometre radius previously required, and almost certainly increased participation from those few who live further afield but still had genuine reasons to object.

Additionally, the change has likely resulted in less paperwork for Council staff and DLC members, who would no longer be required to evaluate whether each individual has standing.

Our analysis indicates that there has not been any frivolous or vexatious objections from lobby groups or people in other parts of the country.

However, a limitation of this analysis is that the Council was unable to provide details of withdrawn applications. It is possible that some applications may have been withdrawn as a result of intense community objection, with potentially some of these objections being frivolous or vexatious. However, given the low proportion of frivolous or vexatious objections in our review, we believe that this is unlikely.

Finally, there still appears to be a lack of in-person community engagement at licensing hearings. This means DLCs may not be getting a full picture of community concerns to account for in their decision-making. Previous studies have



noted numerous barriers to engagement in hearings which are likely still affecting communities, including inconvenient hearing times and locations. For example, hearings are not scheduled on weekends or after-hours, nor delivered in community-friendly venues.¹⁻³

“Jotform is a tool to facilitate access to the objection process. It literally ‘bridges the gap’ for people who otherwise would have to find out about the licence coming up, find out how to object, craft and objection and submit it. As the Jotform link is circulated online, it is clear that the Jotform is the best way a vexatious litigant from Invercargill might object. Communities Against Alcohol Harm are the biggest user of such tools in New Zealand, and reports zero such vexatious litigants using the Jotform, as far as they are able to ascertain.”

– Dr. Liz Gordon, Communities Against Alcohol Harm

Overall

Despite documented concerns about a rise in frivolous and vexatious objectors, particularly from other parts of the country, our analysis of all objections from 31 August 2023 in Tāmaki Makaurau, Auckland show no frivolous or vexatious objectors. Of the 582 objections reviewed, only a few were not from the immediate area or neighbouring suburbs.

Overall, it appears that the change to allow anyone to object has not resulted in an increase of frivolous or vexatious objections. It is likely to have increased community participation for genuine objections, as well as lessened workloads for Council staff. However, the lack of objectors appearing at hearings and the low rate of licence declines indicates that there is potential for further improving community engagement in the licensing process. Future research could analyse objections in more depth across New Zealand, as well as broader community experiences of the licensing processes, after the changes have been in place for a longer period.

References

- 1 Randerson S, Gordon L, Casswell S, *et al.* “I feel it’s unsafe to walk”: Impacts of alcohol supply on public space in eight neighbourhoods, and residents’ input to alcohol licensing decisions. Wellington, New Zealand: Te Whatu Ora, 2022.
- 2 Gordon L. A strong legislative framework? The 2012 Sale and Supply of Alcohol Act. Wellington; NZ: Pukeko Research, 2019 www.nzlii.org/nz/journals/NZLFRRp/2019/2.html
- 3 Randerson S, Casswell S, Borell B, *et al.* Systemic inequities in alcohol licensing: Case studies in eight Aotearoa New Zealand communities. *Drug Alcohol Rev* 2025; **44**: 459–70.