

<b>Application</b>	19/014/2021
<b><u>IN THE MATTER</u></b>	of the Sale and Supply of Alcohol Act 2012
<b><u>AND</u></b>	
<b><u>IN THE MATTER</u></b>	of an application by Food For Thought Waiuku Limited for an off-licence in respect of the premises situated at Hotel Access Road, Waitomo, known as The Tomo Bar and Eatery

#### **DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. The application for an off-licence authorising the sale and supply of alcohol for consumption off the premises, to any person who is present on the premises is granted. The licence may issue upon payment of the annual fee.
2. This licence continues in force until the close of the period of 12 months after the day it is issued.
3. The licence is subject to the following conditions:
  - (a) Alcohol sales for consumption off the premises may be made from the off-licence point of sale, Monday to Sunday, from 7.00am to 10.00pm.
  - (b) No alcohol may be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00pm on Anzac Day.
  - (c) The area where alcohol is to be sold is described in the plan date stamped as received by the Waitomo District Licensing Committee on 6 April 2021.
  - (d) The entire premises is designated as a supervised area (no persons under 18 years can be in the area unless with their parent or legal guardian).
  - (e) A properly appointed certificated, acting or temporary manager must be on duty and on the premises at all times when the premises is open for the sale and supply of alcohol.

- (f) A manager's register (as required by s.232 of the Act) is to be maintained and available on site.
- (g) A Host Responsibility Policy must be maintained and displayed at all points of sale and the licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.
- (h) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be appropriate signs detailing these restrictions at every point of sale.
- (i) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- (j) The Licensee must ensure the following are displayed;
  - i) A sign to be seen from outside the principal entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.
  - ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
  - iii) A sign in a prominent place identifying the duty manager.

### **Reasons**

1. This is an application by Food For Thought Waiuku Limited for an off-licence in respect of the tavern known as The Tomo Bar and Eatery. Food For Thought Waiuku Limited has been operating the business by way of a temporary authority that is due to expire on 19 May 2021.
2. The application was advertised, and no objections have been received from members of the public. The Liquor Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not object to the application. Accordingly, the application is decided on the papers (s 202(1)).
3. The purpose of the Act is to put in place a new system of control over the sale and supply of alcohol (s 3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4).
4. In deciding whether to issue a licence the District Licensing Committee must have regard to the criteria in s 105 of the Act. Therefore this committee must consider the following questions within the framework of the purpose and object of the Act:
  - a) Is the applicant suitable?
  - b) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
  - c) Is the design and layout of the premises suitable?
  - d) Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
  - e) Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of licence? Is the amenity and good order of the locality already so badly affected by the effects of the existing licenses that it is unlikely to be reduced further by the effects of the issue of the licence or is it desirable not to issue any further

licenses?

f) Does the applicant have appropriate systems, staff and training to comply with the law?

g) Have the Police, Inspector and Medical Officer of Health raised any relevant considerations?

h) Does the application comply with the Waitomo District Local Alcohol Policy?

5. The licensing committee must have regard to section 116 in deciding what conditions apply to an off-licence.

**Is the applicant suitable? Does the application comply with the Waitomo District Local Alcohol Policy?**

6. The licensing committee is satisfied that Food For Thought Waiuku Limited is a suitable entity to hold an off-licence because the sole director Mr Heka has extensive experience in the hospitality industry. The application complies with the Waitomo District Local Alcohol Policy. In particular, it has a separate point of sale (as required by the LAP) located at the wholesale till outside the manager's office.

**Are the days and hours during which the applicant proposes to sell alcohol reasonable? Does the applicant have appropriate systems, staff and training to comply with the law?**

7. Food For Thought Waiuku Limited proposes to operate the off-licence from Monday to Sunday 7.00 am to 10.00pm and these comply with the LAP.
8. The licensing committee is satisfied that Food For Thought Waiuku Limited has an appropriate Host Responsibility Policy and staff training procedures in place to ensure compliance with the Act. There are three Duty Managers employed to ensure compliance with the Act.

**Is the design and layout of the premises suitable?**

9. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. It is well appointed and able to be monitored effectively by the staff of the premises.

**Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?**

10. Food For Thought Waiuku Limited does not engage in the sale of goods or service other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food.

**Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of licence?**

11. The licensing committee is satisfied that the grant of an off-licence to Food For Thought Waiuku Limited will not have a negative effect on the good order of the locality.

**Conclusion**

12. The licensing committee is satisfied that the grant of the off-licence with the appropriate conditions will ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol.

13. Therefore, the application for the issue of the off-licence is granted.

Dated at this 6th day of May 2021

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'G' shape with a vertical line extending downwards from the bottom right.

Commissioner  
Waitomo District Licensing Committee