

**Application**

19/013/2021

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

of an application by

**IN THE MATTER**

Food For Thought Waiuku Limited  
for an on-licence pursuant to  
Section 14 of the Act 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 on-licence authorising the sale and supply of alcohol for consumption on 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 may be sold only on the following days and during the following hours:  
  
For the interior of the premises and outdoor decking area:  
Monday to Sunday, from 9.00am to 2.00am the following day
  - b) No alcohol may be sold on the premises from midnight for all of Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day to any person other than any person who is present on the premises for the purpose of dining.
  - c) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Waitomo District Licensing Committee on 6 April 2021 and no alcohol is to be taken out of this area.

- d) The entire premises is to be designated as a supervised area (no persons under 18 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. If a duty manager is not present, then there must be no alcohol sales and a notice displayed advising the public of this fact.
- 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, 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 this must be clear to customers, while the premises is open for the sale and supply of alcohol.
- j) Food must be available for consumption on the premises at all times when open for the sale of alcohol. If full a la carte or buffet meals are not available then a minimum of four types of light meals must be available (the choices exclude nuts, chips and the like). Menus and the availability of food to customers should be clear to customers and food should be actively promoted.
- k) A range of low-alcohol and non-alcoholic drinks must be available at all times when the premises is open for the sale of alcohol.
- l) A telephone must be freely available for customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed.
- m) 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 on-licence in respect of the tavern situated at Hotel Access Road, Waitomo known as The Tomo Bar and Eatery. Food For Thought Waiuku Limited has purchased this business from the previous owner and proposes to continue trading as a tavern. It is currently trading under a Temporary Authority that is due to expire on 19 May 2021.
2. A certificate issued by the Waitomo District Council confirms that the application meets the requirements of the Resource Management Act 1991 and of the Building Code in accordance with

section 100(f) of the Act.

3. 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 oppose the application. Accordingly, the matter is decided on the papers (section 202).
4. The purpose of the Act is to put in place a new system of control over the sale and supply of alcohol (section 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 (section 4).
5. 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 (LAP)?

**Is the applicant suitable? Does the applicant have appropriate systems, staff and training to comply with the law? Does the application comply with the Waitomo District Local Alcohol Policy (LAP)?**

6. The licensing committee is satisfied that Food For Thought Waiuku Limited is a suitable entity to hold an on-licence. The sole director of the company, Mr Glen Heka, has previous experience managing licensed premises, including the position of General Manager of this premises. The company has an appropriate Host Responsibility Policy and there are three certificated duty managers who are responsible for ensuring compliance with the Act. All staff receive training in the requirements of the Act. The application complies with the LAP. The licensing committee is satisfied that suitable measures will be taken to ensure that alcohol is sold and supplied responsibly, and that harm caused by inappropriate or excessive consumption of alcohol is minimised.

**Are the days and hours during which the applicant proposes to sell alcohol reasonable?**

7. Food For Thought Waiuku Limited proposes to continuing operating as a tavern from 9.00am to 2.00am the following day Monday to Sunday. The licensing committee is satisfied that these are suitable hours of operation.

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

8. The licensing committee is satisfied that Food For Thought Waiuku Limited has a suitable design and layout to meet the requirements of the Act. It is well appointed and able to be monitored effectively by closed circuit television and the staff of the premises. The entire premises including the outdoor deck area is to be designated as a supervised area. This means that people under the age of 18 years may be in the premises with their parent or legal guardian.

**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?**

9. Food For Thought Waiuku Limited does not engage in the sale of goods or services 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 the licence?**

10. The licensing committee is satisfied that the grant of an on-licence to Food For Thought Waiuku Limited will not have a negative effect on the good order of the locality. There have been no reports in the past 12 months of any nuisance, vandalism or noise problems associated with this premises under the previous ownership.

**Conclusion**

11. The licensing committee is satisfied that the grant of the on-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. Therefore, the application for an on-licence is granted.

Dated at this 6th day of May 2021



Sara Grayson  
Commissioner  
Waitomo District Licensing Committee