

Decision

OF042

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of an application by
Food for Thought Waiuku Limited
for renewal of an off-licence pursuant to section
127 of the Act in respect of the premises at 29
Waitomo Village Road, Waitomo known as The
Tomo Bar and Eatery.

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The off-licence 19/OFF/006/2022 in respect of the premises situated at 29 Waitomo Village Road, Waitomo known as The Tomo Bar and Eatery is renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The present conditions of the licence are replaced as follows:
 - a) Alcohol may be sold only from 7.00am to 10.00pm, Monday to Sunday.
 - b) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
 - c) The area where alcohol is to be sold is described in the plan date stamped as received by District Licensing Committee on 1 April 2025.
 - d) The entire area is 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.
 - 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 in a prominent place that can be seen by customers 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

3. This is an application by for renewal of an off-licence in respect of the premises situated at 29 Waitomo Village Road, Waitomo known as The Tomo Bar and Eatery. This tavern has been operating from its present site for a number of years.
4. The application was advertised and no objection or notice of desire to be heard has been received. 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 134).
5. The purpose of the Sale and Supply of Alcohol Act 2012 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).
6. In deciding whether to renew an on-licence the licensing committee must have regard to sections 105 and 131 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) Does the applicant have appropriate systems, staff and training to comply with the law?
 - f) Have the police, inspector and medical officer of health raised any relevant considerations?
 - g) Will the amenity and good order of the locality be increased by more than a minor extent by the effects of a refusal to renew the licence?
 - h) Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?
 - i) Does the application comply with the Waitomo District Local Alcohol Policy?
7. Section 132 provides that the licensing committee may vary or cancel any conditions applying to the licence before its renewal.

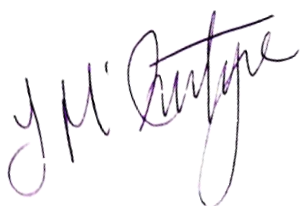
Should the licence be renewed?

8. The licensing committee is satisfied that Food for Thought Waiuku Limited is a suitable applicant to hold an on-licence. The company has demonstrated compliance with the Sale and Supply of Alcohol Act 2012 and has extensive hospitality experience. The licensing committee is satisfied that Food for Thought Waiuku Limited has an appropriate Host Responsibility Policy and staff training programme. There are 3 Duty Managers employed to ensure that the sale of alcohol complies with the Sale and Supply of Alcohol Act 2012. The Licensing Inspector recommends some form of staff training is required at least six-monthly intervals to ensure all staff remain fully informed of their obligations under the Sale and Supply of Alcohol Act 2012, and to promote the safe and responsible service of alcohol. This evidence will be critical for any further renewals.
9. Food for Thought Waiuku Limited proposes to continue the provision of alcohol sales for off-site consumption from 7.00am to 10.00pm, Monday to Sunday. The licensing committee is satisfied that these are appropriate hours of operation.
10. The point of sale for the off-licence is via a separate wholesale till which is located outside the manager's office. Therefore, the Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.
11. 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 minimise.
12. The licensing committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act and that the renewal of the on-licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no reports of any nuisance or vandalism, or noise problems associated with this premises in the past three years.
13. The licensing committee is satisfied that alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act.

Conclusion

14. Therefore, the application for the renewal of the off-licence is granted.

Dated at this 18th day of July 2025



Tegan McIntyre
Commissioner
Waitomo District Licensing Committee