

<b>Application</b>	19/070/2020
<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 Waitomo Fine Foods Limited for the renewal of an on-licence pursuant to section 127 of the Act in respect of the premises at 4 Waitomo Village Road, Waitomo known as Huhu Cafe

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

1. The on-licence 019/ON/001/2018 in respect of the premises situated at 4 Waitomo Village Road, Waitomo and known as Huhu Cafe 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 continue to apply with the exception of condition (d) which is replaced as follows:

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 November 2020 and no alcohol is to be taken out of this area.

#### **Reasons**

1. This is an application by Waitomo Fine Foods Limited for the renewal of an on-licence in respect of the premises situated at 4 Waitomo Village Road, Waitomo and known as Huhu Cafe.
2. The application was advertised and there have been no objections by 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 134).
3. 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).

4. In deciding whether to renew an on-licence the licensing committee must have regard to sections 131 and 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) 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?
5. 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?**

6. The licensing committee is satisfied that Waitomo Fine Foods Limited is a suitable applicant to hold an on-licence. The company has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. The company has an appropriate Host Responsibility Policy and staff training programme. There are four certificated duty managers who are responsible for ensuring compliance with the Act.
7. The Licensing Inspector is satisfied that the application complies with the Waitomo District Local Alcohol Policy.
8. Waitomo Fine Foods Limited proposes to continue operating as a restaurant from 9.00am to 12.00 midnight, Monday to Sunday. The licensing committee is satisfied that these are appropriate hours of operation.
9. 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.
10. Waitomo Fine Foods Limited proposes a change to the licensed area. The ground floor is currently licensed, along with the upstairs restaurant. The ground floor has a separate entrance and contains a small bar servery. It was used for functions or as an overflow if the first floor restaurant became fully booked. For business reasons the ground floor is no longer required and will not be utilized as a licensed area. This change to the licensed area is approved. 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.

11. The licensing committee is satisfied 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, vandalism or noise problems associated with this premises in the past 12 months.
12. 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**

13. Therefore, the application for the renewal of the on-licence is granted. The conditions for this licence have been replaced to ensure that they are consistent with licences issued since the commencement of the Sale and Supply of Alcohol Act 2012.

Dated this 16th day of December 2020



Sara Grayson  
Commissioner  
Waitomo District Licensing Committee