

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by Underproof Limited Partnership for an on-licence pursuant to s.100 of the Act in respect of premises situated at 183 Brymer Road ROTOKAURI known as "Everyday Eatery".

BEFORE THE WAIKATO DISTRICT LICENSING COMMITTEE

Commissioner: Andrew Baker

DECISION

[1] I have before me an application by Underproof Limited Partnership for an on licence in respect of premises situated at 183 Brymer Road ROTOKAURI known as "Everyday Eatery".

[2] The general nature of the business to be undertaken for the premises is that of a restaurant, function centre and as a caterer endorsed under s.38 of the Act.

[3] Reports on the application were received from an Inspector, the Police and the Medical Officer of Health and offer no opposition.

[4] The application was duly advertised and attracted no objections.

[5] The licensed area (premise) is as defined within the plan submitted with the application date received on 28 November 2022.

[6] I am satisfied as to the matters which I must have regard as set out in s.105 of the Act, and I am satisfied that the application meets the purpose and object of the Act.

[7] I grant the applicant an on licence with the following conditions:

- a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not present on the premises to dine.
- b) Alcohol may be sold only while the premises are being operated as a restaurant, and only during the following days and hours:

Interior Dining Area

Monday to Sunday

9.00am to 12.00midnight

Al Fresco Dining Area

Monday to Sunday

9.00am to 10.00pm

AND

On such days and during such hours as this licence is being used under Section 38 (Caterers) of the Act but not other than on the following days and hours:

Monday to Sunday 9.00am to 12.00midnight

AND

On such days and during such hours as the premises or part of the premises is hosting a private reception, function, or other social gathering but not other than on the following days and hours:

Interior Dining Area

Monday to Sunday 9.00am to 12.00midnight

Al Fresco Dining Area

Monday to Sunday 9.00am to 10.00pm

- c) The whole of premises shall be undesignated.
- d) Drinking water is to be freely available on each of the occupied dining table/s and from a self-service area within the restaurant.
- e) Food must be available for consumption on the premises as follows:
Food must be always available for consumption on the premises when the premises are open for the sale of alcohol in accordance with the menu submitted with the application for the licence, or variations of that menu of a similar range and standard.
- f) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - i. Ensure that no intoxicated persons are allowed to enter or to remain on the premises.
 - ii. Ensure that appropriate signs are prominently displayed detailing the statutory restrictions on the supply of alcohol to minors and intoxicated persons adjacent to every point of sale.
Ensure that appropriate signs are prominently displayed detailing information about alternative forms of transport from the premises
- g) The following steps must be taken to promote the responsible consumption of alcohol:
 - i. The licensee must ensure that all staff comply with the host responsibility plan submitted with the application for an on-licence detailing the steps to be taken by the licensee to ensure a safe drinking environment.

[8] The licence may issue upon payment of any outstanding fee.

[9] I refer any party who wishes to appeal this decision or part of this decision to sections 154 through to 158 of the Act.

Dated at Auckland this 18th day of January 2023



Andrew Baker
Commissioner
Waikato District Licensing Committee

