

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Zenders  
Cafe and Venue Limited for an  
on-licence pursuant to s.100 of  
the Act in respect of premises  
situated at 44 Hopkins Road  
HAMILTON known as “Zenders  
Cafe & Venue and Hazel Hayes”.

**BEFORE THE WAIKATO DISTRICT LICENSING COMMITTEE**

Commissioner: Andrew Baker

**DECISION**

[1] I have before me an application by Zenders Cafe and Venue Limited for an on-licence in respect of premises situated at 44 Hopkins Road HAMILTON known as “Zenders Cafe & Venue and Hazel Hayes”

[2] The general nature of the business for the premises is currently that of a restaurant for which an on licence is in place.

[3] The applicant seeks to vary the underlying on licence by including a s.38 caterer’s endorsement following the purchase of a catering business they wish to operate from the premises. In accordance with a directive from the Alcohol Licensing and Regulatory Authority dated 28 July 2015, an endorsement cannot be applied to existing on-licenses or when renewing existing on-license, thus a new licence must be applied for.

[4] Reports on the application were received from an Inspector and the Police and offer no opposition. No report was received from the Medical Officer of Health.

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

[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. Accordingly, I grant the applicant a variation to the underlying on licence.

[7] 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. Accordingly, I grant the applicant a variation of the underlying on licence which will now have the following conditions:

- (a) No alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1.00 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:

**Monday to Sunday 8.00am to 10.00pm**

**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:

**Monday to Sunday 8.00am to 1.00am the following day**

**AND**

When this licence is being used under Section 38 (Caterer) of the Act, but not other than on the following days and hours:

**Monday to Sunday 8.00am to 1.00am the following day**

- (c) Food must be available for consumption on the premises at all times 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.
- (d) The licensee must have available for consumption on the premises, at all times when alcohol may be sold under the licence, a reasonable range of non-alcoholic and low-alcohol beverages.
- (e) Drinking water must be freely available at the service counter and on occupied tables when alcohol is available for sale and or supply.
- (f) The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
- i. Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- (g) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
- i. All staff will be trained in their responsibilities under the Act.
  - ii. A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty or of the person responsible for the management of the sale and supply of alcohol under the licence.
- (h) The sale, supply and consumption of alcohol is authorised on the premises generally. The premises situated at 44 Hopkins Road, Newstead, are more precisely identified in a plan date stamped as received by the Waikato District Licensing Committee on 28 February 2019.
- (i) A one-way door policy applies during the following times:  
**Monday to Sunday from 12.00midnight.**
- (i) The whole of the premises shall be undesignated.

[8] The licence may issue immediately 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 11<sup>th</sup> day of December 2023



A handwritten signature in black ink, appearing to read "A Baker".

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Andrew Baker  
Commissioner  
Waikato District Licensing Committee