

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by Breaking
Bread 2024 Limited for an on-
licence pursuant to s.100 of the
Act in respect of premises
situated at 2 Newcastle Street
NGARUAWAHIA known as
"Breaking Bread Cafe".

BEFORE THE WAIKATO DISTRICT LICENSING COMMITTEE

Quorum: Chairperson Andrew Baker
 Members: Dr Patsi Davies
 Jason Howarth

HEARING at Ngaruawahia on 2nd May 2025

PARTIES

Mr Kamaldeep Singh – Director of applicant company
Mandeep – Manager of Breaking Bread Café

Reporting Agencies

Ms Clare Sturzaker – Waikato District Council Licensing Inspector reporting without
opposition (attended on line)
Sgt Hayden Martin – NZ Police reporting without opposition
Mr Byron Wipa – Representing the Medical Officer of Health (MOoH) – reporting without
opposition

Public Objectors

Ms Venessa Rice
Ms Anne Ramsay
Ms Trish Forsythe

DECISION

Introduction

[1] We have before us an application by Breaking Bread 2024 Limited for the granting of
an on licence in respect of premises situated at 2 Newcastle Street, Ngaruawahia known
as Breaking Bread Café.

[2] The general nature of the business to be undertaken for the premises is that of a class
3 restaurant.

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

[4] It is noted that the Police and MOoH initially opposed the application but withdrew that opposition following a meeting with the applicant who agreed to make changes to the licensed hours and number of alcohol products available to satisfy the concerns of those agencies.

[5] The application was duly advertised and attracted four public objections from three individuals and one on behalf of an organisation which was represented by one of the individuals also making an objection.

[6] The matter was set down for public hearing.

Evidence of the Applicant

[7] It was requested by the applicant that Mandeep give evidence first. She was duly sworn in and gave verbal evidence.

[8] She outlined that they (Mr Singh and herself) took over the café in May 2024 and subsequently received feedback from customers that the area was missing a café and restaurant where customers could have a drink of alcohol with their meals. This encouraged them to apply for a licence to provide that service.

[9] She said that when they applied, they decided to apply for licensed hours of 8am to 10pm as it aligned generally with their operating hours.

[10] After they made the application, they had met with the inspector and the Police and learned of the need to create a boundary fence outside. They put in the fence that exists there now.

[11] She said they also accepted the concerns of the reporting agencies regarding the proposed licensed hours so agreed to change those to be 11.00am to 10.00pm and to change the drinks menu to reduce the amount and type of alcohol available.

[12] She said that they were prepared to consider any other changes to reduce risk and or community concerns.

[13] During questions from the Committee, Mandeep explained her experience managing similar types of licensed premises and how she would be responsible for the overall front of house management of the premises, the sale and supply of alcohol and training and oversight of staff.

[14] She described the demographic of the customers who visited the café currently and those who had provide the feedback about having alcohol available as being generally over 35years old and older saying they were “relaxed people not party people”. The conversations occurred when she was serving them and engaging during their visits. She said they had not gone out to the community to get other feedback.

[15] When asked how they would manage the outside area she said the duty manager and staff would manage it by watching and walking around outside when customers were there.

[16] Mr Singh was sworn in and stated that he supported the evidence of Mandeep. He said they had taken on board the feedback from the locals.

[17] He said that he had spoken to the businesses next door including the Early Childhood Centre and that they did not have any concerns and had not objected.

[18] When asked about his experience, he explained that he was and will be the chef, so he had not had any experience as a duty manager but that he had achieved his LCQ qualification in the last six to eight months and was working on getting a manager's certificate to assist Mandeep if needed.

[19] He explained that they will be using the Serve Wise process for training staff and that Mandeep will be responsible for that.

[20] When the Committee asked questions about their observations from the site visit of poor lighting and CCTV coverage for the outside area, he explained what was their presently but that as they had not used that area during hours of darkness, would wait to see how effective it was and make any improvements as deemed necessary.

[21] He also explained their willingness to engage with the community should there be any issues. He added that they understood the concerns regarding the bus stop nearby and that had played a part in reducing the hours as they understood the risk associated with young people observing people drinking. They want to do what they need to do to reduce harm or possible harm and are prepared to make more changes if necessary.

Evidence of the Inspector

[22] Ms Sturzaker was sworn in (online) and asked that her report be taken as read, adding that she remained unopposed but would have preferred to have seen the night operation tested prior to the application for a licence.

[23] She said when asked that she had not discussed this "dry run" with the applicant and could not describe where in Waikato or in her experience anywhere that had been undertaken or required.

[24] When asked, she said that this would be the only class 3 style on licence for a café or restaurant in Ngaruawahia with the only other licensed dining options existing in the tavern or RSA Club which has restricted access being a club licence.

Evidence of the Police and Medical Officer of Health

[25] Sgt Martin confirmed the Police had withdrawn their initial opposition which was in-part conditional on the changes to the licensed hours and reduced drink menu which suggested a back to basic approach which he supported.

[25] Mr Wipa representing the Medical Officer of Health confirmed they had no matters in opposition or of concern.

Evidence of the Public Objectors

[26] Ms Rice was sworn in and stated that her main concerns were the proximity to the bus stop and Early Childhood Centre (ECC) saying that the consumption of alcohol so clearly visible from the bus stop and from buses stopping there was a "visual cue" for vulnerable people.

[27] When asked to extrapolate her comment about a visual cue, she said it could make drinking alcohol in that type of environment appear “cool” which could encourage people’s behaviour if they saw it as being relaxing and enjoyable.

[28] She was asked if there was anything that would make it ok, replying that a higher fence or barrier such as trellis or screens around the outside area would be better than what is there.

[29] Ms Forsythe was sworn in, and she said she supported Ms Rice. She added that she was initially concerned at the hours sought but was happy that the applicant had changed to a later start time for the licence.

[30] She said that whilst she acknowledged the applicant had spoken to the ECC next door, she would have preferred to have seen that in writing. She went on to say that she too would like to see higher screens or trellis around the outdoor area as it currently did not seem appropriate and that she was worried that those using the outdoor area would be at risk from traffic on the road at the corner.

[31] Ms Forsythe said she was concerned that allowing a licence like this next door to vulnerable sites would create a precedent and that she was disappointed there had not been any community engagement by the applicant. She was though pleased that the drink menu had been reduced in size.

[32] Ms Ramsey was sworn in and explained that she was both an individual objector as well as speaking on behalf of the Ngaurawahia Community House.

[33] She explained that the Community House deals with a range of local people with alcohol related issues and problems.

[34] She wanted to see higher fences or screens for the outdoor area and spoke of her concern that people using that outdoor area might be subjected to requests for alcohol and harassment from some people in the town with alcohol related issues who would try to get access to alcohol by approaching those customers outside. She felt that higher fencing or screens would provide greater safety for everyone. She gave examples locally where there were screens and high fences.

[35] At the completion of their evidence, the three objectors were asked, if there was an undertaking from the applicant to put in higher screens or fencing, would they remain opposed. All three stated that if their concerns were addressed, they would no longer be opposed to the granting of the licence.

Closing Statements of the Applicant.

[36] Mandeep on behalf of Mr Singh, stated that they would be happy to work with the objectors and the reporting agencies to make changes to the fencing of the outdoor area and to sign a written undertaking.

Committee’s Considerations

Legislation and other matters the Committee must have and have had regard to:

[37] Sections 3 and 4 of the Act describe the purpose and object of the Act.

[38] Sections 105 & 106 of the Act sets out the criteria the committee must have regard to when deciding whether to issue a licence.

[39] Section 117 allows the committee to impose any other discretionary condition.

[40] In regard to the criteria of s.105, the attention of the public objections was focussed on the days and hours (s.105(1)(d)), design and layout of the premises (s.105(1)(b)) and amenity and good order (s 105(1)(h)).

[41] Having heard and read the evidence, we are satisfied that the other criteria of s.105 namely:

- Applicant's suitability (b)
- Relevant alcohol policy (c)
- Whether applicant is engaged in or proposes to engage in the sale of good other than alcohol (f)
- Whether applicant is engaged in or proposes to engage in the provision of services other than those directly related to sale of alcohol etc (g)
- Systems, staff and training (j)
- Other matters (k)

have been met and will not comment further on them.

[42] In regard to the days and hours, it is accepted that the applicant has changed the hours sought from Monday to Sunday 8.00am to 10.00pm to Monday to Sunday 11.00am to 10.00pm.

[43] In regard to design and layout, we accept the agreement to engage with the objectors and reporting agencies by the applicant and to make a written undertaking to do this as well as agreeing verbally during the giving of evidence to assess the requirement for lighting and CCTV for the outdoor area.

[44] While not expressly discussed or raised, we believe the issue of amenity and good order through the evidence of the objectors did require more detailed mention in particular as it linked to the design and layout of the outdoor area and the impact on those using the bus stop, adjacent roads and also the risk for customers from other members of the public which we felt was a very salient point raised by Ms Ramsey. We also considered the existence of the ECC next door.

[45] We acknowledge that the applicant has responded positively to concerns raised by the reporting agencies and public objectors and has reduced the licensed hours, delineated the outdoor area with a low fence and reduced the amount and type of alcohol available.

[46] We also acknowledge and accept the commitment of the applicant to consider improvements to lighting and CCTV for the outdoor area and written undertaking to put higher screens or fence panels following engagement with the reporting agencies and public objectors.

Committee's Decision

[47] We note the applicant has included an area designated as restricted and another as supervised. There was no evidence given as to the reasons for this and accordingly we prefer the premise being undesignated which is consistent with a class 3 restaurant.

[48] We are satisfied as to the matters which we must have regard as set out in s.105 of the Act, and we are satisfied that the application meets the purpose and object of the Act.

[49] We 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 1.00 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 class 3 restaurant, and only during the following days and hours:
Monday to Sunday 11.00am to 10.00pm
- (c) 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.
- (d) The licensee must have available for consumption on the premises, always 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 or upon request to staff while the premises are open for business.
- (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 whole of the premises is un-designated.
- (h) 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.
- (i) The sale, supply and consumption of alcohol is authorised on the premises generally. The premises situated at Newcastle Street, Ngaruawahia, are more precisely identified in a plan date stamped as received by the Waikato District Council on 2 October 2024

[50] The licence may issue upon payment of any outstanding fee. A copy of the undertaking is to be attached to the file.

[51] We 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 12th day of May 2025.



Andrew Baker
Commissioner

Waikato
Committee

District

Licensing

On behalf of: Dr Patsi Davies
Jason Howarth