

AND

IN THE MATTER

of an application by Rivers Hospitality Limited for renewal of an off-licence pursuant to s.127 of the Act in respect of premises situated at 1333 Horotiu Road WHATAWHATA known as "The Backyard GastroPub".

BEFORE THE WAIKATO DISTRICT LICENSING COMMITTEE

Commissioner: Andrew Baker

DECISION

- 1) This is an I have before me an application by Rivers Hospitality Limited for the renewal and variation of an off licence in respect of premises situated at 1333 Horotiu Road, Whatawhata known as "The Backyard GastroPub".
- 2) The general nature of the business is that of a tavern.
- 3) The variation sought is in regard to a change to the licensed area following alterations to the building with the proposed premises as defined within the plan submitted and date stamper received by Waikato District Council on 4 February 2025.
- 4) The application was duly advertised and did not attract any public objection. It is reported that the public notices did not include information regarding the variation.
- 5) The applicant has sought a waiver regarding the omission to publicly notify the variation.
- 6) S.208 allows the licensing committee to grant a waiver to any person who has neglected or omitted to do any act in the precise manner or within the precise time prescribed by this Act if satisfied that the neglect or omission was not wilful and the committee believes the terms of any waiver is equitable.
- 7) Having considered the request for the waiver and considering the reason and nature of the omission, I grant the waiver.
- 8) Reports on the application were received from an Inspector, Medical Officer of Health and the Police and offer no opposition.
- 9) 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 and renewal of the underlying off licence with the following conditions:**

- (a) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day.
- (b) Alcohol may be sold on the premises only on the following days and during the following hours:
Monday to Sunday 10.00am to 10.00pm
- (c) Drinking water must be freely available to customers immediately adjacent to any alcohol that is being supplied free as a sample on the premises.
- (d) 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:
- 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.
- (e) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
- All staff will be trained in their responsibilities under the Act.
 - A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty responsible for the management of the sale and supply of alcohol under the licence.
- (f) The sale or delivery of alcohol is authorised on the premises generally. The premises situated at The premises situated at 1333 Horotiu Road, Whatawhata are more precisely identified in a plan date stamped as received by the Waikato District Council on 4 February 2025.
- 10) The renewal and variation to the underlying licence may issue immediately upon payment of any outstanding fee.
- 11) 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 10th March 2025



Andrew Baker
Commissioner
Waikato District Licensing
Committee