

**APPLICATION** 17/ON/004/2018

**IN THE MATTER** of the Sale and Supply of Alcohol Act 2012(The Act)

**AND**

**THE MATTER OF** an application by **WAWA HOLDINGS LIMITED** pursuant to s100 of the Act for an On-licence in respect of premises situated at 47 Bridge Street, Tokoroa, and known as "**WAWA BISTRO**".

### **DECISION**

**BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE**

**Tuesday 12 February 2019 at 1.00 pm**

#### **Committee:**

Chairman: Jeff Gash JP  
Members: Adrienne Bell  
Marin Glucina  
Bill Machen

#### **THE APPLICATION**

On 19 November 2018 **WAWA HOLDINGS LIMITED** filed an application pursuant to s.100 of the Sale and Supply of Alcohol Act 2012 for an On-licence in respect of premises situated at 47 Bridge Street, Tokoroa trading as "**WAWA BISTRO**".

The applicant sought the following hours:

- Monday to Sunday 8:00am - 1:00am the following day

The application was publicly notified in the South Waikato News on 21 and 28 of November 2018.

An onsite notice was posted on 19 November 2018.

The application attracted five (5) objections.

#### **THE HEARING**

The District Licensing Committee (the Committee) decided to have a public hearing to determine if the objections had status and if indeed they did, whether they should be heard

#### **THE OBJECTIONS**

The Committee determined prior to the Hearing that three (3) of the five (5) objections did not have status pursuant to s.102 of the Act inasmuch as the distance between the premises and the objectors' residences were more than one (1) kilometre thus not fulfilling the criteria of having an "greater interest in the application than the public generally" - the remaining two (2) objections

did have status in terms of the distance from the premises, but did not indicate that they wanted to appear at a hearing or showed any interest as such.

The inspector advised that a phone call had been made to three (3) of the objectors on the morning of the hearing and that none of them were going to appear.

There was no answer from one (1) of them.

The objector who wanted to attend had called the inspector also on the morning of the hearing and said she was not able to attend due to illness.

### **THE HEARING**

The Committee then heard the applicant, who was represented by Mr R Davies from Harkness Hearing, the Inspector, Ms Julie Smale and the applicant director, Ms Lorraine Young.

### **REASONS FOR THE DECISION**

The application is complete and contains all the supporting documents as required under s.100 of the Act. It was duly advertised and a site notice was posted.

The Licensing Inspector does not oppose this application.

The Police do not oppose this application.

The Medical Officer of Health does not oppose the application.

The premises meets the requirements of the Resource Management Act 1991.

The premise meets the requirements of the Building Code.

Currently the South Waikato does not have a Local Alcohol Policy.

Overall the Committee am satisfied as to the matters to which we must have regard as set out in s.105.

### **DESIGNATIONS**

The applicant requested the following designations: - Supervised when the premises is open to the general public and undesignated when there is a private function.

### **DECISION**

The District Licensing Committee acting pursuant to the Sale and Supply of Alcohol Act 2012, approves the application subject to the following conditions:

### **CONDITIONS**

- (a) The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol, a reasonable range of non-alcoholic refreshments and low-alcohol beverages. Drinking water must be available to customers free of charge upon request.
- (b) No alcohol is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day to any person other than any person who is present on the premises for the purpose of dining.
- (c) Alcohol may be sold only on the following days and during the following hours:

**Monday to Sunday 8.00 am to 1.00 am the following day; EXCEPT THAT on the Thursday before Good Friday; and on Easter Saturday; and on Christmas Eve; and on the day before Anzac Day, liquor may only be sold between 8.00 am and 12.00 midnight.**

- (d) 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 a licence, or variations of that menu of a similar range and standard.
- (e) **The premises is designated as follows: -**
  - (i) **The entire premises is designated as a SUPERVISED area whenever it is open to members of the public and trading in the style of a tavern**
  - (ii) **The entire premises is UNDESIGNATED when it is being used as a private function or event venue during which times signage must be displayed at the principal entrance(s) advising members of the public that the premises are closed for a PRIVATE FUNCTION.**
- (f) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- (g) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (h) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must 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.
- (i) The principal entrance is from the footpath on 47 Bridge Street.
- (j) There is an alternative entrance from the Dreghorn car park but cannot be used after 10.00 pm.

The applicant has also agreed to two discretionary conditions: -

- \* There will be no variations applied for by the licensee within the first twelve (12) months.
- \* All CCTV coverage is to be kept for at least twelve (12) months.

**DATED** at TOKOROA this 21<sup>st</sup> day of February 2019



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Jeff Gash JP  
**Chairperson**  
**South Waikato District Licensing Committee**