

Matamata-Piako District Licensing Committee



IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **TZMSLF Limited** for an **on-licence** pursuant to section 99 of the Sale and Supply of Alcohol Act 2012.

Licence Number:

13/ON/017/2021

File Number:

162.2021.1678.1



BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Adrienne Wilcock

DECISION ON THE PAPERS

This is an application by TZMSLF Limited for an on-licence in respect of a premises situated at 292 Thames Street, Morrinsville known as Loxy & Co Eatery. The general nature of the premises is that of Cafe.

The days and hours which the applicant proposes to sell alcohol are:

Cafe

Monday to Sunday from 10.00 am until 12.00 midnight

Outside Licensed Area

**Monday to Sunday from 10.00 am until 11.00 pm
(only while dining)**

The application form has the hours for the outside area as Monday to Sunday 10.00 am until 12.00 midnight. Council have decided that outside areas can only be used until 11pm. This has been discussed with the applicant, he has agreed that the outside area will be from 10.00 am until 11.00 pm.

These days and hours are consistent with the requirements of Council's Provisional Local Alcohol Policy, as it applies to this type of premises.

This application was lodged on 1 September 2021 and was advertised in accordance with s.101 of the Act, in the Piako Post on 8 & 15 September 2021. No public objections were received.

The application was referred to the Police, Medical Officer of Health and Inspector for comment as required by s.103. None of the reporting agencies have raised any matters in opposition to the application. The certificates required by s.100(d) and (f) have been received.

The criteria that must be considered in determining an on-licence are set out in s.105 of the Sale and Supply of Alcohol Act 2012. These are:

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- (a) *the object of this Act:*
- (b) *the suitability of the applicant:*
- (c) *any relevant local alcohol policy:*
- (d) *the days on which and the hours during which the applicant proposes to sell alcohol:*
- (e) *the design and layout of any proposed premises:*
- (f) *whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:*
- (g) *whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*
- (h) *whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:*
- (i) *whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—*
 - (i) *they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
 - (ii) *it is nevertheless desirable not to issue any further licences:*
- (j) *whether the applicant has appropriate systems, staff, and training to comply with the law:*
- (k) *any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103*



The object of the Act is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

The Licensing Inspector reporting on the application has stated in his report that in his opinion the applicant has the necessary experience and is suitable to operate a licensed premises. He has also noted that in his opinion the amenity and good order of the locality would not be likely to reduce by more than a minor extent if the licence is issued. His recommendation is for the application to be granted subject to conditions.

I am satisfied as to those matters to which I must have regard and grant the applicant an on-licence for a period of 1 year pursuant to s104.

The applicant must comply with all conditions specified on the licence.

The licence will be subject to the following conditions:

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- (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—
(i) present on the premises to dine.
- (b) Alcohol may be sold only on the following days and during the following hours

Cafe

Monday to Sunday 10.00 am until 12.00 Midnight

Outside Licenced Area

Monday to Sunday 10.00 am until 11.00 pm

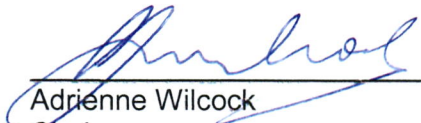
(Only while dining)

- c) The licensee shall 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) Evidence of age documents will be requested from any person appearing to be under the age of 25.
 - iii) A sign shall be prominently displayed inside the premises which identifies the name of the manager on duty or the person responsible for the management of the sale and supply of alcohol under the licence.
 - iv) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons.
- d) The licensee shall have a reasonable range of food available for consumption on the premises at all times when alcohol may be sold under the licence. The food shall be of the range and types of food submitted with the application or alternately the range of food should include items such as paninis, pizza, lasagne, toasted or fresh sandwiches, wedges, pies, filled rolls and/or salads. Menus must be visible and food shall be actively promoted.
- e) The licensee shall have a reasonable range of low alcohol and non-alcoholic refreshments available for consumption on the premises at all times when alcohol may be sold under this licence.
- f) The licensee shall ensure that drinking water will be made readily available to all patrons at each table, free of charge.
- g) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite.
- h) The whole premise is undesignated
- i) The area where alcohol is to be sold and consumed is described in the plan stamped and received by the District Licensing Committee on the 31st of August 2021.

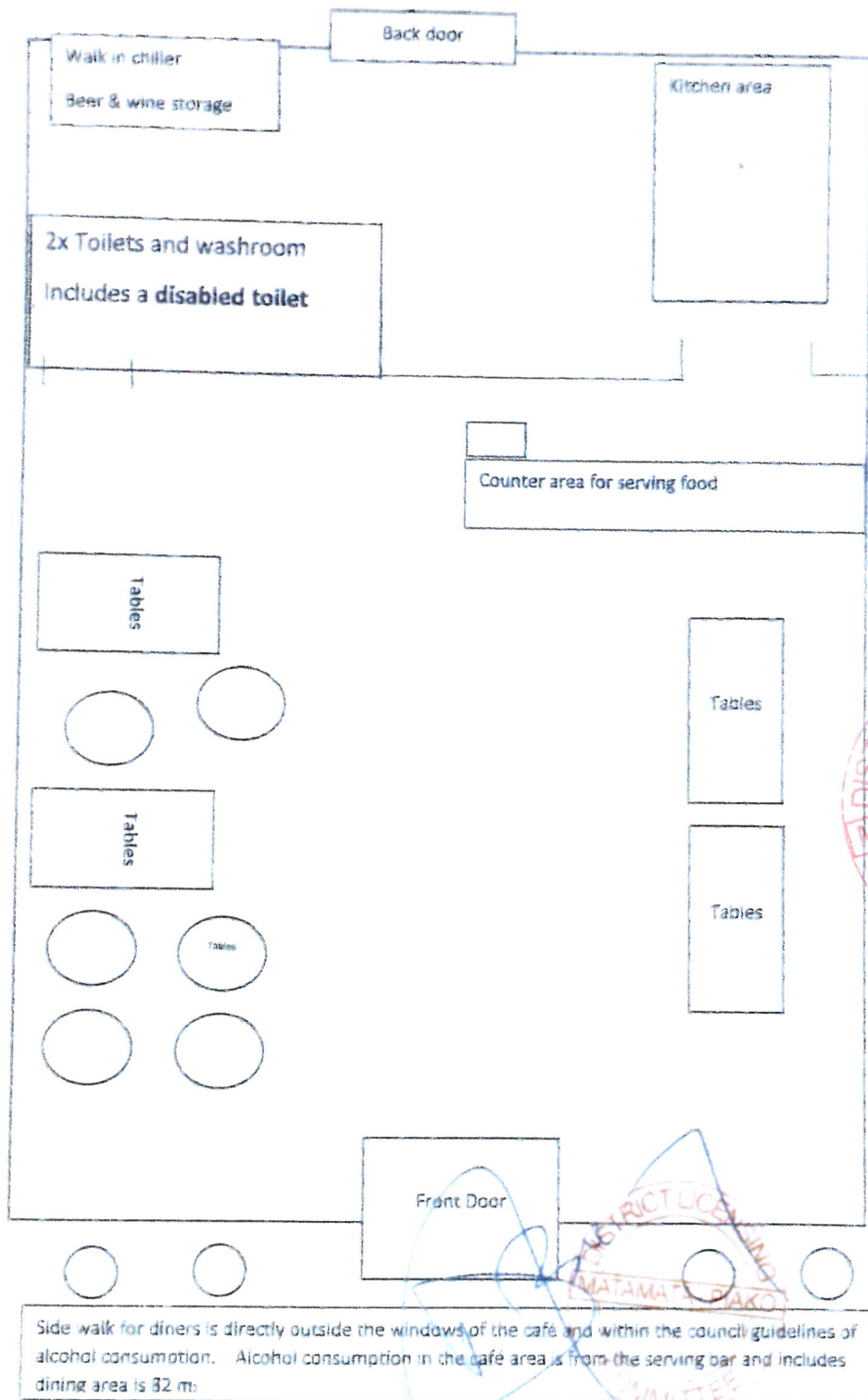
- j) The outside area can only be used to consume alcohol when a current licence to occupy is held.

Dated at Te Aroha this 5th day of October 2021





Adrienne Wilcock
Chairperson
Matamata-Piako District Licensing Committee



Floor Plan 2017 for Loxly & Co eatery 292 Thames st. Morrinsville

