

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

Licence Number:

13/ON/010/2023

File Number:

162.2023.1821.1



BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE

Chairperson: Councillor Sue Whiting

DECISION ON THE PAPERS

This is an application by Oak Eatery Limited for an on-licence in respect of a premises situated at 105 Fairway Drive, Morrinsville known as the OAK Eatery. The general nature of the premises is that of a Café.

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

Monday to Sunday from 8.00 am until 10.00 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 15 June 2023 and was advertised in accordance with s.101 of the Act, in the Morrinsville News on 15 and 22 June 2023. 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:

- 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—*
- j) *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 it is nevertheless desirable not to issue any further licences*
- k) *whether the applicant has appropriate systems, staff, and training to comply with the law*
- l) *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's attention is drawn to s.259 of the Act which makes it an offence to not comply with certain requirements and restrictions imposed by or under this Act, specifically sections 46 to 57 as they apply to an on-licence and 231(1)

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

The licence will be subject to the following conditions:

- a) No alcohol is to be sold on the premises on **Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day** to any person who is not-
 - (i) Present on the premises to dine

- b) Alcohol may only be sold under the licence on the following days and hours when the premises are being operated as a café.

Monday to Sunday from 8.00 am until 10.00 pm

- c) 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 have 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.



- d) Food must be available for consumption on the premises as follows:
A range of food choices must be readily available at all times that the premises are open. Menus must be visible and food should be actively promoted. A minimum of three types of food should be available. The range or style of food will be as shown on any menu submitted. Alternatively the range of food should include such items as paninis, pizzas, lasagna, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.
- e) The licensee shall have a reasonable range of low alcohol and non-alcoholic refreshments available on the premises at all times when alcohol may be sold under the licence
- f) The licensee must ensure that drinking water will be made readily available to all attendees free of charge
- g) 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.
- h) The whole of the premises is designated as an unrestricted area.
- i) The holder of a Manager's Certificate or a properly appointed manager shall be on duty and on the premises at all times alcohol is sold. If a duty manager is not present then there must be no alcohol sales and a notice displayed advertising the public of this fact.
- j) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite.
- k) The licensee must ensure the following are displayed:
 - (i) A sign to be seen from outside the principle entrance stating the ordinary hours of business during which the premise will be open for the sale of alcohol
 - (ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
 - (iii) A sign in a prominent place identifying the duty manager.



- l) 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 16th of June 2023 and no alcohol is to be taken out of that area.

Dated at Te Aroha this 21st day of July 2023



Sue Whiting
Chairperson
Matamata-Piako District Licensing Committee

- * Wing walls changed to 140mm
- * WC layouts changed

X
Tables +
Chairs



Paragon Building Ltd.
5 Te Rapa Road, Te Rapa, Hamilton, 3200
New Homes Enquiries: 0800 082 988
Other Enquiries: 07 958 7740

The capital of the group shall remain with Zentium Homes Ltd. Zentium Homes Ltd. shall not be responsible for any new investments that it or its subsidiaries may make in the future. Zentium Homes Ltd. shall not be responsible for any new investments that it or its subsidiaries may make in the future.

Floor Plan
(Dimensions)

Lockerbie Estate

105 Fairway Drive, Lockerbie Estate,

[illegible]

10	Concept	08/03/2021
20	Revision	12/12/2021

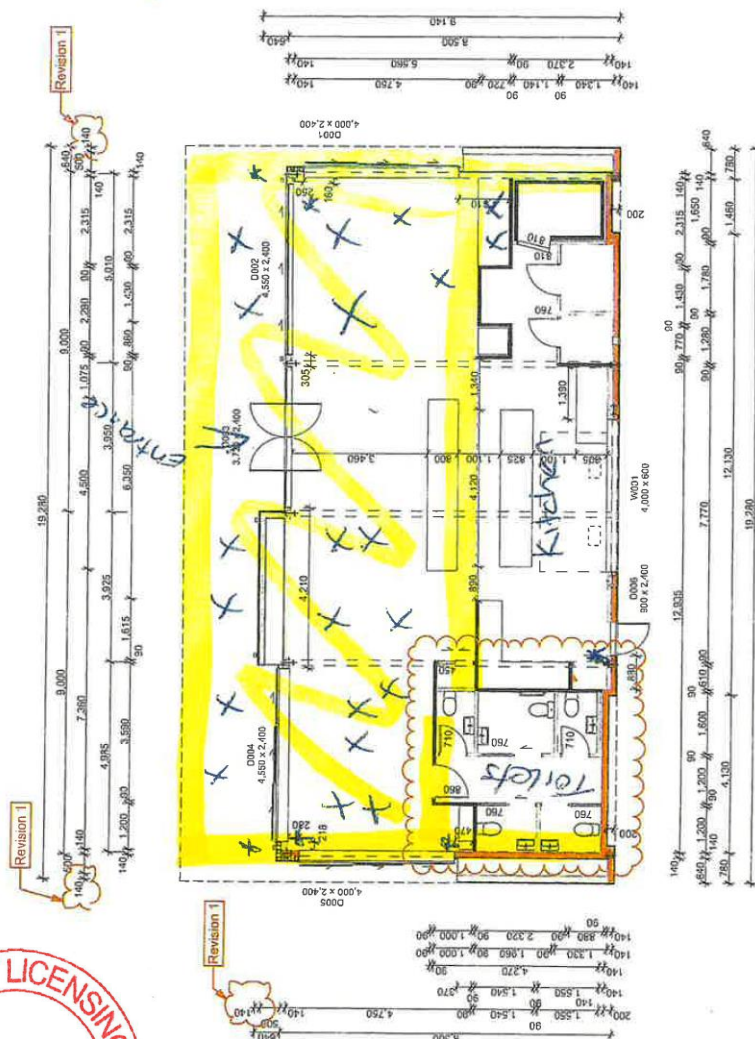
2.0	Revision	13/12/2021
1.0	Initial	08/04/2020

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ELECTRICAL LEGEND

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RECEIVED
16 JUN 2023

Matamata Piako District Council