

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

**AND**

**IN THE MATTER** of an application by Underproof Limited Partnership for renewal of an on-licence pursuant to s.127 of the Act in respect of premises situated at 183 Brymer Road ROTOKAURI known as "Everyday Eatery".

**BEFORE THE WAIKATO DISTRICT LICENSING COMMITTEE**

Commissioner: Andrew Baker

**DECISION**

[1] I have before me an application by Underproof Limited Partnership for the renewal of an on licence in respect of premises situated at 183 Brymer Road ROTOKAURI known as "Everyday Eatery".

[2] The general nature of the business is that of a restaurant.

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

[4] The application was duly advertised and did not attract any public objection.

[5] 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 the renewal of the underlying on licence.

[6] **The following conditions apply:**

(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 restaurant, and only during the following days and hours:

**Interior Dining Area**

**Monday to Sunday 9.00am to 12.00midnight**

**Al Fresco Dining Area**

**Monday to Sunday 9.00am to 10.00pm**

**AND**

On such days and during such hours as this licence is being used under Section 38 (Caterers) of the Act but not other than on the following days and hours:

**Monday to Sunday 9.00am to 12.00midnight**

**AND**

On such days and during such hours as the premises or part of the premises is hosting

a private reception, function, or other social gathering but not other than on the following days and hours:

**Interior Dining Area**

**Monday to Sunday 9.00am to 12.00midnight**

**Al Fresco Dining Area**

**Monday to Sunday 9.00am to 10.00pm**

- (c) Food must be 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 promote and 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.  
Drinking water must be freely available on all occupied tables and from a self-service area within the restaurant.
- (e) 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.
- (f) The whole of the premises shall be undesignated.
- (g) 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.
- (h) The sale, supply and consumption of alcohol is authorised on the premises generally. The premises situated at 183 Brymer Road, Rotokauri are more precisely identified in a plan date stamped as received by the Waikato District Licensing Committee on 28 November 2022.

[7] The licence may issue for a period of three (3) years upon payment of any outstanding fee.

[8] 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 24<sup>th</sup> day of April 2024



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Andrew Baker  
Commissioner  
Waikato District Licensing  
Committee