



te kaunihera ā-rohe o  
**matamata-piako**  
district council

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



Licence Number:

**13/ON/007/2024**

File Number:

162.2024.1924.1

### **BEFORE THE MATAMATA-PIAKO DISTRICT LICENSING COMMITTEE**

Chairperson: Councillor Sue Whiting

### **DECISION ON THE PAPERS**

This is an application by Rihaan Eatery Limited for an on-licence in respect of a premises situated at 159 Whitaker Street Te Aroha known as the Ironique Cafe. The premises has been previously licensed. The general nature of the premises is that of Cafe.

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

**Café:**

**Monday to Sunday from 8.00am until 9.00pm**

**Outside Licenced Area:**

**Monday to Sunday from 8.00am until 9.00pm (Only while dining)**

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 28 May 2024 and was advertised in accordance with s.101 of the Act, in the Piako Post on 5 and 19 June 2024. No public objections were received.

Section 36(b) of the Sale and Supply of Alcohol Regulations 2013 deals with the manner of the publication of public notice, it states if published in a newspaper it must be published again in the same newspaper at least 5 and no more than 10 days after the first publication.

The applicant's second publication was 14 days after the first.

Section 208 of the Act states:

Where any person has neglected or omitted to do any act or thing in the precise manner or within the precise time pre-scribed by this Act, the licensing authority or (as the case may require) the licensing committee or the chairperson, if satisfied that the neglect or omission was not wilful, may waive the same on such terms as they think equitable.

The reason given for the non-compliance falls within Section 208. The omission was not wilful or due to neglect.

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.

**Café:**

**Monday to Sunday from 8.00am until 9.00pm**

**Outside Licenced Area:**

**Monday to Sunday from 8.00am until 9.00pm (Only while dining)**



- 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.
  - (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 sale and 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 alternatively the food should include items such as paninis, pizzas, lasagna, 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 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) Manager's register (as required by s.232 of the Act) is to be maintained and available onsite.
- h) The whole premises 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 24<sup>th</sup> of June 2024.
- j) The outside area can only be used to consume alcohol when a current licence to occupy is held.

**Dated** 17 Jul, 2024



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Sue Whiting  
Chairperson  
Matamata-Piako District Licensing Committee





LICENSED AREA

RECEIVED  
24 JUN 2024  
Matamata Piako District Council

