

Decision No. **204/2014**

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Sabai Thai
Restaurant and Takeaways Limited** for
the renewal an on licence pursuant to
s.127 of the Act in respect of premises
situated at **150D Bank Street,
Whangarei** known as "**Sabai Thai
Restaurant and Takeaways**"

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

Chairman: Councillor John Williamson

DECISION (ON THE PAPERS)

This is an application by Sabai Thai Restaurant and Takeaways Limited dated 13 February 2014, for the renewal of an on licence (002/ON/3/2013) in respect of premises situated at 150D Bank Street, Whangarei, known as Sabai Thai Restaurant and Takeaways. The general nature of the business is that of a restaurant and takeaways business.

The premises

Sabai Thai Restaurant and Takeaways is located at 150D Bank Street, Whangarei. The premises is a fully licensed restaurant style business providing Thai food for dining in and takeaway. An On licence (002/ON/3/2013) was first granted to Sabai Thai Restaurant and Takeaways Limited trading as "Sabai Thai Restaurant and Takeaways" by the Whangarei District Licensing Agency in 2013 and this licence authorises a restaurant operation.

Restaurants are defined under the Act as "*premises that are not a conveyance; and are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises*" This is the applicant's first renewal of their on licence.

Management of the premises

The applicant is a private company, Sabai Thai Restaurant and Takeaways Limited that was incorporated under the Companies Act 1993 on 14 September 2012. Unchitthar Sayer is the sole director and shareholder of the applicant company.

Unchitthar Sayer is also the owner and operator of Sabai Thai Restaurant and Takeaways and is the holder of a manager's certificate – 002/GM/67/2013

The applicant company, Sabai Thai Restaurant and Takeaways Limited, has met all licensing conditions in its first year of operation.

Since the licence was issued in 2013, one inspection has been carried out by Whangarei District Licensing Inspectors. The premises has been found to be operating in accordance with the object of the Act and its specific licensing conditions. The licensee has ensured that the premises "Host Responsibility Policy" is strictly complied with.

Public notice

The applicant publically notified the application in accordance with the Act, by placing an advertisement in the Whangarei Leader on 18 February 2014. Notice of the application was also attached to the premises as required by the Act. This was confirmed during a visit to the premises on 28 March 2014.

No public objections to the application were received.

Statement by the applicant as to compliance with Fire Service Act 1975.

The applicant has provided a statement dated 13 February 2014 that because of the building's current use, its owner is not required to provide and maintain a (evacuation) scheme and because of the nature of the building, its owner is exempt from the requirement to provide and maintain such a (evacuation) scheme.

The Fire Service in a report dated 1 April 2014, has raised no matters of concern about the application.

Section 131 Criteria for the renewal of licences

In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

- (a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):*
- (b) whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:*
- (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:*
- (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.*

DECISION

The committee has received reports on the application from the Police, the Medical Officer of Health and the Licensing Inspector and none have raised matters in opposition. The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly the committee deals with the matters on the papers.

The committee is satisfied as to the matters to which it must have regard as set out in s.131 of the Act and the committee renews the on licence for a further period of 3 years on the conditions presently attached to it but with a change required by section 110 of the Act relating to the provision of drinking water the condition worded as follows:

- drinking water is to be freely available (free of charge) while the premises are open for business at the bar counter and on each table in the premises.

DATED at Whangarei this 17th day of June 2014

Chairman
Whangarei District Licensing Committee