

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Thai Smile Limited**
for the renewal an on licence pursuant to
s.127 of the Act in respect of premises
situated at **93 Kamo Road, Whangarei**
known as "**Suk Jai Thai Restaurant** "

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

Chairman: Councillor John Williamson
Member: Paul Dimery
Member: Mark Vincent

DECISION (ON THE PAPERS)

This is an application by Thai Smile Limited dated 16 December 2013, for the renewal of an on licence (002/ON/1/2013) in respect of premises situated at 93 Kamo Road, Whangarei, known as "Suk Jai Thai Restaurant". The general nature of the business is that of a restaurant.

The premises

Suk Jai Thai Restaurant is located amongst the block of shops on the western side of Kamo Road south of the intersection to Kensington Avenue in Kensington, Whangarei. The premises is a fully licensed restaurant style business providing Thai food for dining in and takeaway. An On licence (002/ON/1/2013) was first granted to Thai Smile Limited trading as "Suk Jai Thai Restaurant" 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 incorporated on 16 May 2005. Anong Tiebtienrat and Thamrong Tiebtienrat are directors and shareholders of the applicant company. Chakrit Tiebtienrat is also a shareholder of the applicant company. Anong Tiebtienrat and Thamrong Tiebtienrat are the owner's and operators of Suk Jai Thai Restaurant.. They have been in the restaurant business since 1998. Thamrong Tiebtienrat is also the holder of a manager's certificate – GM/060/28/2005. Charn Tiebtienrat has been employed as the principal manager and duty manager (GM/060/29/2005) of the premises.

The applicant company, Thai Smile Limited, has met all licensing conditions in its first year of operation.

Public notice

A renewal application for Suk Jai Thai Restaurant was made with the Whangarei District Licensing Agency on 16 December 2013. The applicant attached to the premises the notice of the application as required by the Act. The applicant publically notified their renewal application by placing two advertisements in the Northern Advocate on 20th and 27th December 2013. No public objections were received.

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

The applicant has provided a statement that the building complies with fire safety requirements.

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 we deal with the matters on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.131 of the Act and we renew 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 to customers while the premises are open for business at the bar counter and on each table in the premises.

DATED at Whangarei this 1st day of April 2014

Chairman
Whangarei District Licensing Committee

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