

Decision number: 048/2023/HCDLC/309

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

AND

IN THE MATTER of an application by Toby
Sirattana pursuant to s.136 of
the Act for a Temporary
Authority in respect of
premises situated at 149
Jackson Street, Petone, Lower
Hutt, known as Smile Elephant

BEFORE THE HUTT CITY DISTRICT LICENSING COMMITTEE

This is an application by Toby Sirattana for a Temporary Authority in respect of premises situated at 149 Jackson Street, Petone, Lower Hutt, known as Smile Elephant.

The application was duly advertised and no objection, opposition or notice of desire to be heard has been received. Accordingly we deal with the matter on the papers.

Pursuant to the Sale and Supply of Alcohol Act 2012, the application by Toby Sirattana for a Temporary Authority is **granted**, subject to conditions.

We are satisfied as to the matters to which we must have regard as set out in s.105 and s.106 of the Act.

STATUTORY CRITERIA

Sale and Supply of Alcohol Act 2012

105 Criteria for issue of licences

- (1) *In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
 - (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 –
 - (i) 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
 - (ii) it is nevertheless desirable not to issue any further licences:
 - (j) whether the applicant has appropriate systems, staff, and training to comply with the law:
 - (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#).
- (2) The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.

REASONS FOR THE DECISION

No objections raised by reporting agencies.

DECISION

The District Licensing Committee, acting pursuant to the Sale and Supply Of Alcohol Act 2012, and under the provisions of the Hutt City Local Alcohol Policy, **grants** an application by Toby Sirattana for a Temporary Authority for the premises at 149 Jackson Street, Petone, Lower Hutt, trading as Smile Elephant, subject to conditions.

The Temporary Authority is approved for three months, from 16 August 2023 to 16 November 2023.

Conditions:

The licence is subject to the conditions listed on licence no. 048/TA/0009/23

DATED at LOWER HUTT this 16th day of August 2023

**Simon
Edwards**

Digitally signed by Simon
Edwards
Date: 2023.08.15
16:44:11 +12'00'

**Granted by: Simon Edwards
Chair**

**Melissa Grace
Harward**

Digitally signed by
Melissa Grace Harward
Date: 2023.08.15
17:27:34 +12'00'

**Approved by: Melissa Harward
Secretary**

