

Decision number: 048/2021/HCDLC/205

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

AND

IN THE MATTER of an application by J. Gill
Enterprises Limited pursuant to
s.14 to 16 and 64 of the Act for an
On Licence renewal in respect of
premises situated at 66 Bloomfield
Terrace, Lower Hutt known as
"Jugnu's Little India"

BEFORE THE HUTT CITY DISTRICT LICENSING COMMITTEE

This is an application by J. Gill Enterprises Limited for an On Licence renewal in respect of premises situated at 66 Bloomfield Terrace, Lower Hutt, known as "Jugnu's Little India".

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

Pursuant to the Sale and Supply of Alcohol Act 2012, the application by J. Gill Enterprises Limited for an On Licence renewal is **granted** subject to conditions.

I am 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.

106 Considering effects of issue or renewal of licence on amenity and good order of locality

- (1) In forming for the purposes of section 105(1)(h) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to –
 - (a) the following matters (as they relate to the locality):
 - (i) current, and possible future, noise levels:
 - (ii) current, and possible future, levels of nuisance and vandalism:
 - (iii) the number of premises for which licences of the kind concerned are already held; and
 - (b) the extent to which the following purposes are compatible:
 - (i) the purposes for which land near the premises concerned is used:
 - (ii) the purposes for which those premises will be used if the licence is issued.

(2) In forming for the purposes of section 131(1)(b) an opinion on whether the amenity and good order of a locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew a licence, the licensing authority or a licensing committee must have regard to the following matters (as they relate to the locality):

- (a) current, and possible future, noise levels:
- (b) current, and possible future, levels of nuisance and vandalism.

131 Criteria for renewal

- (1) 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.
- (2) The authority or committee must not take into account any prejudicial effect that the renewal 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 Chair, 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 J. Gill Enterprises Limited for an On Licence renewal for the premises at 66 Bloomfield Terrace, Lower Hutt, trading as “Jugnu’s Little India”, subject to conditions.

The licence is approved for renewal until 21 June 2024.

Conditions:

The licence is subject to the conditions listed on licence no. 048/ON/0023/21

DATED at LOWER HUTT this 23rd day of June 2021

Simon
Edwards

Digitally signed by Simon
Edwards
Date: 2021.06.23
15:39:45 +12'00'

**Granted by: Simon Edwards
Chair**




**Approved by: Johanna Miller
Secretary**

MEMORANDUM



Our Reference 048/ON/0023/21

TO: The Secretary, District Licensing Committee

FROM: Himanshu Parekh, Licensing Inspector

DATE: 10 June 2021

**SUBJECT: Sale and Supply of Alcohol Act 2012
Application for On Licence renewal by J. Gill Enterprises Limited trading as Jugnu's Little India**

Current licence number: 048/ON/0035/18

Expiry: 21 June 2021

J. Gill Enterprises Limited applied on 19 May 2021 for the renewal of an On-Licence with respect to the premises situated at 66 Bloomfield Terrace, Lower Hutt, trading as Jugnu's Little India.

Type of Premises Weighting	Alcohol sales time weighting	Enforcement Weighting
ON-Licence-Class 3 Restaurant = 5	Latest licensed hour: 1am the following day = 0	0
Rating: 5	Category: Low	
Application fee: \$975.20	Annual fee: \$625.60	

No variation to the conditions of the current licence has been sought.

An inspection of the premises was carried out on 8 June 2021 and the following information was considered relevant to this application:

Hours of opening

The applicant does not seek a change to the current hours of operation. Trading hours under the current Licence are:

Monday to Sunday 11.00am to 1.00am the following day

These hours meet the requirements of the current Hutt City Local Alcohol Policy (HCLAP).

1. Premises

The premise is located at 66 Bloomfield Terrace, Lower Hutt and is zoned central commercial as per the current City of Lower Hutt District Plan.

The premises layout consists of an open plan restaurant with the counter, kitchen and amenities at the rear. Maximum number occupancy is 80.

The principal entrance is accessed from 66 Bloomfield Terrace, Lower Hutt.

An inspection of the premises with regard to CPTED principles revealed no issues or concerns regarding the design and layout of the premises.

The applicant has requested that the whole of the premises be designated as undesignated.