

Decision number: 048/2019/HCDLC/310

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

AND

IN THE MATTER of an application by Adag
Limited pursuant to s.136 of the
Act for a Temporary Authority
in respect of premises situated
at 139 Dowse Drive,
Maungaraki, Lower Hutt,
known as "Swagat India
Restaurant"

BEFORE THE HUTT CITY DISTRICT LICENSING COMMITTEE

Cr Margaret Cousins (Chair)
Ms Noeline Matthews (Member)
Ms Rachel Palu (Member)

This is an application by Adag Limited for a Temporary Authority in respect of premises situated at 139 Dowse Drive, Maungaraki, Lower Hutt, known as "Swagat India Restaurant".

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 Adag Limited 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 Adag Limited for a Temporary Authority for the premises at 139 Dowse Drive, Maungaraki, Lower Hutt, trading as "Swagat India Restaurant", subject to conditions.

The Temporary Authority is approved for three months, from 2 August 2019 to 2 November 2019.

Conditions:

The licence is subject to the conditions listed on licence no. 048/TA/0005/19

DATED at LOWER HUTT this 31st day of July 2019



A handwritten signature in blue ink, appearing to read "Margaret Cousins".

Granted by: Margaret Cousins
Chair

A handwritten signature in blue ink, appearing to read "Johanna Elizabeth Miller".
Approved by: Johanna Elizabeth Miller
Secretary