

Decision Number: 60E [2020] 5551

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

AND

IN THE MATTER OF an application by Mr Harpreet Singh for
a Manager's Certificate pursuant to
s.219 of the Act

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson Mr D.Blackwell QSM

Members Ms A.Keir

Mr P.Rogers. Mr Rogers retired from his role on the District Licensing Committee in December 2021 and Mr D. Ivory replaced him for the deliberations on this case

Present Mr Harpreet Singh, applicant

Ms A. Lavery, Licensing Inspector, CCC, in opposition
Constable G.Jolliffe, NZ Police to assist

Hearing at Christchurch on 23rd September 2020

INTRODUCTION

[1] Mr Harpreet Singh (the applicant) seeks a Manager's Certificate pursuant to s.219 of the Act. The application is opposed by the Inspector on the grounds that he failed the interview process on three occasions where he was questioned as to his knowledge of the Act. The Inspector also raised some concerns as to his current place of work. We are also aware that in his interview with the licensing team technical officer a note was made that his English language ability was poor. The New Zealand Police do not oppose the application.

[2] At the start of the hearing the Licensing Inspector raised a matter which had just come to her attention. Mr Singh was no longer working in the industry.

[3] Mr Singh advised the Committee that he had left his previous employment only about a week before because he thought a job as a driver had better prospects, without realising that it may affect his ability to get a manager's certificate. He said he was concerned for his visa application. He stated very clearly that he wanted to work in the liquor industry and intended to apply for positions, hopefully with a manager's certificate.

[4] Mr Singh told the Committee that he had been working in bottle stores for approximately one year (since August 2019), initially part-time approximately 20 hours per week, and then full-time since January 2020.

[5] The Committee, following questions from the Licensing Inspector, the Police and the Committee, felt that Mr Singh did have a reasonable knowledge of his requirements under the Act but did get confused with questions around supervised and restricted areas. In particular, when asked by the Inspector if a grandmother could enter a supervised area with a grandchild.

[7] There remained some concern that Mr Singh is no longer working in the industry and the Committee is mindful of the following case law:

In *Re Kerslake* [2015] NZARLA 317, the Authority held, at [11]:

“It is clear from this decision that the Authority expects that applicants for a manager’s certificate will be, at the very least, currently employed in the industry and generally be able to indicate the position which they will take up if the certificate is granted. Mr Kerslake fails on this ground as well.”

[8] The Committee, via a minute dated October 1st 2020, indicated that it was inclined grant the application if it was satisfied that Mr Singh was working in the industry or had a position to go to. In fairness to Mr Singh, rather than decline the application, the Committee resolved to adjourn the hearing until January 20th 2021. If before that date Mr Singh could supply evidence that he is again working in the industry or has a position to go to in the industry then the application could be determined in light of that additional evidence.

[9] As at today, 18th February 2021, no further evidence has been supplied by Mr Singh.

DECISION

[10] For the reasons outlined above the application by Mr Harpreet Singh for a Manager’s Certificate under the Sale and Supply of Alcohol Act 2012 is declined.

DATED at Christchurch this 18th day of February 2021



D.L.Blackwell, oSM
Chairperson
Christchurch District Licensing Committee