

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012 ("the Act")

A N D

IN THE MATTER

of an application from **Jatinkumar Nanubahi Patel** pursuant to s219 of the Act for a new Managers Certificate

Decision 212/2025

BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE

Chairperson: Commissioner Ross Brannigan
Members: Mr Mike Lepper
Mr Martyn Slade

HEARING at Levin on 31 March 2026.

APPEARANCES

- (a) Mr Jatinkumar Nanubahi Patel – Applicant
- (b) Ms Maddy Brownlee, Duncan Cotterill – Applicant Legal Counsel
- (c) Ms Zoe Nathan, Duncan Cotterill – Applicant Legal Counsel
- (d) Ms Sarah Thompson, Innovative Hospitality – for the Applicant
- (e) Senior Constable Scott Harvey - Alcohol Harm Prevention Officer, NZ Police
- (f) Ms Jill Job – Public Health
- (g) Ms Hayley Smith – Alcohol Licensing Inspector

RESERVED DECISION OF THE DISTRICT LICENSING COMMITTEE

1. Introduction

- 1.1 This decision relates to an application by Jatinkumar Nanubahi Patel for a Manager's Certificate.
- 1.2 The application was filed on 22 August 2025, with the hearing held on 31 March 2026. The hearing date co-ordinated with parties as submitted by joint memorandum submitted 19 December 2025.
- 1.3 The applicant Mr Patel is one of the directors for Mahul Enterprises Limited who is the applicant for an alcohol off-licence application being heard by the Committee alongside this application in respect of the premises located at 84 Oxford Street Levin, and trading as Super Save Levin.
- 1.4 This is Mr Patels first application for a Managers Certificate in the Horowhenua, having previously held a Managers Certificate in 2017.
- 1.5 The application was opposed by NZ Police (Senior Constable Scott Harvey, Alcohol Harm Prevention) and the Alcohol Licensing Inspector for reasons relating to the applicants' recent experience in the industry, more specifically the lack of recent experience.

2 Reporting agencies

- 2.1 The NZ Police opposed the application based on the applicant's lack of recent experience working within the alcohol industry.

- 2.2 The Alcohol Licensing Inspector also opposed the application. In her written report Ms Smith stated, *“It is my opinion that a period of at least 6 months’ recent experience in a currently licensed premises would provide greater assurance of their [Mr Patel] capability under today’s compliance expectations before taking full responsibility in a new operation.”*

3 Committees Decision

- 3.1 When considering a Managers’ Certificate, the matters the committee must consider are contained in section 222 of the Act:

3.1.1 *The applicant’s suitability to be a manager;*

- i. The Committee considered the applicant’s suitability. The Committee noted the evidence of the Alcohol Licensing Inspector that the applicant responded to all interview questions relating to the Manager’s Certificate competently and without concern.
- ii. The Committee is satisfied that the applicant is a suitable person to hold a Manager’s Certificate.

3.1.2 *Any convictions recorded against the applicant*

- i. There are no recorded convictions.

3.1.3 *Any experience, in particular recent experience, that the applicant has had in controlling any premises for which a licence was in force;*

- i. The Committee considered the applicant’s experience in controlling a licensed premises, with particular regard to the recency and relevance of that experience, and with reference to relevant case law which emphasises the importance of recent, hands-on experience.
- ii. In applying this provision, the Committee has assessed whether the applicant has sufficient recent and relevant practical experience to effectively control a licensed premises, particularly in a context where a greater degree of autonomy is required.
- iii. The Committee considered the context in which the applicants’ experience was gained, and whether it demonstrates the ability to carry out the responsibilities of a duty manager in practice.
- iv. It was noted by the Committee that the applicants experience has been in a supermarket environment, where licensed activities are undertaken in a structured setting and with a higher degree of oversight and support. The Committee considers this differs materially from the proposed smaller grocery establishment, where the duty manager is required to exercise a greater degree of independence.
- v. Additionally, the Committee has concerns regarding the lack of recent experience in a role involving the control of licensed premises, particularly in a setting comparable to the newly established, smaller premises proposed in this application, where the level of support is likely to be more limited and the duty manager is required to exercise a greater level of independent judgement and control.
- vi. In these circumstances, the Committee has reservations as to whether the applicant’s experience demonstrates sufficient recent, hands-on control of licensed premises in a comparable environment.

3.1.4 Any relevant training, in particular recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification required under section 218;

- i. The Committee considered the applicant's training and qualifications. The Committee is satisfied that the applicant holds the prescribed qualification required under section 218, namely the Licence Controller Qualification (LCQ).
- ii. The Committee also notes that the applicant demonstrated a sound understanding of the responsibilities associated with holding a Manager's Certificate, as reflected in the evidence of the Alcohol Licensing Inspector.
- iii. The Committee is satisfied that the applicant meets the training and qualification requirements under the Act.

3.1.5 Any matters dealt with in any report made under section 220;

- i. The NZ Police and the Alcohol Licensing Inspector opposed the application on the grounds of the applicants' recent experience operating within the alcohol industry.
- ii. The Committee considered the report of the Alcohol Licensing Inspector prepared under section 220, along with the matters raised by New Zealand Police.
- iii. The Committee noted that neither the Alcohol Licensing Inspector nor NZ Police raised concerns regarding the applicant's character or general suitability. The Committee also noted the Licensing Inspector's evidence that the applicant demonstrated a sound understanding of the responsibilities associated with holding a Manager's Certificate.
- iv. However, both the Licensing Inspector's report and the NZ Police opposition identified concerns regarding the applicant's level of experience, particularly the lack of recent, hands-on experience in controlling licensed premises.
- v. The Committee has placed weight on these concerns, which align with its own assessment of the applicant's experience, and has taken them into account in determining the application.

4 Decision

- 4.1 According, the District Licensing Committee, having read the application and the submissions and reports filed by parties, and having listened to the submissions during the hearings process, and having taken particular note of the criteria for a Manager's Certificate set out in section 222 of the Act, including the applicant's experience in controlling licensed premises, declines the application by Jatinkumar Patel for a Manager's Certificate.
- 4.2 The Committee noted that should the applicant obtain further recent and relevant experience in the control of licensed premises, any future application would be considered on its merits.

DATED at LEVIN this 19th day of May 2026.



**R J Brannigan
Commissioner**