

IN THE MATTER

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

A N D

IN THE MATTER

of an application from **TARANPREET
SINGH** pursuant to s219 of the Act for
a new Manager's Certificate
Decision 25/2017

BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE

Chairperson: Cr Ross Brannigan
Members: Mr Philip Comber
Mr Allen Little QSM,JP

HEARING at Levin on 28 February 2017

APPEARANCES

- (a) Mr Taranpreet Singh – Applicant
- (b) Mr Dan Nelson – In support of applicant
- (c) Ms Kathryn Pulley, Liquor Licensing Inspector – In opposition
- (d) Senior Constable Simon Carter, NZ Police – In opposition
- (e) Ms Della Saunders, Police Witness

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. Introduction

- 1.1 This decision relates to an application by Taranpreet Singh for a New manager's certificate.
- 1.2 The application was filed on 21 December 2016, which falls into the period between 20 December 2016 and 15 January 2017 which were not classed as working days under Section 5 of the Sale and Supply of Alcohol Act 2012.

2. Reporting agencies

- 2.1 The application was opposed by NZ Police, by letter on 31 January 2017 on the basis of suitability of the applicant – due to a lack of relevant industry experience.
- 2.2 Council's Liquor Licensing Inspector opposed the application on 8 February 2017 due to questions around the expiry date of the applicant's work visa in relation to the "duration of a managers' certificate".
- 2.3 There was no opposition from the Medical Officer of Health.

3. Considerations of Section 222 matters

3.1 *The applicant's suitability to be a manager;*

Mr Singh presented letters and a petition of support from patrons of Sels Bar, the premises he is currently working at. The letters were received by the committee.

In addressing the issue of suitability, Senior Constable Carter informed the committee about an incident where Mr Singh had been stopped by NZ Police on 31 January 2017 operating an unregistered and unwarranted motor vehicle and Mr Singh himself was an unlicensed driver and was subsequently forbidden to drive. Senior Constable Carter expressed concerns that Mr Singh's lack of compliance with traffic rules could reflect behaviours that could be carried through to the operation of a licenced premises.

Mr Singh acknowledged the incident and gave his apologies. Mr Singh told the committee that he had learnt a hard lesson from the incident; he had received a hard fine and was no longer operating a motor vehicle.

3.2 *Any convictions recorded against the applicant;*

The applicant is not known to have any previous convictions.

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

Mr Singh worked as a waiter in a licensed Indian Restaurant in Havelock North for over a year. Mr Singh left that position to take up a role at Sels Bar in Levin in October 2016. When Mr Singh started working at Sels bar he was working under the direct supervision of duty managers Mr Narinder Singh and Ms Della Saunders, who both no longer work there. Since 1 January 2017, Mr Singh has been working as a temporary manager without direct supervision.

Senior Constable Carter opposed the application on the basis of lack of experience of the liquor industry. This was supported by a statement from Ms Saunders regarding her concerns about Mr Singh's lack of knowledge due to his limited experience in the industry, particularly in a sole charge role.

3.4 *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*

The applicant completed a Licence Controller Qualification (LCQ), on 22 August 2016.

The training Mr Singh had received from Ms Saunders was discussed. Ms Saunders expressed her opinion that during the training Mr Singh showed that his English comprehension was not the best and that in some cases he didn't appear to understand what he was being taught.

Members of the committee queried what level of support was available to Mr Singh if he was experiencing issues in the premises, given that he has been working on his own as a temporary manager. Mr Singh told the committee that there is another lady who works on the premises as the duty manager in the mornings and that he can contact her if he has any questions about what to do.

The Liquor Licensing Inspector queried how often the licensee visits the premises. Mr Singh said that the owner visits two or three times a week and is also available to ask questions of if the morning duty manager isn't available to help him.

3.5 Any matters dealt with in any report made under Section 220;

Liquor Licensing Inspector, Kathryn Pulley was opposed to the application on the grounds that the applicant's work visa expires on 18 October 2017, which is not consistent with the duration of a Manager's Certificate under section 223 of the Sale and Supply of Alcohol Act 2012.

Mr Singh informed the committee that he intends to apply for an extension to his work visa, and if the visa is denied he will have to leave the country.

4. Decision

4.1 The committee noted the letters and petition from patrons of Sels Bar in support of the applicant; however this had no bearing on the final decision.

4.2 Although the expiry date on Mr Singh's work visa was a matter of concern to the committee, it also had no bearing on the final decision.

4.3 Based on the evidence presented by Mr Singh, Senior Constable Carter and Ms Saunders, the committee was not satisfied that Mr Singh has sufficient experience of working in the liquor industry. The Committee was of the opinion that Mr Singh needs to gain more experience of working in the industry in a role where he will be under the supervision of a suitably qualified duty manager to enable him to develop appropriate skills.

4.4 Accordingly the decision of the Committee is to decline Mr Taranpreet Singh's application for a Manager's Certificate.

DATED at LEVIN this 3rd day of March 2017.



R J Brannigan

Chairperson



