

IN THE MATTER of the Sale and Supply of Alcohol
Act 2012 (“the Act”)

AND

IN THE MATTER of an application by **Avtar SINGH**
pursuant to s.219 of the Act for
the grant of a Manager’s
Certificate

HEARING BEFORE THE FAR NORTH DISTRICT LICENSING COMMITTEE

Members: Mr Murray Clearwater (Chairperson)
Mr Martin Macpherson (Member)
Mr John Thorne (Member)

HEARING at **Kaikohe** on 25 July 2024

APPEARANCES

Mr Avtar Singh (applicant)
Mr. Steve Ericksen – Far North District Alcohol Licensing Inspector – in conditional
opposition

ORAL DECISION OF THE COMMITTEE

INTRODUCTION

1. This is an application by **Avtar Singh** for a manager’s certificate.
2. The applicant has previously been employed in supermarkets and claimed that he was the ‘Liquor Manager’ at two New World Supermarkets between 2012-2019. He obtained the LCQ in 2021.
3. The Police reported with no matters of opposition.
4. The Licensing Inspector reported on the application and supported the granting of the Certificate but was concerned about his lack of recent experience and that he wasn’t currently working in licensed premises.
5. Consequently, the Committee set the matter down for hearing to enquire into the applicant’s plans to get into the licensed hospitality industry and to hear his response to our statement in our Minute of 9 July 2024 that new manager’s certificates could not be issued in a vacuum.

EVIDENCE OF THE APPLICANT

6. Mr Singh appeared before us and spoke to his written statement about his work history and his plans to turn his dairy shop into a licensed café.
7. He became quite emotional whilst he told us about his business successes and failings and the debt load he was carrying.
8. He believed that a licensed café would be a profitable business and he needed a manager's certificate to operate that café.
9. He was subjected to questions from the Committee during which he conceded that he had never held a Manager's Certificate, nor had he assessed anyone for intoxication. He had never asked anyone for ID during an alcohol purchase but had asked for ID for cigarette and vape sales in his dairy shop.

THE LAW

Section 222 Criteria for manager's certificates

In considering an application for a manager's certificate, the licensing committee or licensing authority, as the case may be, must consider the following matters:

- (a) the applicant's suitability to be a manager:
- (b) any convictions recorded against the applicant:
- (c) **any experience, in particular recent experience, that the applicant has had in controlling any premises for which a licence was in force:**
- (d) 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](#):
- (e) any matters dealt with in any report made under [section 220](#).¹

REASONS FOR THE DECISION

10. There are three potential options open to the Committee. Grant the certificate now, adjourn the application for a period of time for the applicant to gain the necessary experience and employment in licensed premises, or to refuse the application.
11. We took extra time to explain to Mr Singh that the Committee is unable to grant a manager's certificate in a vacuum just to be added to his CV. The Alcohol Regulatory Licensing Authority (ARLA) has been very clear that new manager's certificates are for people **working in the industry**, and not to those hoping to enter the hospitality industry.

¹ Sale and Supply of Alcohol Act 2012 section 222

12. When deciding what the appropriate outcome should be, the DLC is bound by precedent decisions of the higher authorities.
13. In Susong Gao LLA 973/2008² the Authority said “It ***has been explained to Mr Gao that General Managers' Certificates are not issued in a vacuum and that the holder of a General Manager's Certificate is expected to have employment in the industry and the support of an employer.***”
14. It eventually became clear to Mr Singh that his application was premature and could not be granted at this time.
15. There was no need to hear from the Inspector as Mr Singh lacked the necessary experience working in licensed premises and performing the tasks required of the Duty Manager such as assessing intoxication.
16. More importantly he had no immediate association with licensed premises.

DECISION

17. The Far North District Licensing Committee, acting pursuant to Section 221 of the Act, **refuses** an application made by **Avtar Singh** for a Manager's Certificate.
18. As we told Mr Singh at the hearing our finding was not infinite and there would be no reason why he could not apply again in the future once he has suitable experience in managing licensed premises. We wish him the best of luck for the future.

DATED at Kaikohe this 1st day of August 2024



Murray Clearwater
Chairperson/Commissioner
Far North District Licensing Committee



² Susong Gao LLA 973/2008