

Decision No. 60A [2017] 2539

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012.

AND

IN THE MATTER

of an application by **Gursahib Singh Atwal** for a Manager's Certificate pursuant to s. 221 of the Act.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: **Mr P R Rogers**
Members: **Messrs A Lawn and G Buchanan**

Hearing: Committee Room 2, Christchurch City Council Offices on the 11th day of October 2017.

[1] This is a decision concerning an application made on the 27 May 2017 for a new Manager's Certificate by **Gursahib Singh Atwal**. The applicant completed his Licence Controller Qualification (LCQ) course on 12 May 2017.

Background

[2] On 29 May 2017 the applicant was sent a letter advising him to make contact to arrange an appointment for his interview with the Council. He contacted the Alcohol Licensing Team and advised he no longer worked at Moorhouse Pak n Save nor was he working in the industry at present.

[3] The Inspector, Anneke Lavery spoke to the applicant on the 4th September 2017 and he advised he was working at Domino's Pizzas and that he intended to stay with the company as they are assisting him with his work visa documentation.

[4] He was asked if he intended to seek work in the industry and continue with his application, he advised the Inspector that he could not obtain work in the industry as he doesn't have a manager's certificate and he would continue to stay working at Domino's Pizzas.

[5] The applicant requested that the Inspector hold his application in the meantime, but as the applicant was not able to supply any time frames for this the Inspector had recommended that the application be heard and determined by the Committee.

[6] A notice of Hearing was sent out to the applicant advising a Hearing would be held at 10.30 am on the 11 October 2017 at the Council Offices at 53 Hereford Street, Christchurch, to determine his application.

Hearing

[7] On the 11th day of October 2017 a Hearing was convened at 10.30 am and the applicant attended and gave evidence.

[8] The applicant gave evidence that he arrived in New Zealand in December 2014 on a study visa; he enrolled at the Royal Business College and completed two levels, 5 and 6 of a business course. The study visa allowed him to work part time which he did from September 2015 as a night fill person at Pak N Save Moorhouse, Christchurch. On 5 June 2016 he obtained a full work visa and worked full time as a forklift driver until June 2017 when he left to work at Domino's Pizza's, Kaiapoi. This was on the basis that Domino's would help him with his immigration visa. His current visa expires on 2 November 2017. He has reapplied and is hoping to get an extension. He thought it should be granted within two to three weeks of the Hearing.

[8] His reason for applying for a manager's certificate is that he thought it would be helpful if he was to obtain work in the alcohol industry and also it would assist him with his visa application.

[9] The applicant, as part of his application had produced a letter from Sukhwant Singh, director of Boteco Café and Restaurant, Christchurch, the letter explained the applicant had worked as a volunteer at the restaurant from August 2016 until February 2017 with a comment from Mr Singh that he would recommend him for a manager's certificate.

[10] The applicant said that if he is successful with his application for a visa, it would be either an open visa, in other words not tying him to working at Domino's, or if it is a closed visa then he can only work at Domino's. The Committee notes that Domino's Pizzas is not a licensed premise, meaning that he could not use this as work experience within the alcohol industry to support his application for a manager's certificate.

[11] The applicant gave evidence that he had visited the Alcohol Licensing Office and spoken to one of the staff where he admitted that he was not currently working in the industry. He alleged that he asked the staff member to hold his application open for 6 months to see how things worked out with his visa and if he was able to get a job in the industry. He thought this was where the matter would be left.

[12] After hearing the evidence the Committee took the view that the best option was to see if the applicant was successful in obtaining an extension to his work visa. Depending on the type of work visa he was issued he could then choose whether to try and seek a job in the industry.

Decision

[13] Accordingly the Committee's decision was to adjourn the Hearing until Tuesday, 1 February 2018 at which time the matter could be revisited.

DATED this 17th day of October 2017.

A handwritten signature in blue ink, appearing to read 'M. Rogers', is written over a light blue rectangular stamp.

Chairperson
Christchurch District Licensing Committee