

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by **SATNAM SINGH MANN** pursuant to s.118 of the Act for a General Manager's Certificate

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge E W Unwin
Member: Ms J D Moorhead

HEARING at AUCKLAND on 23 October 2009

APPEARANCES

Mr D G Scott – agent for applicant
Mrs C Veza – Auckland District Licensing Agency Inspector – in opposition

ORAL DECISION OF THE AUTHORITY

[1] This is an application by Satnam Singh Mann for a General Manager's Certificate. The application was filed with the Auckland District Licensing Agency on 12 June 2009.

[2] Mr Mann is just 19 years of age. He was born in July 1990 and came to New Zealand from India, arriving in February 2009. He came to study at the Auckland Institute of Science. He obtained part-time employment with his cousin at LP Liquor Limited, in Glen Innes trading as "LP Liquor". After receiving training and following the filing of his application, he has been appointed from time to time as a temporary manager.

[3] His work permit, which lasts until 31 March 2010, only allows him to work for up to 20 hours a week. It seems that he has worked as a temporary manager for that period of hours up to six days a week.

[4] The application was opposed after Mr Mann had been interviewed by the District Licensing Agency Inspector. The interview process is necessary to enable the Inspector to ascertain whether the applicant has a good knowledge of the Act and particularly his legal responsibilities under the Act. The interviews that took place in July 2009 were not successful. The Inspector believed that Mr Mann would not be a suitable person to hold the certificate.

[5] In the event Mr Mann received further training and assistance particularly from Mr Greame Scott, a licensing consultant. As a result Mr Mann was able to display a good knowledge of his responsibilities to the Act in the context of the public hearing. In particular he referred to prohibited persons and the fact that on a number of occasions each week he declines service to the occasional intoxicated person, and more often to those who appear to be under the age of 25 and have no identification.

[6] We understand that Mr Mann has completed the Licence Controller Qualification although no copy has been delivered to the Agency. Despite that qualification we have had instances where persons have still not had an adequate knowledge of the Act sufficient to make them satisfactory managers. It is important to keep standards as high as possible so that eventually the Act's object can be achieved.

[7] In this case Mr Mann has given an undertaking that if a certificate is issued it will only be valid until the expiry of his current visa on 31 March 2010, unless that visa or permit is extended. Furthermore he has undertaken that if granted a manager's certificate, it will only be used while controlling the premises known as "LP Liquor" for the first probationary year. Those are solemn undertakings and any breach would result in an immediate application for cancellation of the certificate.

[8] In those circumstances we are satisfied now that the criteria under s.121 of the Act have been established. However, the application cannot be granted today because of the absence of a copy of the Licence Controller Qualification.

[9] Accordingly the application is adjourned for a period of three months. Provided a copy of the qualification is filed with the Agency within that time then the application will be granted on the papers, subject to the undertakings that have been given.

DATED at WELLINGTON this 3RD day of December 2009

B M Holmes
Deputy Secretary