

**Decision No. 60B [2020] 4412**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012.

**AND**

**IN THE MATTER**

of an application by **Akshaye Kohli** 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: **Ms H White and Mr R Wilson**

Hearing: Christchurch City Council building on the 8 July 2020.

[1] This is a Hearing concerning an application for a new Manager's Certificate by **Akshaye Kohli**. The application was received on 25 November 2019 with the required documentation.

[2] The Inspector has sought to have this matter heard by a full Committee on the grounds of suitability, pursuant to s. 222(a) and (c) of the Act, as a result of alleged inconsistencies in his work experience history.

[3] The applicant was represented by counsel, Mr Egden. Mr Kohli, gave evidence reading from a prepared brief. The applicant stated he was in New Zealand initially on a student visa from 2013. He had been studying project management and on qualifying started to look for career opportunities in the alcohol industry. He had found work on the student visa, as he was allowed to do, and later obtained a work visa.

[4] He enquired at the Warrington Liquor Centre if he could gain work experience there. He spoke to the manager Mr Singh, who in turn spoke to the owner who agreed as long as it was clear it was just for work experience and he would not be working there. Mr Singh spent a lot of time teaching him what was involved in running a liquor store.

[5] The applicant said he had been at the store sometimes as much as 25 hours a week but after he got a full-time job as a manager at Burger King his visits got less frequent. He repeated he never expected to be paid for the time at the store and it was made very clear to him he was not an employee.

[6] Under cross-examination he confirmed there may have been some confusion as to what he told the person at the interview assessment, but he was very clear his time at the bottle store was voluntary. It was put to him why work if not paid and he replied he was looking to get experience he was not working, not stocking shelves and the like. He agreed the recent experience was only the 3 weeks at the time of the interview. He was asked, was he aware of the interest in employees being exploited in the industry and replied, no.

[7] Mr Singh then read from a prepare brief. He confirmed he was the manager at the Warrington Liquor Centre and that in 2016, Mr Kohli had come into the store seeking work experience. He consulted with the owner Mr Kumar and it was agreed that it was to be practical training not paid work. Mr Kohli was not allowed to work on his own and he would have to call the previous day to see if it was alright for him to come in. It was his choice as to whether he came in or not as long as it suited the manager.

[8] In reply to a question from the Committee Mr Singh relied that Mr Kohli was just there to watch; he could not force him to do anything.

[9] Rajneesh Kumar read from a prepared brief and confirmed he was director of Moudgill Holdings Limited and holder of the Off-licence for Warrington Liquor Centre. He relayed being contacted by Mr Singh concerning Mr Kohli coming into the store for work experience. He agreed on the basis it would be only work experience and not a paid job. Mr Kumar said he was fully staffed at the time and there were many qualified and experienced people looking for work.

[10] Mr Kumar said that although he lives in Auckland, he is very involved in the management of the liquor store and confirmed employing Mr Kohli on a fulltime basis at Warrington Liquor Store since November 2019.

[11] In a brief closing submission, the Inspector said he now understood the situation and that the questions he had were around the question of 'recent experience'. As he had been working as a manager since November 2019, it was now a moot point as clearly the applicant now has sufficient work experience and there was no evidence, he was not suitable.

[12] Counsel made brief closing submissions and questioned the need for the Hearing to have been held and all. He put it to the Committee that from the evidence Mr Kohli had the relevant work experience.

## Decision

[13] The Committee found that the applicant had shown that he did have sufficient work experience having worked fulltime since November 2019. The delay in this matter proceeding to a Hearing had been out of everyone's control due to the Covid-19 pandemic.

[14] It was important that the matter was heard, as the suitability of the applicant under s. 222(a) and (c) of the Act, covers a number of areas and recent work experience is just one. While the Inspector raised the matter of whether the applicant was in New Zealand on the correct visa at the time the, Committee did not see that impacted in his suitability to hold a Manager's Certificate.

[15] The Committee is mindful that there have been a number of cases in New Zealand of employees in bottle stores being underpaid and or claiming to have been 'working' at the premises on a voluntary basis. This can be a form of exploitation and if true would affect the suitability of the applicant if they were in some way complicit in this happening. The Committee is satisfied that this is not the case in this instance.

[16] The decision of the Committee is that this application be granted.

**DATED** this 16 July 2020.

A handwritten signature in blue ink, appearing to read 'P R Rogers', is written over a light blue horizontal line.

P R Rogers  
Chairperson  
**Christchurch District Licensing Committee**