

Decision Number: 60E [2021] 8373

IN THE MATTER OF the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF an application by **Keshav Singh Jaswal**
for a **Manager's Certificate** pursuant to
section 219 of the Act

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Hearing: 6 August 2021 (at Christchurch)

Committee

Chairperson: Mr D.L.Blackwell, QSM

Members: Mrs M.S. Redstone,JP
Miss L. Shields

Appearances: Mr Keshav Singh Jaswal, the Applicant
Senior Constable Graeme Jolliffe, New Zealand Police, to assist
Ms Nikki Anderson, Licensing Inspector, to assist

Decision: 5 November 2021

RESERVED DECISION OF THE COMMITTEE

ON APPLICATION FOR MANAGER'S CERTIFICATE

[1] This is an application by **Keshav Singh Jaswal** ('the applicant') for a Manager's Certificate pursuant to section 219 of the Sale and Supply of Alcohol Act 2012 ('the Act').

[2] The District Licensing Committee ('DLC') heard the application from **Mr Jaswal** on 6 August 2021 and adjourned the hearing until not earlier than 8 November 2021 to enable the applicant to gain more experience working in a bottle store¹. Both the Licensing Inspector and the New Zealand Police had recommended the application be heard by way of a public hearing.²

¹ Minute 9 August 2021.

² Inspector's Report dated 10 June 2021 and Police Report dated 27 May 2021.

[3] On Saturday 15 May 2021 the tri-agencies conducted a minors controlled purchase operation (CPO) on a number of premises in the Christchurch District including on Henry's Wairakei Road Bottle Store. The applicant was serving on the till when he sold to minors acting in the CPO and thus failed the test.

[4] At the hearing Mr Jaswal told the Committee that he was in his second week at Henry's Wairakei Road, still working part-time under a duty manager's supervision, when he served a minor by mistake. He said it was a very busy time in the store and he takes full responsibility for his mistake. He said he has learnt a big lesson from the incident.

[5] Mr Jaswal said since the incident he had revised his LCQ training and had also completed some courses and training recommended by Foodstuffs. He was placed on an improvement plan by his employers which has helped him in his decision making.

[6] The Committee, following questions from the Licensing Inspector, the Police and the Committee, felt that Mr Jaswal did have a reasonable knowledge of his requirements under the Act but quite clearly he lacked the experience needed to hold a manager's certificate.

[7] The Licensing Inspector has supplied a supplementary report dated 2 November 2021, outlining a recent visit to Mr Jaswal's place of work and a subsequent discussion with him.

Inspector's comments

"I subsequently report the following to the committee: On Friday 1 October 2021 I attended the applicant's place of work, Henry's bottle Store at 289 Wairakei Road, Christchurch. I spoke with Keshav who was the duty manager working alone at the premise at the time of the visit. Keshav advised me that he has been working full time, approximately 45 hours a week, at the premises since he got his work visa on 14 June 2021. Keshav confirmed these hours by way of producing a copy of the roster which I can confirm had him working full time at the premises. Keshav advised that his confidence had grown since he attended the hearing, he advised he had no issues or concerns when asking customers for ID or assessing customers for signs of intoxication. This was demonstrated when he refused service to a male who appeared influenced by alcohol whilst I was at the premises. Keshav used the SCAB tool to assess the male and subsequently refused the sale. I also witnessed the applicant requesting a number of customers to produce a valid ID prior to serving them".

Further in the Inspector's report she says:

"The applicant now has approximately 5 months experience working full time coupled with the part time experience detailed above (in the Inspector's report). I have spoken with police and they have no concerns to raise in relation to this application"

[8] The Committee is now satisfied Mr Jaswal has sufficient experience to hold a Manager's Certificate.

[9] Having regard to the matters in section 222 of the Act we believe the applicant holds the required qualifications and experience, and is of a suitable character, to hold a Manager's Certificate.

[10] We grant the application. The certificate may issue immediately for a period of 12 months.

DATED at CHRISTCHURCH this 5th day of November 2021



David Blackwell, QSM

Chairperson

Christchurch District Licensing Committee