

Decision N° **MC0960-2017**

In The Matter

of the Sale and Supply of Alcohol Act 2012

And

In The Matter

of an application by **Sagar Bhartkumar Panchal** for the renewal of a manager's certificate pursuant to s.224 of the Act.

Before The Kaipara District Licensing Committee

Chair: Mr Mark Farnsworth

Members: Mr Gordon Lambeth and Mr Mark Vincent

In Attendance: Democratic Services Manager: Sean Mahoney
General Manager Planning and Regulatory: Fran Mikulicic
Regulatory Manager: Dean Nuralli
Chief Licensing Inspector: Rachel Sheppard

Decision (from the hearing)

This is an application for the renewal of a manager's certificate to **Sagar Bhartkumar Panchal**.

The District Licensing Committee notes that the applicant is currently working in the licenced premises known as Dargaville Four Square, 111 Victoria Street, Dargaville, Kaipara District.

The application was made under s.224 of the Sale and Supply of Alcohol Act 2012 and determined by the District Licencing Committee under s.226 of the Act.

The application was referred to the Police and Inspector for comment and was opposed by both parties respectively due to a failed Controlled Purchase Operation (CPO) undertaken on 13 August 2016. The applicant was the manager on duty at the licensed premises at the time of the CPO.

As a consequence, an enforcement application has been filed by the Police with the Alcohol Regulatory Licensing Authority (ARLA) seeking the suspension of the certificate.

In accordance with normal practice concerning first offenders, Police and the Inspector have offered the applicant an opportunity to deal with the enforcement application by way of a negotiated 28 day suspension of his Manager's certificate.



The reports from the Licensing Inspector and the Police oppose the application for the renewal of the certificate until such time as the enforcement action application has been determined by ARLA and that the full term of any suspension imposed by ARLA is served.

Section 203(3) of the Act provides that opposed applications be heard publically and before the full District Licensing Committee. Section 204 provides for the right of certain persons to appear in proceedings.

Option A: Grant the application

Option B: Decline the application.

Option C: Place the application on hold.

Having taken all matters into consideration, the District Licensing Committee conclude that the renewal application be placed on hold until the Police enforcement application currently before the Authority is determined.

Dated at Dargaville this 20th day of January 2017



Mark Farnsworth MNZM

Chair

Kaipara District Licensing Committee

