

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by KANU RANCHOD pursuant to s.118 of the Act for a General Manager's Certificate

BEFORE THE LIQUOR LICENSING AUTHORITY

Quorum:

Deputy Chairman: Judge F G Paterson
Member: Mr J W Thompson

HEARING at WELLINGTON on 21 October 1998

APPEARANCES

Mr K Ranchod - applicant in person
Sergeant C C McGillivray - NZ Police - in opposition
Miss G Bareta - Wellington District Licensing Agency Inspector - in support

DECISION

This is an application by Kanu Ranchod pursuant to s.118 of the Act for a General Manager's Certificate.

The application was opposed by the Police on the grounds that the applicant was convicted of driving with an Excess Blood Alcohol on 14 April 1997. The blood alcohol level recorded was 121 mgms/litre of blood.

Miss Bareta, a Wellington District Licensing Agency Inspector, recommended that Mr Ranchod's application be granted. The matter was set down for a public hearing.

At the hearing Mr Ranchod told us he is 46 years of age, married with three children. He has been self-employed, worked as Produce Manager in a supermarket and as a supervisor for a courier firm. He was also employed at the Automobile Association. For the last year he has been a trainee manager in licensed premises in Wellington. His employer, Mr Suresh Dayal, an experienced licensee who has interests in several licensed premises, said of Mr Ranchod, in a testimonial which reads, in part:

*" Kanu has been trained in all areas of our business and thoroughly enjoys his work.
Kanu is a natural tidy person as he has shown us. He is always looking for ways to
improve our business, which is every employer's dream.
Kanu is a very popular person with both patrons and other staff and managers.*



Kanu comes from a solid background, having been in business and has a family of three children who have a lot of respect for their elders. This is a credit to Kanu and his wife and shows the character of such an individual as a family man.

Kanu has shown me that he is not only a very capable bar manager but is very responsible person.

I know he regrets his conviction for DIC and has learnt a great lesson over the past year. Kanu relates to the offence everyday and has passed on the message to patrons and friends, regarding drink driving.

Knowing and employing Kanu over the past year I can guarantee that he is a responsible person to hold a managers certificate and will ensure that the provisions of the Act relating to the sale of liquor to prohibited persons are observed."

Miss G Bareta supported the application. She said he tested well in his knowledge of the Sale of Liquor Act:

"During the course of an interview Mr Ranchod communicated to me that the Excess Breath Alcohol conviction was a regrettable offence which he realised had implications for his livelihood. Mr Ranchod undertook a New Zealand Salvation Army Bridge Programme Drug & Alcohol Dependency Test at Newtown Medical Centre on 15 April 1998. The results show the applicant does not have a alcohol dependency problem. ...

In G L Osborne LLA Decision 2388/95, the Authority indicated that in the case of 'isolated excess breath/blood alcohol' convictions it would commonly look for a two year period free from convictions and favourable reports from Police and Licensing Inspectors. A period of 18 months has passed since the date of conviction 14 April 1998. (sic)

As Inspector my recommendation is that Mr Ranchod be given the opportunity to demonstrate his commitment to being a responsible manager of licensed premises."

In the medical report referred to the counsellor stated that "Mr Ranchod presents with a responsible mature attitude".

Sergeant McGillivray, in submissions on behalf of the Police, also cited our Decision 2388/95 and added "as the applicant has gained no further convictions during the past 17 months Police request that the applicant's suitability be considered in terms of the ... facts".

Having heard the evidence adduced during the hearing Sergeant McGillivray told us, in final submissions, that if we decided in Mr Ranchod's favour "the Police would not be unfavourably disposed".

Conclusion

In considering a General Manager's Certificate application, the Authority is directed by SF21(1) of the Act to have regard to:

- "(a) The character and reputation of the applicant:
- (b) Any convictions recorded against the applicant:
- (c) Any experience that the applicant has had in managing any premises or conveyance in respect of which a licence was in force:



- (d) *Any relevant training that the applicant has undertaken and any relevant qualifications that the applicant holds:*
- (e) *Any matters dealt with in any report under section 119 of this Act."*

We accept that an excess blood alcohol conviction warranted Police opposition to the applicant. We also note that having heard the evidence at the hearing Sergeant McGillivray was not rigorous in pursuing that objection.

Miss Bareta was firm in her belief that Mr Ranchod is a suitable person to hold a General Manager's Certificate, despite the conviction.

We also have the unequivocal endorsement by Mr Ranchod's employer who has, as we noted, extensive experience in the management of licensed premises.

There is also the addiction counsellor's report which positively states that Mr Ranchod does not have a problem with alcohol.


Having regard to the evidence, we have decided to exercise our discretion in favour of Mr Ranchod. He should be aware, though, that a District Licensing Agency Inspector or the Police may apply at any time to suspend or cancel his Manager's Certificate pursuant to s.135 of the Act if he shows any conduct either on or to licensed premises that demonstrates he is not a suitable holder of the Certificate.

Reports will be required again in 12 months time if an application for renewal is made. The application is granted.

DATED at WELLINGTON this 9th day of November 1998



Judge F G Paterson
Deputy Chairman



J W Thompson
Member



