

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **Amitesh Chandra**  
pursuant to s.219 of the Act for a  
Manager's Certificate.

**BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE**

Chairman: Councillor John Williamson  
Member: Paul Dimery  
Member: Mark Vincent

**HEARING** at WHANGAREI on 6 May 2014.

**APPEARANCES**

Mr Amitesh Chandra – applicant  
Mr Owen Sinclair – Licensee of McMorrissey's Irish Pub and Eatery – in support of applicant

**DECISION OF THE WHANGAREI DISTRICT LICENSING COMMITTEE**

This is an application for a Managers Certificate by Amitesh Chandra. The application is supported with a copy of the required Licensed Controller Qualification (LCQ) and the Licensed Controller Qualification Bridging Test.

The application initially came before the committee on the 18 March 2014. The committee noted that the applicant had a conviction for assault on a female in 2013 and while the Police have not raised concerns about this, the committee felt that it raised questions about the suitability of Mr Chandra to hold a managers certificate. The committee set the matter aside for a later public hearing so that Mr Chandra could appear at a hearing and answer questions from the committee.

This matter is therefore dealt with by way of public hearing.

Section 222 of the Act provides that in considering an application for a managers certificate the Licensing Committee must have regard for the following matters :

- (a) the applicant's suitability to be a manager:
- (b) any convictions recorded against the applicant:
- (c) any experience, in particular recent experience, that the applicant has had in controlling any premises for which a licence was in force:
- (d) any relevant training, in particular recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification required under section 218:
- (e) any matters dealt with in any report made under section 220.

The committee in particular had concerns about the conviction recorded against Mr Chandra. This was a conviction, declared by Mr Chandra in his application, for an assault against a female in December 2013 which led to his conviction in the Whangarei Family Court on the 30 January 2014. Mr Amitesh was convicted with a 7 month suspended sentence for good behaviour.

Mr Chandra was asked a number of questions about the assault. Mr Sinclair gave evidence about the role that Mr Chandra plays in the sale of alcohol at his place of employment. We heard that Mr Chandra works as both a chief and behind the bar at McMorrissey's Irish Pub and Eatery in Vine

Street Whangarei and that Mr Chandra is seen as a hard working employee and one able to properly manage licensed premises. Mr Sinclair expressed full trust in Mr Chandra.

Having heard from Mr Chandra and Mr Sinclair we believe that despite the conviction, Mr Chandra is a suitable person to hold a managers certificate. We are satisfied as to the matters to which we must have regard as set out in s.222 of the Act and the application is granted. The certificate may issue immediately.

**DATED at Whangarei this 6<sup>th</sup> day of May 2014**

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Chairman  
**Whangarei District Licensing Committee**