

**Decision Number:** 60F [2024] 18545

**IN THE MATTER OF**

the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER OF**

an application by **BH HOSPITALITY LIMITED** for a **Temporary Authority** pursuant to section 136 of The Act in respect of premises situated at **286 Lincoln Road, Christchurch**, known as **'The Pedal Pusher'**

**BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE**

Committee: Mrs M Redstone (Chair)  
Mr D Blackwell  
Ms T McIlraith

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**DECISION ON APPLICATION FOR TEMPORARY AUTHORITY**

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[1] This is an application for a Temporary Authority made by **BH HOSPITALITY LIMITED** ('the applicant') under section 136 of The Act in respect of premises situated at **286 Lincoln Road, Christchurch**, known as **'The Pedal Pusher'** and trading under On-Licence number 60/ON/127/2023. The licence expires on 19 July 2026.

[2] The Directors and Shareholders of the applicant company, Mr Baldeep Singh and Mr Harjinder Singh are all included in the term "the applicants" in this decision.

[3] The applicant fulfils the criteria for the granting of a Temporary Authority as set out in The Act, in that they have tenure and there is a valid licence for the existing premise.

[4] There is no opposition from the Police to the granting the Temporary Authority.

[5] The Licensing Inspector raised concerns about the lack of information in the Sale and Purchase Agreement, the financing of the business and the inexperience of the applicants and requested that the matter be heard.

[6] A hearing was held on Friday 3 May 2024.

[7] An updated Sale and Purchase agreement was provided with the date of 17 March 2024 inserted.

[8] The applicants said in evidence that no loans were required to purchase the business and funding came from savings and loans from family in India.

[9] On 21 March Mr Harjinder Singh received a loan from the ANZ Bank on 21 March 2024. He told the bank this loan was to enable him to purchase a car. However, he has not purchased any vehicle and it was apparent that, although he professed otherwise, clearly the loan was sought to be used initially to fund the purchase of the business. When questioned he said he was awaiting further 'gifts' from family in India to cover that loan and would ultimately purchase a vehicle.

[10] The Committee does not go as far as to say that Mr Harjinder Singh was dishonest in his application to the Bank, but it does criticise him for being less than frank in circumstances where the Bank would likely have wished to make further inquiries had it been told the funds were to be used, even in the first instance, in the purchase of a business.

[11] Further, the Committee must ask itself if an applicant is prepared to be less than frank with the Bank in order to achieve their purpose, can they be trusted to carry out the responsibilities required of Licensees under The Act?

[12] In addition, the Committee is concerned at the lack of experience of the Applicants within the hospitality industry, and in particular in respect to the sale and supply of alcohol. In this regard it is noted that the current owner, Mr Vikram Singh, will remain working with the applicant for a period of at least one month from date of settlement and that one Duty Manager, Mr Prithvi Bhasin, will be retained as a staff member, although it is noted that Mr Bhasin only obtained his Duty Manager Certificate this year and does not have the experience required to lead a team of Duty Managers.

[13] At the conclusion of the hearing the Committee sought further information from the applicant as to finances, rostering and training, which was provided.

[14] Having reviewed the additional information sought, the Committee grants the Temporary Authority, with conditions.

[15] Section 136(1) of The Act states:

*"A licensing committee may, on the application of a person who appears to the committee to have any right, title, estate, or interest in any premises, or any business conditioned in any premises, for which an on-licence or off-licence is in force, make an*

*order authorising the applicant (or some suitable person nominated by the applicant) to carry on the sale and supply of alcohol for a period, not exceeding 3 months, stated in the order." (emphasis added)*

[16] A condition of this Temporary Authority is that the applicant take immediate steps following the grant of this authority to employ a suitably qualified and experienced Duty Manager to manage the sale and supply of alcohol and assist with the training of staff, that person to be approved by the Licensing Inspector.

[17] The Applicant will employ the services of an agency such as the Restaurant Association of New Zealand, to assist in creating and implementing a staff training plan to the satisfaction of the Licensing Inspector.

[18] The applicant's attention is drawn to section 136(5) of The Act where it states that they carry "the same duties, obligations, and liabilities as the holder of the on-licence or off-licence concerned".

[19] The duration of the Temporary Authority shall be no more than 3 months from the date of the decision or when a substantive licence is issued, whichever occurs first.

[20] A substantive licence application has yet to be lodged. This Temporary Authority is subject to the District Licensing Committee receiving an application for a substantive licence within **six (6)** weeks of the granting of this authority.

[21] The Committee notes that the granting of this Temporary Authority is **not** an indication to the Applicant that a substantive Licence will be granted as a matter of course.

**DATED** at CHRISTCHURCH this 16th day of May 2024.



Merelyn Redstone  
Chairperson  
**Christchurch District Licensing Committee**