

Decision Number: 60F [2024] 19778

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

AND

IN THE MATTER OF an application by **BHAWANDEEP SINGH** for **Renewal of a Manager's Certificate** pursuant to section 224 of the Act

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: Mrs M Redstone
Member: Mr D Blackwell
Member: Mr D Ivory

Appearances:
Applicant – Mr Bhawandeep Singh
Police – Sgt D Robertson
Inspectorate – Inspector Paul Spang

DECISION ON APPLICATION FOR RENEWAL OF MANAGER'S CERTIFICATE
RECORD OF DECISION

[1] This is an application by **BHAWANDEEP SINGH** ('the applicant') for renewal of a Manager's Certificate pursuant to section 224 of the Sale and Supply of Alcohol Act 2012 ('the Act').¹ The Applicant, Mr Singh, appeared at the hearing on 3 September 2024.

[2] The Police oppose his application on the grounds of Mr Singh coming to the attention of Police on four occasions during the probationary year following the initial issue of a Manager's Certificate. He was reported to be intoxicated on two of these occasions. Whilst he has no convictions, he has been issued Police warning letters with respect to the events. Two of those events occurred in or around licensed premises. Other events were motor vehicle related and the Applicant has either admitted his actions, or changed his position when responding to requests for information.

[3] Sgt Robertson in his evidence referred to several cases relevant to the expectations of those working with the sale and supply of alcohol. Relevant to this application are the following decisions:

¹ 60/CERT/31/2020

- (i) **Police v Osborne**² which provides a guide to Manager's Certificate standdown periods for those convicted of offences.
- (ii) **Craddock v Kumar**³ in which ARLA took the view that even if someone was successful in objecting a discharge without conviction in the District Court, the Authority may still consider relevant conduct when determining suitability for a duty Manager's Certificate.
- (iii) **Deejay Enterprises** where the Authority found at paragraph 6 that "Self-imposed standards in accordance with law must be set by licensees and holders of General Manager's Certificates who control and manage licensed premises".

[4] Mr Singh provided explanations of the circumstances of his offending and what happened, from his perspective. He denied being intoxicated when any of the events occurred and insisted that on both occasions, he had only consumed one drink. On each of the occasions where there was an altercation with another person he blamed that person, saying he felt he was targeted. One matter is still under investigation.

[5] Mr Singh advised that he is not currently employed in the industry and is employed as a truck driver. He said he is keen to renew his Manager's Certificate to seek employment in the Hospitality Industry as he is expecting family to visit later this year and the working hours in hospitality are better than he has for his truck driving.

[6] The Committee accepts the evidence given by the Police, especially concerning the event where Mr Singh was noted to be intoxicated by the arresting officer and then again, independently, by the receiving Police staff at the Police cells. The Committee cannot accept Mr Singh's evidence of having consumed one drink of alcohol on each of these occasions. Mr Singh accepted that he had 'made a mistake' with his bad driving and attitude towards Police attending a serious accident (it is noted Mr Singh was not involved in the accident).

[7] The Committee refers to the decision of Deejay Enterprises Limited where the Authority noted:

"The 'guiding hand' or 'hands-on' operator of any company or the potential holder of a General Manager's Certificate now receives greater scrutiny from both the Police and other reporting Agencies. Character and reputation are closely examined. The law and human desires frequently take different directions. The Police cannot be everywhere. Little but a licensee's or Manager's character and suitability may stand between upholding the law and turning a blind eye."

[8] The Committee further refers to a more recent case of Samantha Joanne McAlpine⁴ where the DLC stated:

² LLA 2388/95

³ {2023} NZARLA 66

⁴ QLDLC 0007/14

“It’s abundantly clear that Parliament expects that the management of licensed premises will be conducted only by persons of integrity who are committed to the reduction of alcohol related harm. The effect of these provisions is that a Manager’s Certificate has not only become a symbol of responsibility but a confirmation of ability and competence. In other words, it has an intrinsic value in terms of monetary reward to the holder. As long as standards are kept high, the value of a certificate will not be diminished. By making sometimes difficult decisions we hope to send a message that reinforces the new object, as contained in section 4 of the act.”

[9] We accept the applicant has previously held a certificate for one year, and has successfully completed the questionnaire required for renewal. In addition to those criteria a Committee must satisfy itself that by his actions, an applicant has proved himself to be a responsible and suitable person to hold a certificate, and thus uphold the law as it relates to the sale and supply of alcohol.

[10] The Applicant has not convinced the Committee that since the issue of his Manager’s Certificate he has behaved in the manner to be expected of those charged with the control of licensed premises.

[11] The Committee acknowledges that Mr Singh’s behaviour has resulted in warning letters rather than convictions, but is still of the view that a standdown period is required before Mr Singh be given a second opportunity to hold a Manager’s Certificate.

[12] Following careful consideration, and taking into account that two of the events raised by the Police occurred in or around licensed premises and involved some degree of intoxication (even if the Applicant is to be believed and the degree of intoxication was not at a high level) the Committee finds it proper to follow the guidance given in the *Police v Osborne* case which called for a stand down period of two (2) years for a single driving offence involving abuse of alcohol with no pattern of offending. This principle is said to encourage a higher level of responsibility for managers to be blemish free, and to set an example to others, because of the responsibility they hold, to help to ensure that the objects of the act are achieved.

[13] For those reasons the application is declined. If Mr Singh was to apply on or after the second anniversary of the offending, and no new issues of concern were raised, then the Committee may be minded to issue a Manager’s Certificate at that time.

DATED at CHRISTCHURCH this 4th day of September 2024.



M S Redstone
Chairperson
Christchurch District Licensing Committee