

**Decision Number: 60F [2021] 8101**

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

**AND**

**IN THE MATTER OF** an application by **VISHAV UPKAR SINGH** for a **Manager's Certificate** pursuant to section 219 of the Act

**BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE**

Hearing: 18 June 2021 (at Christchurch)

Committee

Chairperson: Mrs M S Redstone,JP

Members: Mr D Blackwell,QSM  
Miss L Shields

Appearances: Mr V Singh, Applicant  
Ms A Lavery, Licensing Inspector  
Snr Constable G Craddock, NZ Police

Decision: 21 June 2021

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**DECISION ON APPLICATION FOR A MANAGER'S CERTIFICATE**

**RESERVED DECISION OF THE COMMITTEE**

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[1] This is an application by **VISHAV UPKAR SINGH** ('the applicant') for a Manager's Certificate pursuant to section 219 of the Sale and Supply of Alcohol Act 2012 ('the Act')

[2] The applicant is currently employed by Arowana Enterprises Limited trading as Super Liquor Ferrymead ("the Employer") for between 10 and 15 hours per week.

[3] The NZ Police reported and opposed the application. The NZ Police had also opposed a Notice of Appointment of the applicant as Temporary Manager submitted by the Employer pursuant to Section 231 of the Act in May 2021. The Licensing Inspector also reported on the application and recommended it be heard noting that "the applicant has very little industry experience" and essentially questioning his suitability.

[4] A hearing was convened on 18 June 2021. The applicant attended along with Liquor Licensing Inspector Lavery and Senior Constable Craddock for the NZ Police.

[5] Senior Constable Craddock gave evidence of working with the Police Alcohol and Harm Prevention Unit in Christchurch for the past seven years. Her first involvement with the applicant was when he applied for a Manager's Certificate with the Selwyn District Council. That application was declined by the Selwyn District Licensing Committee in a decision dated 12 April 2021 on the basis that the applicant had performed poorly in the questionnaire, that he had never worked with alcohol during his employment with Rolleston Countdown and that his last day of employment with Countdown was 18 February 2021. Evidence at that hearing included the fact that the Countdown Manager had advised the Selwyn Inspector that the applicant had told her he "needed a reference for his new employment stating that he had experience selling alcohol to the public". The Manager refused to give such a reference.

[6] On 31 March 2021 the Police received an application by Mr Singh for a new Manager's Certificate for Christchurch. Under question 1(e) in the application Mr Singh wrote his position and duties at Countdown was Supervisor Liquor, Grocery, chilled frozen. Senior Constable Craddock knew from her Selwyn inquiries that Mr Singh's position involved stacking shelves in several departments, including alcohol. She said it was the Police's view that Mr Singh's deception of his role with Countdown, along with his lack of experience in his previous employment reflects negatively on his suitability to hold a Manager's Certificate.

[7] Inspector Lavery gave evidence of receiving a copy of Mr Singh's employment agreement from the Employer stating that Mr Singh was employed as a Duty Manager for at least 20 hours per week. She had been in regular contact with the Employer as to his appointment of Duty Managers, as his company had only recently bought Super Liquor Ferrymead and she had been involved with the issue of a Temporary Authority and Application for new Off-Licence. While visiting the premises on 4 March she spoke with Mr Singh, who was working at the time, about his lack of experience and suggested he complete Servewise online training. On 29 March 2021 she received Mr Singh's application for a New Manager's Certificate. On 4 May she met with Mr Singh at the Christchurch City Council Offices. She produced a copy of her notes of that meeting. During the meeting she asked the applicant several questions about the responsibilities of a Duty Manager. His lack of knowledge led her to believe it would not be worthwhile completing the Duty Manager's interview at that time.

[8] The applicant gave evidence of being confused as to where he should have applied for a Manager's Certificate (either Selwyn or Christchurch). In answer to questions he said he

was working full time at Pengelly's Transport loading trucks and approximately 10 hours at Ferrymead Super Liquor. He agreed this was approximately 10 hours per week for a period of 14 weeks since his appointment. He confirmed he did not work alone and said he was "learning fast" from the Duty Manager he worked with.

[9] The applicant provided an undated reference in support from the Employer's Owner and Director, Mr Vikramjeet Singh Saini, stating that the applicant -

"is a part time assistant in my liquor store for almost a month now and during that time was an exemplary and responsible employee. I found him to be punctual, efficient and calm under the stress of pressure. He regularly arrived on time to perform his daily tasks, always checked the I.D.s of customers ordering alcoholic beverages, and organized products quickly and efficiently. Additionally he is a cheerful, friendly and I would be happy to see him as full time duty manager for our liquor store."

Inspector Lavery has been advised by the Employer that the undated reference was provided on 31 March.

[10] We wish to record that the reference referred to in para [9] was provided in the context of the Employer living in Hastings and having visited Christchurch on only two or three occasions since he bought the business. We are therefore able to place little reliance on this reference.

[11] The Committee expresses its concern that an Owner of licensed premises would offer a contract for a Duty Manager position to any person who lacks the knowledge and experience to be responsible for compliance with section 214(2)(a) and (b) of the Act.

[12] An essential matter for determination in a Manager's Certificate application is the suitability of the applicant in terms of section 222 of the Act which prescribes consideration of matters including, inter alia:

**(a) the applicant's suitability to be a manager:**

...

**(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.**

[13] From answers to questions put to the applicant by Senior Constable Craddock, Inspector Lavery and the Committee it is evident that the applicant has little, or no, experience in controlling licensed premises, and lacks any constructive training provided by the owner. It is acknowledged that he has, in his words, “over several weeks” completed the Servewise online training.

[14] The Committee expresses its concern that an Owner of licensed premises would offer a contract for a Duty Manager position to any person who lacks the knowledge and experience to be responsible for compliance with section 214(2)(a) and (b) of the Act.

[15] The fact that the applicant included misleading statements in his application is material. His lack of knowledge leading to the termination of his Duty Manager interview is equally relevant. We refer to *Hayford v Christchurch DLA* High Court Christchurch, AP201/92 (3 December 1995, Holland J): “The holder of any licence is granted a privilege, not a right”. We further refer to the decision in *Page v Police 24/7/98 HC CHCH AP 84/98*, which refers to suitability where the High Court decision of Pankhurst J stated:

It is for the applicant to prove their suitability and this should be established by considering various factors. Section 13(1)(a) provides that the applicant for an On-Licence must demonstrate his or her suitability. In other words, what is required is a positive finding. That implies an onus on the applicant to demonstrate suitability.

[16] Managing licensed premises is not something to be taken lightly and having regard to all the evidence we simply do not have confidence that the applicant will be able to discharge effectively and in a proper manner the range of duties to which he would be subject.

[17] For the reasons outlined above the application for a Manager’s Certificate by Mr Vishav Upkar Singh under the Sale and Supply of Alcohol Act 2012 is Declined.

**DATED** at CHRISTCHURCH this 21<sup>st</sup> day of June 2021



M S Redstone  
Chairperson  
**Christchurch District Licensing Committee**