

Decision number: N/59/1980/2025

IN THE MATTER OF the sale and supply of Alcohol Act
2012

AND

IN THE MATTER OF an application by **Gurjeet Singh
SIDHU** for a **Manager's Certificate**
pursuant to section 219 of the Act

BEFORE THE SELWYN DISTRICT LICENSING COMMITTEE

Committee: Mr S A Moore JP (Chair)
Mrs Merelyn Redstone JP
Mr M Fergusson

Appearances: Mr G S Sidhu (Applicant)
Senior Constable G Craddock
Mr M Johnston (Inspector)

Hearing: 30 April 2025

**RESERVED DECISION OF THE COMMITTEE ON APPLICATION FOR MANAGER'S
CERTIFICATE**

RECORD OF DECISION

[1] This is an application by **Gurjeet Singh SIDHU** ('the Applicant') for a Manager's Certificate pursuant to section 219 of the Sale and Supply of Alcohol Act 2012 ('the Act').

[2] The application was opposed by the New Zealand Police and the Inspector. The matter was set down for public hearing on 30 April 2025 at 10.00am.

[3] The Police and Licensing Inspector opposed the application on the grounds that in his application Mr Sidhu provided false and misleading information. The allegation was that Mr Sidhu stated that he worked at 'Bar 185' between the months of July 2024 and September 2024. To corroborate this he attached to his application a reference from the Venue Manager of 'Bar 185', Mr Balroop Lamba who stated that Mr Sidhu had been working at Bar 185 as a "casual bar staff".

[4] Senior Constable Craddock contacted the owners of Bar 185 to confirm this but were told that it was not correct and Mr Sidhu had not been employed at the premises and as a result of the reference supplied by Mr Lamba, he no longer worked at the premises.

[5] As a result of the information obtained by Senior Constable Craddock, the Inspector raised his concerns as to Mr Sidhu's suitability to hold a Managers Certificate. He subsequently interviewed Mr Sidhu regarding his experience, training and knowledge of the Act, and the obligations of a Manager. In that interview he also asked him about the allegation of 'deception' regarding his "working" at Bar 185, to which he stated that he felt that he was working even though he was not being paid and that as a "volunteer" he was still "working".

[6] During the interview, the Inspector found that Mr Sidhu failed to demonstrate that he had the required experience and knowledge to be granted a Managers Certificate and normally he would give an applicant another 6 – 8 weeks to improve his knowledge and experience but due to the information received by the police, in conjunction with his lack of knowledge and experience, the matter should proceed to a hearing.

The Hearing

Applicant – Mr Gurjeet Singh Sidhu

[7] Mr Sidhu gave evidence of having worked in the hospitality industry since having passed his level 4 and 5 Cooking Diploma gained in New Zealand. He had worked as a chef in an Italian Restaurant in Auckland before moving to Christchurch in 2018. He then continued to work as a chef in Christchurch at 'Styx and Stones' in Belfast, 'Coffee Club' in Riccarton, 'Wetland Eateries' in Parklands and 'Majestic' in Prebbleton.

[8] He said that in his time in Auckland, whilst he was a chef in the restaurant he at times would help serve drinks at the bar. He told the committee that he knew Mr Lamba well and was his good friend. Mr Sidhu said that he had arranged with Mr Lamba to voluntarily work at his place of employment, Bar 185, where he was employed as the "Venue Manager". The intention was for Mr Sidhu to gain some bar/front of house experience.

[9] Mr Sidhu said that he was "casual" at Bar 185 and would work there for about 6 to 7 hours each weekend, or about 24 hours per month. He said he started in about July 2024, for a few months. He also stated that whilst there he learnt to serve drinks, deal with intoxicated people and take money. Upon questioning from the committee, he admitted that he was neither a full time,

part time or casual employee but was a “volunteer” receiving no payment for working except for the “odd meal”.

[10] He also admitted when questioned that the reference from Mr Lamba described more duties performed by Mr Sidhu than what Mr Sidhu described at the hearing. He conceded that in total he probably only worked at Bar 185 for around 40 hours in total. He was aware that Mr Lamba lost his employment as a result of supplying the reference, due to the employers allegation that the reference was false.

[11] Mr Sidhu told the committee that he became a shareholder and director of Ava Food Ltd¹ trading as ‘Alpine Parrot Café and Bar’ in Arthurs Pass on 01 November 2024, having brought 50% of the business from Harpal Singh, his current business partner Jugraj Singh’s brother.

[12] Mr Sidhu stated that he moved to Arthurs Pass with his wife to manage the business in November 2024 and that at that time Navjot Singh² was employed as the Duty Manger as he had a lot of experience and held a Managers Certificate. He also said that Jugraj had applied for his Managers Certificate.

[13] Mr Sidhu then said that Navjot Singh had since left his employment with them, a revelation unknown to the Police and Inspector at the time of the hearing. Through a series of questions it was then established that:

- Manager Navjot Singh went on holidays in January 2025 and has not returned to date and it is unsure as to whether he will return. The Police and Inspector have not been informed of the fact that Navjot Singh no longer works at the premises and no notification has been given to the Selwyn District Licensing Committee as is required.
- Mr Sidhu applied for and was granted authority to be a Temporary Manager between the dates of 23 December 2024 and 23 February 2025.
- Mr Jugraj Singh was not granted his Managers Certificate until 20 March 2025 and only works at the business ‘week about’ leaving Mr Sidhu to run the business on the alternate weeks without a Duty Manager in breach of the premises licence.
- The premises license and Mr Jugraj Singh's Managers Certificate were issued on the reliance that Navjot Singh or a manager with equivalent experience would be working at

¹ 59/ON/296/2024

² 68/CERT/0380/2021

the premises and teaching/supervising both Mr Sidhu and Mr Jugraj Singh in the requirements of the Act.

- That between 24 February 2025 and 20 March 2025 there was no Duty Manager on duty at any time the business was trading and selling/supplying alcohol in breach of the conditions of the company's liquor licence.
- That between 20 March 2025 and the date of the hearing (30 April 2025) on alternate weeks where Jugraj Singh is not present, the business continues to sell and supply alcohol without a Duty Manager in breach of the conditions of the above licence.

[14] The Committee told Mr Sidhu that his actions in allowing such breaches to occur, showed that he was neither compliant with the Act, nor familiar with his obligations thereby showing a lack of suitable knowledge of the Act as required of a Duty Manager. When questioned directly about other matters specific to the Act by the committee, he was often unable to provide any or sufficient answers to demonstrate his knowledge or suitability to hold a Managers Certificate.

Objectors

New Zealand Police – Senior Constable Craddock

[15] Senior Constable Craddock's evidence was taken as read, but in summary outlined that she had made enquiries with the owners of Bar 185 regarding the reference of Mr Lamba. During these enquiries it was established that Mr Sidhu had not worked at their premises and Mr Lamba was therefore wrong to have issued the reference that he had.

[16] The owners informed Senior Constable Craddock that after speaking to Mr Lamba about this he subsequently resigned from his employment.

[17] The committee then asked the Senior Constable of her opinion of the revelations earlier in the hearing that the licensed premises partly owned by Mr Sidhu had been operated without a Duty Manager. Senior Constable Craddock told the committee that she was shocked and that such breaches of the conditions of the license and the Act were not acceptable.

[18] Furthermore, Senior Constable Craddock made the committee aware that Mr Lamba had previously received a warning from the New Zealand police for providing a false and or misleading reference regarding another applicant in a Sale and Supply of Alcohol Act application.

Chief Licensing Inspector – Mr Johnston

[19] Mr Johnston's evidence was taken as read but in summary he stated that upon receiving the application of Mr Sidhu he arranged an interview with him. This interview was held on 12 March 2025 in Lincoln. The Inspector asked Mr Sidhu a series of relevant questions regarding his training and experience as well as his knowledge of the requirements of the Act. As a result of this interview the Inspector said Mr Sidhu failed to demonstrate the necessary knowledge and experience required of a Duty Manager.

[20] Furthermore, the Inspector had by this time received the information from Senior Constable Craddock regarding the reference and allegations of potentially false and or misleading information included in the application so decided to recommend a hearing.

[21] Asked by the committee regarding the information provided by Mr Sidhu earlier in the hearing regarding the licensed premises operating without a Duty Manager, he confirmed that this was a breach of the conditions of the licence and that is was the first time he was aware that Mr Navjot Singh was not working at the premises. He also brought to the attention of the committee the following:

- No notice in the correct format was supplied to him or the Selwyn District Licensing Committee of the fact that Manager Navjot Singh had left his employment or had not been working there since about mid-January 2025.
- No notice was given regarding a change of Director/Shareholder to ARLA in accordance with Section 69 of the Act.
- The recommendation to the DLC for the licence for the business of Ava Food Ltd to be granted was made with the understanding that an experienced and certified manager, Mr Navjot Singh, was employed fulltime at the premises, and that at no time was he advised that this had changed.
- That as Mr Sidhu was now a 50% shareholder of the business that held the liquor licence, he should have been acutely aware of his obligations under the Act, especially his obligations to ensure that a Duty Manager was on duty at all times alcohol was being sold/supplied, further heightening his opinion that Mr Sidhu does not have the required knowledge or experience to hold a Managers Certificate.

Relevant Legal Considerations

[22] Having considered the Application together with Agency Reports and Objections placed before it, and with the oral evidence and submissions received at the hearing, the Committee must

now stand back and determine whether the application for a Managers Certificate should be granted.

[23] An essential matter for determination in a Managers 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 applicants suitability to be a manager;**
- b)
- 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 that applicant holds the prescribed qualification under section 218;**
- e) **Any matters dealt with in any report under section 220**

[24] Several matters arose during the hearing which satisfies the committee that the applicant has little, or no experience in controlling licensed premises, including a dubious reference letter from Mr Lamba and an obvious lack of knowledge both from the interview undertaken by the licensing inspector and the Committee on the day of the hearing. This in conjunction with the breaches that have occurred since Mr Sidhu has been the part owner of the licensed premises and for which he is responsible. Those breaches have been well canvassed earlier.

Case Law

[25] The Committee refer Mr Sidhu 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 suitability. In other words, what is required is a positive finding. That implies an onus on the applicant to demonstrate suitability."

[26] Further Case Law relevant to this matter includes **Jays** - NZLLA 994/94, 15 July 1994;

"Differing aspects of suitability will be given different weight by decisionmakers under the Act. Among them are experience in the hospitality industry, management ability and personal integrity."

[27] And finally **Deejay Enterprises Limited** - NZLLA 531/532/97;

"The "guiding hand" or "hands on operator" of any company, or the potential holder of a General managers Certificate, now receive greater scrutiny from both the police and other reporting agencies. Character and reputation are closely examined. The law and human desires of patrons frequently tug in different directions. The police cannot be everywhere. Little but a licensee's or managers character and suitability may stand between upholding the law and turning a blind eye. Self-imposed standards in accordance with the law must be set by licensees and by holder of General Managers Certificates who control and manage licenced premises".

Decision

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

[29] For the above reasons the application for a managers Certificate by Mr Gurjeet Singh Sidhu under the Sale and Supply of Alcohol Act 2012 is declined.

DATED at CHRISTCHURCH this 4th day of May 2025



S A Moore JP
Chairperson
Selwyn District Licensing Committee

