

**Decision Number: TA/133/2025**

**IN THE MATTER OF**

the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER OF**

an application by RUHI124 LIMITED for a Temporary Authority in respect of premises situated at 5 Robert Street, Lincoln, and known as 'Kingfisher Restaurant, Bar and Takeaway'.

**BEFORE THE SELWYN DISTRICT LICENSING COMMITTEE**

Chairperson: **Mrs M Redstone**

Members: **Ms T McIlraith**  
**Mr C Purcell**

**HEARING** at West Melton Community Centre on **Wednesday 26 February 2025**

**APPEARANCES**

**Mr S Graham** - representing director and shareholder of RUHI124 Limited – Applicant

**Mr Chain Singh** – Director of the Applicant Company

**Mr M Johnson** – Inspector - Objector

**Sgt D Robertson** – NZ Police - Objector

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**RESERVED DECISION OF THE COMMITTEE**

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**INTRODUCTION**

[1] This is an application by **RUHI124 LIMITED** ('**the Applicant**' or '**Applicant Company**' hereafter) for a Temporary Authority in relation to premises situated at 5 Robert Street, Lincoln, known as 'Kingfisher Restaurant Bar and Takeaway'. The application was received by the Selwyn District Council Alcohol Licensing team on 24 November 2024.

[2] The Tri-Agencies objected to the application on the grounds that the Applicant had purchased the business, commenced operation on 1 October 2024 and as at 23 November 2024 had not applied for a Temporary Authority but was selling alcohol in breach of the Act. In addition, on 23 November 2024 a Controlled Purchase Operation was carried out at the premises when it was found that the Duty Manager, Mr Chain Singh, served a 17-year-old, having failed to obtain ID.

[3] The Applicant Company has one director, Mr Chain Singh and the shareholders are Chain Singh and his wife, Geetika Hernwal. Mr Singh holds a Managers Certificate and Ms Hernwal is currently completing her LCQ qualification and will apply for a Managers Certificate.

[4] The Police advised in their opening submissions that they intended to take proceedings in the District Court in respect of the breaches and apply to the Alcohol Regulatory Licensing Authority (ARLA) to have Mr Singh's Managers Certificate cancelled. At the commencement of the hearing the Chair asked Mr Singh whether he wanted to proceed with the application or await the outcome of the proceedings being taken in the District Court. Through his Counsel, Mr Singh advised that he admitted the breaches and agreed with the summary of facts as provided by the Police. He therefore wished to proceed with the hearing.

[5] Counsel further advised that as Mr Singh agreed with the facts as set out in the Police opening and Brief of Evidence, there was no need for the Committee to hear evidence from either the Police or the Selwyn District Council Chief Licensing Inspector.

#### **THE APPLICANT**

[6] Counsel highlighted his opening submissions and Mr Chain Singh gave oral evidence.

[7] He outlined his experience in the industry and the process of purchasing the business. He had accepted the advice of the Vendor that there was no need for him to have a Solicitor and the sale could progress without one. Mr Singh accepted his naivety in taking this advice and failing to carry out due diligence prior to purchasing the business.

[8] Mr Singh was aware of the need to obtain a Temporary Authority and to get Food Registration.

[9] Mr Singh was aware that the previous owner was 5 months in arrears with rent and it was arranged that he was to make payment of the purchase price to the Landlord so that outstanding rent could be recovered before any payment was made to the Vendor. The Chartered Accountant who has financed the Vendor agreed that RUHI124 Limited would pay a deposit of \$50,000 and he would leave finance in to be repaid by monthly instalments.

[10] On taking over the business Mr Singh was approached by a number of suppliers looking for money owed to them. He explained that he was a new owner and they would have to look to Mr Sheti (the previous owner) for payment. This situation caused stress to Mr Singh, particularly as Mr Sheti had departed overseas.

[11] Mr Singh also outlined stresses in his personal life at the time of the purchase. Following his meeting with the Police and Inspector on 23 November he took the appropriate steps to file the application for a Temporary Authority. He also put in place a Host Responsibility Policy to ensure there would not be any future instances of a failed Controlled Purchase Operation.

#### **FINAL SUBMISSIONS:**

[12] Both the Police and the Chief Inspector continued to oppose the application after hearing Mr Singh's evidence as he was aware of his obligations and has simply failed to attend to matters in a timely way. In addition, he had been instructed to remove all alcohol but when Snr Constable Craddock visited the premises some 10 days later, alcohol was still displayed, in breach of the Act.

[13] Counsel for the applicant reiterated that Mr Singh had been his own worst enemy in failing to take legal advice and/or carry out due diligence prior to purchase. He had rushed into the purchase causing himself stress when he became busy and put important issues to one side. Counsel pointed to the actions taken by Mr Singh to remedy the situation in which he found himself. He had produced character references for Mr Singh.

## **EVALUATION AND FINDINGS**

[14] The Committee concluded that the actions of Mr Singh in not only failing to apply for a Temporary Authority and selling alcohol while having no licence in place but also failing the Controlled Purchase Operation were serious breaches of the Act.

[15] The Committee agreed with the submission of the Police that the observations in ***Sheard [1996]***<sup>1</sup>, and particularly the suitability test in ***Millward [1997]***<sup>2</sup> were applicable here.

“Little but a licensee’s or manager’s character and suitability may stand between upholding the law and turning a blind eye. Self-imposed standards in accordance with law must be set by licensees and by holders of general manager’s certificates who control and manage premises”.

[16] The seriousness of the breaches fell well below the standard expected and the Committee could not satisfy itself as to the suitability of the Applicant company and Mr Singh to hold a Licence and therefore declined the application for a Temporary Authority.

[17] Mr Singh was advised to consult with his Solicitor as to how the company could be restructured, and experienced staff employed, to assist with an application being made for a new On-Licence for the business.

**DATED** at **CHRISTCHURCH** this 28th day of February 2025



**Merelyn Redstone**  
Chairperson  
**Selwyn District Licensing Committee**



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<sup>1</sup> Sheard, Re [1996] 1 NZLR 751

<sup>2</sup> Millward, e [1997] LLA PH531/97 & ph532/97