

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012 (“the Act”)

**AND**

**IN THE MATTER** of an application by **JASPREET  
SINGH** pursuant to s.224 of the  
Act for the renewal of a  
Manager's Certificate

**BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE (DLC)**

Members: Mr Murray Clearwater (Chairperson)  
Cr Hamish Daine (Member)  
Mayor Jenny Shattock (Member)

**HEARING** at TOKOROA on 29 July 2022

**APPEARANCES**

Mr. Jaspreet Singh (applicant)  
Matthew Gordon in support of the applicant.  
Ms. Julie Smale – South Waikato Alcohol Licensing Inspector – in opposition  
Senior Constable Stein Thomas - NZ Police – in opposition

**RESERVED DECISION OF THE COMMITTEE**

**INTRODUCTION**

1. This is an application by Jaspreet Singh for the renewal of a Manager's Certificate to manage licensed premises known as Nexus Wine & Café. Nexus is a newly licensed tavern with gaming machines situated in the CBD in Tokoroa and Mr. Singh commenced work at Nexus on the 18<sup>th</sup> of April 2022.
2. This application was lodged with the DLC on the 29<sup>th</sup> of April 2022 and reported on by the Police and Inspector.
3. The Police reported in opposition due to their interactions with Mr Singh since 23 April 2022 and that they believed he was in-experienced and under-skilled to manage a high risk tavern operation, especially in the evening hours.
4. The Inspector held the same concerns and recommended that the DLC determine the application in a formal hearing with a full quorum.
5. The application was duly set down for hearing on 29 July 2022.

**EVIDENCE OF THE APPLICANT**

6. Mr Singh read a prepared statement to the Committee. He was supported by Matthew Gordon, a newly appointed director to the company. Mr Singh

confirmed that Mr Gordon had helped him prepare for the hearing and had typed out his statement for him.

7. He told us he was 23 years of age and was born in India. He came to New Zealand about 3 ½ years ago on a student visa and studied hospitality management in Auckland. He is now in NZ on a Post Study-Work Visa that expires on 5 December 2022.
8. His work experience was initially as a cleaner and then as a glassie and bar tender at Club Rio in Otahuhu. He obtained a managers certificate at Club Rio that he described as a 'soft' work environment with Cook Islanders as patrons who "*came as a family and left as a family.*" He told us that he had not had to deal with intoxicated patrons at that venue.
9. He said his new boss at Nexus, Manpreet Singh (who is no longer working for the company) appointed him to the role of manager at Nexus. This was his first real appointment as the named Duty Manager of a late night tavern.
10. He said that the incident on the 23<sup>rd</sup> of April 2022 (only 5 days after starting employment at Nexus) was the first experience he had had involving intoxicated and violent patrons. He conceded that it should have been managed differently. He still maintained that his Nexus patrons were not intoxicated and that the combatants outside the bar had come from somewhere else.
11. He said he was looking forward to working under the new directors and learning new skills both in Tokoroa and on secondment to Tauranga.
12. It was put to him that the Police will be producing evidence that most of the persons outside were in fact Nexus patrons and that many of them were intoxicated. Concerningly, he maintained that his assessment of his patrons was correct, and he did not agree with the Police officers assessments.

## **POLICE EVIDENCE**

13. We heard from Constable Brooke Marama-Lyon who told us she was on duty on the 22<sup>nd</sup>/23<sup>rd</sup> of April 2022. At about 11.00pm she saw a large group of people inside Nexus and at about 12 midnight, when they drove past again, there were two groups of people arguing on the footpath outside of Nexus.
14. She spoke to several patrons and conducted patron assessments on them and deemed them to be intoxicated. One said he had been assaulted by another patron and two were trying to get back in the bar to recover a box of beer that was being held for them by staff.
15. She confirmed, when questioned by the Committee, that the persons she spoke to had been patrons of Nexus. She did not believe that the persons had come from another bar.
16. On another occasion on the 20<sup>th</sup> of May 2022, she said that as soon as the Police arrived to conduct a compliance inspection Mr Singh saw them and quickly told 3 persons in the bar to leave straight away.
17. As the patrons left, the witness asked why they were leaving. One said, "*You guys came so we got kicked out.*" As they walked off the Constable believed

one of them appeared to be intoxicated as he was unsteady on his feet and swaying back and forth.

18. We asked Constable Marama-Lyon how she rated her ability to assess intoxication. She said she had conducted dozens of patron assessments during her career as a Police Officer. She was confident of her evidence that the patrons she assessed from Nexus were intoxicated.
19. She also discovered later, after making enquiries, that the 'security' person was not COA qualified to perform door staff duties. This reflects badly on the venue management.
20. Next, we heard from Constable Lynda Perry. She told us that she and her colleague drove passed Nexus at about 12.15am on 23 April 2022. There was about 20 persons outside with some trying to get back in, and a number of people still in the bar. Other Police Units were also in attendance.
21. She too, assessed a number of the persons present and deemed them to be intoxicated. The person who had been assaulted was being aggressive towards Police and eventually had to be taken to hospital due to his level of intoxication.
22. Senior Constable Stein Thomas told us that he meet with Jaspreet Singh after the event of 22/23 April 2022.
23. His observation were the same as the attending police staff in that it appeared that Mr Singh either did not know the acceptable 'consumption limit' of patrons in licensed premises or he had been wilful ignoring it in the name of increasing the revenue flow for the business. Snr Constable Thomas was also of the belief that Mr Singh tried to deflect the blame on to others by saying the persons involved had not been patrons of Nexus and that the incident had occurred outside and that they were not responsible.

## **INSPECTOR EVIDENCE**

24. The Inspector reported that the applicant appeared suitable on paper for a renewal but following the concerns expressed by Police she invited the DLC to determine the application at a public hearing.
25. In closing submissions both the Inspector and the Police reaffirmed that they did not believe Mr Singh had sufficient high-risk premises experience to be granted a renewal to manage late night taverns in Tokoroa.

## **THE LAW**

### ***Section 227 Criteria for renewal***

- *In considering an application for the renewal of a manager's certificate, the licensing committee concerned must have regard to the following matters:*
- *the applicant's suitability to be a manager :*

- *any convictions recorded against the applicant since the certificate was issued or last renewed:*
- *the manner in which the manager has managed the sale and supply of alcohol pursuant to the licence with the aim of contributing to the reduction of alcohol-related harm:*
- *any matters dealt with in ant report under section 225.*

## REASONS FOR THE DECISION


26. At renewal time we are required to consider the overall suitability of the applicant and in particular **the manner in which the manager has managed the sale and supply of alcohol pursuant to the licence with the aim of contributing to the reduction of alcohol-related harm.**
27. There are **four options** open to the Committee. **Approve** the renewal now for **three years** or a **shorter period**, **refuse** to renew the managers certificate, **approve the renewal in conjunction with a signed undertaking** that the manager would not be the named Duty Manager later in the evenings until he has been taught the skills required to work in that environment.
28. It is clear to us that Jaspreet Singh was ‘thrown in at the deep end’ by his previous manager Manpreet Singh. He clearly does not know where the bar should be set when overseeing the consumption of alcohol in a busy licensed premises.
29. We are more than satisfied that patrons of Nexus were intoxicated on the night of 22/23 April 2022. Jaspreet Singh and the other staff on that night clearly allowed patrons to become intoxicated and when that turned in to an altercation outside of the bar, they tried to distance themselves from the problem and deny that the patrons were intoxicated or from Nexus.
30. In fairness to Mr Singh, we acknowledge his youthful age and that he was put in a position beyond his skills and experience. We also note that managing alcohol consumption in Tokoroa’s taverns is quite likely more of a challenge than in some other areas. We also factor in that the patrons of the now closed Trees Tavern have also come to socialise in the central town bars.

## THE DECISION

31. After careful consideration we have decided to stop short of refusing the renewal of this manager’s certificate.
32. Mr Singh requires more time to develop his skills around the assessment of intoxication and in taking decisive action when/if things go wrong. We believe the involvement of Matt Gordon and his team will be beneficial to Mr Singh.
33. He needs to develop, and maintain, an open and honest relationship with the regulatory agencies. This will grow over time as he builds confidence in his own abilities, undertaking further in depth training, and in running a compliant premises at all times.

34. We propose to approve the renewal for 12 months only from the date of expiry, i.e. 3 May 2022. That means in May 2023, some 10 months' time, he will be examined again as to his suitability to hold a managers certificate.
35. He is entirely under skilled to be the Duty Manager after 7.00pm at night on any day of the week. For this truncated renewal to be actioned Jaspreet Singh must provide a written undertaking from him, and his employer, that states that he agrees to only work as the Duty Manager during the period from opening time to 7.00pm on any given day.
36. We note that at the hearing he did offer up an undertaking to comply with this restriction but only from Thursday to Saturday. We are not prepared to accept that offer at this point in time.
37. The signed undertaken is to be provided by 5.00pm on 5 August 2022 for the renewal to be actioned.
38. Failure to do so will see the Committee reconvene to reconsider the renewal proposal in its entirety.

**DATED** at Tokoroa this 1<sup>st</sup> day of August 2022



Murray Clearwater  
Commissioner/Chairperson  
For the South Waikato District Licensing Committee