

IN THE MATTER

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

AND

IN THE MATTER of an application by **Jobandeep 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)
Cr Josiah Teokatai (member)

HEARING at TOKOROA on 10 November 2023

APPEARANCES

Mr. Jobandeep Singh (applicant)
Mr. Mandeep Singh in support of the applicant.
Ms. Julie Smale – South Waikato Alcohol Licensing Inspector – in opposition
Sergeant Greg Weston Alcohol Harm Prevention Officer NZ Police in opposition
Senior Constable Stein Thomas - NZ Police – in support of AHPO

RESERVED DECISION OF THE COMMITTEE

INTRODUCTION

1. This is an application by Jobandeep Singh for the renewal of a Manager's Certificate to manage a licensed premises in Putaruru. Hog & Hounds Sports Bar is a high-risk tavern with gaming machines situated in the township of Putaruru and Mr. Singh has worked there since July 2021.
2. This application was lodged with the DLC on the 1st of February 2023 and reported on by the Police and Inspector.
3. The Police reported in opposition due to their interactions with Mr Singh and incidents that had occurred at Hog & Hounds whilst he was the named Duty Manager, especially in the late evening hours.
4. The Inspector held the same concerns and recommended that the DLC determine the application in a formal hearing before a full quorum of DLC members.
5. The application was duly set down for hearing on 10 November 2023.

EVIDENCE OF THE APPLICANT

6. Mr Singh did not have a prepared Brief of Evidence but was supported by a fellow certificated manager and shareholder of the tavern, Mandeep Singh, and he produced a number of written character references from patrons and acquaintances. He also had two patrons that he intended to call to speak with us.
7. He told us he was 31 years of age and was born in India. He came to New Zealand and began working in hospitality in 2016 in Auckland in a low-risk Coffee Club. He obtained his managers certificate in Auckland and also did one year in the Coffee Club in Tauranga before returning to Auckland as a Duty manager in an Indian restaurant.
8. He said the patrons at Hog & Hounds were mainly locals and occasionally they had out-of-towners calling in. He said some day/nights were very quiet and when they had a DJ or Karaoke it got busier with up to 50 patrons present.
9. Under cross-examination it was put to him that his experience prior to Hog & Hounds was very low risk and perhaps he didn't have the skills to manage a high-risk tavern. He agreed that Coffee Club was very low risk, but he believed he had the experience to manage the tavern.
10. It was put to him that the Police will be producing evidence that many of the persons the Police dealt with when attending incidents were assessed as intoxicated. Concerningly, he maintained that his assessment of his patrons was correct, and he believed they were only Influenced by alcohol, and he did not agree with the Police officer's assessments.
11. He said following the December 2022 incident a number of changes were put in place including extra staff on weekends and not serving jugs after 9.00pm and providing courtesy rides home for patrons.
12. It was put to him by Inspector Smale that there had been 7 'scuffles' since then that the Police had attended. Again, he said patrons were not intoxicated; they were only influenced by alcohol. He disagreed with the Police witnesses that the bar was unsafe later in the evenings.
13. He confirmed that there had been no external trainers engaged to work with staff. His training was done by Mandeep Singh in house.
14. Mr. Singh called Faith Ogle who was one of the patrons who was knocked over by a car on the night of 17 December 2022. On that occasion a person involved in a fight in the carpark drove their car into 2-3 patrons as they sped off.
15. She read her type-written statement including a paragraph that stated, "*I would like to mention the bar and the staff are not responsible by any means for this unfortunate incident happened that night.*"
16. It was put to her that was she was the author of an almost identically worded statement that was provided by her son-in-law Tangaroa Maniapoto. She denied that she had written it for him and also said that Tangaroa was not with her when

he wrote his! She also denied that Jobandeep Singh had written them and got them to sign them.

17. She was asked why she thought the bar and the staff had no responsibility when they were the ones that has sold all the alcohol to those that were fighting. She had no cogent response to that proposition.
18. Barry Hook is a regular patron of the tavern telling the Committee that he is there most days between 3.00pm and 8.00pm and only had good words for Jobandeep Singh as a host and manager of the premises. He had seen him intervene and cut people off and remove them from the premises.
19. He agreed that every pub has patrons that will drink too much, and Hog & Hounds was no different. He confirmed that he is not there late at night.

POLICE EVIDENCE

20. Sergeant Weston called three local Police Officers who had dealt with incidents at Hog & Hounds in recent times.
21. First, we heard from Constable Connor Scott who told us about an incident on 9 June 2022. He had asked Jobandeep Singh for a copy of the CCTV footage to confirm the offenders actions. Despite promises the CCTV footage has never been provided.
22. We asked Constable Scott to compare the Hog & Hounds Bar with the other two bars in town. He said it was the worst and he had not attended any calls for service from the other bars.
23. Next, we heard from Constable Samuel Carter. Before we heard from him, we were shown the video of the fight that escalated to the point where 2-3 patrons were knocked over by a car.
24. He said many of the persons present were intoxicated. There were too many to conduct formal intoxication assessments on them all. Those that were formally assessed were deemed intoxicated against the Intoxication Assessment Tool.
25. There were people outside in the carpark with alcohol. At one stage Jobandeep Singh said "Please help me" as they were struggling to restore order.
26. He agreed that Hog and Hounds was the problem bar in Putaruru. He too had requested video footage from the taverns cameras and had been unsuccessful on a number of occasions. He believed it would be unsafe for him to go to the bar alone as a patron.
27. Next, we heard from Sergeant Alonso Moreno who told us he attended a fight there on 29 January 2023 involving about 20 people.
28. His team conducted a number of patron assessments and deemed several patrons as intoxicated. He assessed another male and deemed him intoxicated and he was arrested for disorderly behaviour likely to cause violence and resisting Police. He said all these incidents are reported back to AHPO for further action as required.

29. Sergeant Greg Weston then spoke to the Committee. He stated that the Police had conducted 10 licensed premises inspections in addition to responding to incidents at the premises since Jobandeep Singh had been working at the premises.
30. He outlined the Graduated Response Model that the Police employ to engage with licensed premises and their managers. No enforcement actions had been lodged with ARLA to date, but the premises were at the stage where further offending would result in enforcement action. He said part of the enforcement process was to oppose managers certificates as they had done in this case.
31. He believed 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 customer service.

INSPECTOR EVIDENCE

32. 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.
33. In closing submissions both the Inspector and the Police reaffirmed that they did not believe Mr Singh had sufficient experience in high-risk premises to be granted a renewal to manage late night taverns in Putaruru.
34. They both believed the tavern and its operators should engage competent external trainers to teach them sound intervention tools to prevent intoxication on the premises.

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

35. 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.**
36. There are **four options** open to the Committee. **Approve** the renewal now for **three years, approve** a renewal for a **shorter period, refuse** to renew the managers certificate, **approve the renewal in conjunction with an undertaking** that the manager would not be the named Duty Manager later in the evenings until he has been taught, and can demonstrate, the skills required to work in that environment.
37. It is clear to us that Jobandeep Singh does not have the experience and skill set to monitor consumption levels in a high-risk tavern environment.
38. From the references that he obtained it is clear he is a popular host, and he is liked by his customers. But as it is often said, **Alcohol is no Ordinary Commodity. It must be sold and supplied and consumed safely and responsibly.** We are sure that it is abundantly clear now to Mr. Singh that he has been setting the supply limits too high before he attempts to intervene or deny service.
39. Managing consumption rates starts from the very first drink and with delayed service, free water, non and low-alcohol alternatives and good food options, patrons can be kept well down on the influenced rating and not become violent, abusive, uncontrollable individuals and become the focus of the Police.

THE DECISION

40. After careful consideration we have decided to stop short of refusing the renewal of this manager's certificate.
41. Mr. Singh requires more time to develop his skills around the assessment of intoxication and when to take decisive action before things go wrong. Denying the fact when patrons are clearly intoxicated, is not the mark of an experienced manager.
42. 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.
43. Requests for CCTV footage must be provided within a very short space of time, **every** time.
44. We propose to approve the renewal for 15 months only from the date of expiry, i.e., 11 February 2023. That means in May 2024, **in some 6 months' time**, he must apply for a fresh renewal, and he will be examined again as to his suitability to hold a managers certificate.

45. He is entirely under-skilled to be the Duty Manager after 7.00pm at night on any day of the week. Jobandeep Singh and his colleague/shareholder Mandeep Singh agreed at the hearing, that should the DLC require it, Jobandeep Singh would only work as the Duty Manager during the period from opening time to 7.00pm on any given day.
46. He has the busy Christmas period to show to the Committee, and the regulatory agencies that he is capable of working in a high-risk environment **and** ensuring that his customers do not drink alcohol to excess and become offenders, or victims, of alcohol related crime and harms.

The Certificate is renewed for 15 months from the 11th of February 2023. It will carry an Undertaking that he will not be appointed as the Duty Manager at any time after 7.00pm on any given day.

DATED at Tokoroa this 20th day of November 2023

A handwritten signature in black ink, appearing to read 'Murray Clearwater', is written over a light blue horizontal line. The signature is cursive and extends to the right with a long, thin tail.

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