



DECISION

65/DLC MAY/2024

Timaru District Licensing Committee Meeting
Friday 10 May 2024

Ref: 1671885

IN THE MATTER

Of the Sale and Supply of Alcohol Act 2012

("the Act")

AND**IN THE MATTER**Of an application by **Gursharan Singh** for a
Managers Certificate, pursuant to section 219
and 222 of the Act**BEFORE THE TIMARU DISTRICT LICENCING COMMITTEE**

Commissioner Sharyn Cain

Member Cr Peter Burt

Member Cr Stu Piddington

BY WAY OF PUBLIC HEARING

Timaru District Licensing Committee Hearing was held in Meeting Room 1, Timaru District Council, 2 King George Place, Timaru on Friday 10 May 2024 commencing at 1pm

APPEARANCES

Mr Gursharan Singh – Applicant

Mrs Pervinder Davies – Representative for the Applicant

Sharon Hoogenraad, Chief Licensing Inspector, Timaru District Council – Reporting Agency

Sergeant Cameron McBride, Alcohol Harm Reduction Officer, New Zealand Police – Reporting Agency

Hendrina (Petro) Simpson, Liquor Licensing Inspector – Witness

Constable Albright Munang, New Zealand Police - Witness

RESERVED DECISION OF THE TIMARU DISTRICT LICENCING COMMITTEE**BACKGROUND INFORMATION**

1. This is an application by Gursharan 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 criterion found at section 222 of the Act applies to this application.
3. The applicant, Mr Gursharan Singh, is of the required age to hold a Managers Certificate and has attained the prescribed qualifications on 12 December 2011.
4. The applicant was employed by Singh Brothers Trading Limited, trading as Bottle O Stafford Street, at the time of the first application but was not currently in employment at the time of his second application.
5. The applicant previously held a Managers Certificate granted by Christchurch City Council (60/CERT/119/2015), which lapsed on the 22 February 2019.
6. Mr Singh applied for a Managers Certificate on 17 October 2023.

7. This was opposed by the Chief Licensing Inspector and New Zealand Police, and a hearing date was set for 17 January 2024.
8. Mr Singh, via his counsel, withdrew his application on 5 December 2023 and the hearing was vacated.
9. On the 22 January 2024 an email was received from Mr Singh by the Chief Licensing Inspector requesting to reapply for a Managers Certificate stating that, inter alia "... I have taken immediate steps to address the issues raised", and "have undergone additional training to enhance my understanding of the relevant laws and responsibilities".
10. The current application for a Managers Certificate was received on 7 February 2024.
11. Reports in opposition were received from Chief Licensing Inspector Sharon Hoogenraad dated 8 April 2024, and New Zealand Police Sergeant Cameron McBride dated 19 February 2024.
12. The grounds for opposition were suitability of the applicant and knowledge of the Act.
13. After reviewing the case file, application, and reports received as per section 220 of the Act, this matter was set down for this public hearing.

THE HEARING REPORTS AND SUBMISSIONS – IN SUMMARY

APPLICANT – MR GURSHARAN SINGH

14. The brief of evidence was taken as read
15. Mr. Singh stated his full name, and that he holds a Diploma in Business (level 6).
16. He stated that he first came to New Zealand in May 2011 from India, arriving as a student and after completing his education, obtained a work visa.
17. In 2012 he started working at a bottle store in Christchurch and he worked there until 2018 until returning to India.
18. In 2023 he decided to return to New Zealand and obtained a work visa to work as a store manager for Singh Brothers Trading Limited. The Company operates a bottle store known as the Bottle O Stafford Street in Timaru.
19. He stated that he arrived here in New Zealand in August 2023, that one of the shareholders of the company is his cousin, and that he stays with his cousin and family in Ashburton.

20. Mr Singh stated that as he was going to work at the Timaru store he was going to arrange accommodation locally once he had his duty managers certificate. When he applied for his duty manager certificate on 17 October 2023 he gave his friends home address for the application, as he planned to live with them initially and find his own accommodation once he was settled in the new job in town.
21. Mr Singh stated that he rents a room in “their” house at 30 Mountain View Road, Timaru.
22. He stated that his first application was opposed and that he decided to withdraw the first application as he was anxious of going to a hearing.
23. After withdrawing the first application in December 2023 Mr Singh stated that he read up on the laws related to the Sale and Supply of alcohol and the duty managers obligations. He refreshed his knowledge about the scab intoxication assessment tool. It was after this that he filed his second application for a Duty Manager Certificate on 31 January 2024.
24. He stated that on 18 April 2024 he received a letter from the District Licensing Committee to say that his Duty Manager Certificate application had been opposed by the Licensing Inspector and Police.
25. Regarding the 11 November 2023 incident Mr. Singh states that he had been under significant emotional distress after losing his brother and father and that he occasionally drinks to get away from the pain of losing them.
26. He stated that on the 11th of November 2023 he drank until the early hours of the morning with a couple of friends and lost track of time. He was supposed to open the Stafford Street store that morning but was not feeling well when he got up to go to work so he contacted his employer to say he was not feeling well and asked if they could organise cover for him as soon as he opened the store. He opened the store at 10:00 AM.
27. Mr Singh stated that while he was waiting for a staff member to come and cover for him a Police Officer came into the store, and he thought it was just before 11:00 AM.
28. He further stated that the staff member, Parabhjit Singh Gill, was already on his way to the store when the Police Officer conducted a breath test and the Police Officer said he was intoxicated and should not be at the store. The Police Officer was still at the store when Mr Singh Gill arrived at the store and he left the store straight away.
29. Mr Singh noted that there was some confusion regarding the business ownership as in their culture they refer to cousins as brothers.
30. He stated that he acknowledges he made a mistake, but that is not who he is, and he reflected on the incident and has given up drinking altogether. He did not want to compromise his responsibilities ever again or be in that sort of situation again. He noted that he is finding ways

to manage his stress and emotional discomfort, for example by going for walks, working out, and maintaining a healthy diet.

31. He stated that he has become involved in the local Sikh community and provided a reference in support of that statement.
32. Mr Singh noted that he came to New Zealand on a work visa and this could jeopardize his opportunity.
33. He noted that the confusion regarding the name of the store was just due to it having changed recently.
34. Mr Singh questioned why he was asked questions relating to on licensed premises. He noted that he has read up about the law and the duty manager's obligation under the law again. He submitted that he had held a Duty Manager Certificate for a number of years previously. He stated that he has also now completed the online Servewise training.
35. Mr Singh expressed his regret and apologies.

CROSS EXAMINATION OF APPLICANT

36. Mr Singh was asked a range of questions regarding the incident on 11 November 2023 and the events leading up to the incident.
37. When questioned regarding why he thought he was feeling unwell, he answered that he didn't imagine that there was alcohol in his body. Mr Singh stated that he had been drinking in Temuka with some friends and that one of his colleagues drove him to work in the morning, and that someone gave him a lift to Ashburton after he left the premises.
38. Mr Singh was questioned regarding the two previous ARLA decisions against him, and he challenged the circumstances and his confusion around the process, but it was noted by the committee that Mr Singh did not dispute the grounds at the time. Mr Singh stated that he was not working as a Duty Manager for either incident.
39. Mr Singh was asked by the Chief Licensing Inspector if he remembered a conversation explaining to him that as a Manager he needed to have overall knowledge of the Act. Mr Singh responded in the affirmative.
40. Mr Singh was further questioned regarding his written statement that he had undergone further training, and it was noted that there was no evidence supplied to back up this statement other than a Servewise Certificate dated 30 April 2024 which was after the application had been opposed and the hearing date set. Mr Singh admitted that he tried to do everything before the hearing, and that it was after he wrote the email.

41. When further questioned by the committee Mr Singh stated that he had been learning online, Liquor Licence Authority (sic), Timaru District Council, local policy, and Servewise. He also stated that he had received training from the two business partners at the bottle store as per the policy plans at the bottle store.
42. Sergeant McBride then questioned Mr Singh regarding the address at 30 Mountain View Road, Timaru. He responded that the lady who answered the door didn't know about him or the application and that she would only know him as his nickname and not his full name.
43. Mr Singh reiterated that he rented a room at the above address but had not lived there yet. He stated that he had supplied his correct address on the second application which was an Ashburton address. He said that he hadn't lived anywhere else but on further questioning he admitted that he had lived at a Temuka address for approximately six weeks during the period he worked at the Stafford Street Bottleshop.
44. Clarification was sought regarding the timing of the phone call to arrange cover for Mr Singh's shift. Mr Singh maintains that he phoned his replacement Mr Singh Gill prior to opening the store and that he recalled to check how far away he was in the presence of the Police.
45. The committee questioned Mr Singh around whether he knew his responsibilities as Duty Manager and whether he thought he should have left the store closed. He acknowledged that he knew he should have closed the store but as it was new he didn't want to harm the business. He maintained that he didn't know alcohol was in his system and that he had proper sleep so thought he was sick.
46. When further asked regarding the events of the night before, Mr Singh stated that he had 3-4 shots of liquor and bourbon, and that they had been drinking until 2-3am. The bottle store was opened at 10am.
47. The committee then asked Mr Singh if he had any examples or evidence of rehabilitative efforts since the two alcohol related ARLA decisions in 2014 and 2016. Mr Singh could not provide any. When asked if he saw that the committee may view this as a pattern of behaviour he responded in the affirmative.
48. Mr Singh was then asked about his current working situation, and he stated that he has not worked at the Stafford Street store since the incident on 11 November 2023. He has done a couple of casual shifts at a bottle store in Ashburton but has not worked in the industry since prior to Christmas 2023.
49. The committee then asked Mr Singh a number of questions regarding his knowledge and understanding of the Act. It was pleasing to note that Mr Singh could answer most of the questions asked and had obviously prepared for the hearing. Of concern however was the lack of understanding regarding the Act, what it is for, and why we have it. Knowledge is not just to be memorised but should be understood and able to be explained in own terms.

50. Lastly Mr Singh was asked about his English language skill level. He stated that it is his second language and only started with English when he came to New Zealand in 2011.

EVIDENCE PROVIDED

51. Reference letter from Charan Singh, President of the New Zealand Sikh Society dated 29 April 2024
52. Application for Managers Certificate dated 17 October 2023
53. Servewise Certificate dated 21 March 2017
54. Reference letter from Amarpreet Singh, Director of Singh Brothers Trading Limited dated 17 October 2023
55. Reference letter from Harjit Singh, Owner of Super Liquor Lyttleton undated
56. Passport
57. New Zealand Immigration Work Visa approval dated 7 August 2023
58. Christchurch City Council Renewal of Managers Certificate 60/CERT/1119/2015 dated 22 December 2015
59. NZQA Record of Achievement issued 10 June 2019
60. Servewise Certificate dated 30 April 2024

REPORTING AGENCY IN OPPOSITION – CHIEF LICENSING INSPECTOR SHARON HOOGENRAAD

Brief of Evidence was taken as read

61. Mrs Hoogenraad stated that she has been employed by the Timaru District Council as a warranted Liquor Licensing Inspector since 17 January 2005. In 2015 she became the Chief Licensing Inspector and continues to hold that title.
62. She stated that Mr Singh had previously lodged a Managers Certificate dated 27 October 2023 which was subsequently opposed by herself and police due to an incident that occurred in November 2023, which resulted in an alcohol infringement offence notice for being intoxicated whilst on duty.
63. Mrs Hoogenraad noted that Mr Singh had to complete 2 managers certificate tests due to his failing his initial managers test.
64. Following the opposition by herself and police. in the initial application, both herself and Sergeant McBride visited the residential address provided by Mr. Singh on both his application for a manager and also the signed statement between himself and Constable Munang. A resident of the property advised she was not aware of anyone by that name living at that address.
65. Mrs Hoogenraad stated that on the 5th of December 2023 Mr. Singh, via his legal counsel, withdrew his application resulting in the hearing being cancelled.

66. On 22nd January she received an e-mail from Mr. Singh formally requesting permission to reapply for his Managers Certificate stating he had carried out additional training, however no evidence was provided to this affect.
67. The application for a new Managers Certificate was received on 7 February 2024.
68. Following two tests completed by Mr Gursharan Singh with another Licensing Inspector, she had reviewed the file and on 8 April 2024 opposed the application on grounds of suitability and knowledge of the act.

WITNESS – LICENSING INSPECTOR HENDRINA (PETRO) SIMPSON

69. Brief of Evidence was taken as read
70. Mrs. Simpson stated that she has been employed by the Timaru District Council as a Liquor Licensing Inspector since 20 May 2023.
71. She stated that on 22 February 2024 Mr. Singh attended an interview test with her. He failed the first test and so was required to complete a second test on 4 March 2024 where he achieved a pass mark.

CROSS EXAMINATION OF MRS SIMPSON

72. Clarification by Counsel that the 2nd test result was 39/40 not 38/40.
73. When Mrs Simpson and the applicant were both questioned regarding the confusion around the business name they both still had conflicting accounts of what took place.

CROSS EXAMINATION OF MRS HOOGENRAAD

74. No questions were asked of Mrs Hoogenraad

EVIDENCE PROVIDED

75. Nothing additional to the case file

REPORTING AGENCY IN OPPOSITION – NEW ZEALAND POLICE SERGEANT CAMERON MCBRIDE

76. Brief of Evidence was taken as read
77. Sergeant McBride stated that he was the Police Alcohol Prevention Sergeant based in Timaru.
78. On 9 October 2023 he received an application by Mr Singh for a Managers Certificate. After initial vetting this was not opposed by Police

79. On 13 November 2023 he was made aware of an incident that occurred on 11 November 2023 at Thirsty Liquor Stafford Street, Timaru where the applicant was found to have sold alcohol while intoxicated on duty.
80. On 21 Nov 2023 he sent a further report that now opposed the application based on Section 222 a) The applicants suitability to be a manager
81. On 24 Nov 2023 he and Chief Licensing Inspector Sharon Hoogenraad went to 30 Mountainview Road, Timaru to deliver some documentation in relation to the application to Mr Singh.
82. This was the address given by Mr Singh as his residential address in his application.
83. A woman who answered the door stated that she didn't know Gursharan Singh and that he didn't live there.
84. On 7 February 2024 he received notification that Mr Singh had submitted a new application for a Managers Certificate, which the Police opposed.
85. Further to the incident on 11 November 2023, the Police referenced two Alcohol and Regulatory Licensing Authority (ARLA) decisions against Mr Singh [2016] NZARLA 400 and [2014] NZARLA 262 during the time of holding a previous Managers Certificate

WITNESS – NEW ZEALAND POLICE CONSTABLE ALBRIGHT MUNANG

86. Brief of Evidence was taken as read
87. Constable Munang stated that he is attached to section 5, Public Safety Team in Timaru
88. On 11 November 2023 he was working an early shift in full Police uniform conducting routine patrols in a marked Police vehicle
89. He was working with Constable Allan under the unit name TUI5A
90. They received information that a concerned member of the public that the went to the Big Daddys
91. Liquor Store on Stafford Street, Timaru to buy alcohol and found the Duty Manager to be intoxicated
92. After speaking with the informant, they proceeded to the premise to undertake a compliance check
93. Upon arrival Constable Munang stated that he found Gursharan Singh appeared to look tired and dishevelled, he introduced himself and informed Mr Singh of the reason for the visit.

94. He stated that Mr Singh introduced himself as the Temporary Duty Manager. After obtaining relevant details he asked Mr Singh if he was intoxicated, to which he replied no. He then asked if he thought he would be able to pass a passive breath test, to which he replied yes. Constable Munang proceeded to conduct a passive breath test and the screen showed up with a fail.
95. Constable Munang stated that he then advised Mr Singh his full caution rights, as per the aide memoire.
96. Constable Munang then questioned Mr Singh, as per the brief of evidence, and then Mr Singh signed the notebook confirming the conversation and answers were true, and Constable Munang counter signed.
97. Constable Munang further submits that while speaking with Mr Singh he conducted an ongoing scab assessment. He submits that Mr Singh's speech was slurred, he was having difficulties forming words, and often lost his train of thought. He was stumbling and unable to keep himself upright while constantly leaning on the front counter. He was unable to remain focused and was unable to engage in conversation. He seemed to be unsettled and distracted. His eyes looked tired and heavy. When questioned, he responded by giggling and laughing at random times. He was withdrawn and had slow reactions.
98. Constable Munang states that he then advised Mr Singh to call a duty manager to relieve him otherwise he would have to close the shop. Shortly after, the duty manager turned up and Mr Singh was taken home by a colleague.
99. On 13 November 2023, Constable Munang spoke to the Alcohol Harm Sergeant McBride and advised him of this incident.
100. On the 12 December 2023 Constable Munang issued Mr Singh with an infringement notice, notice number PA 684-8307 for being an intoxicated manager on duty.

CROSS EXAMINATION OF CONSTABLE MUNANG

101. When asked to clarify anything further from the incident, Constable Munang reiterated his above statements, but also stated that Mr Singh had sold alcohol while on duty on 11 November 2023, and that he refused to undertake an evidential breath test. The committee noted that this was within Mr Singh's rights. Mr Singh said he refused the further tests as he was confused as to why they wanted him to do them.
102. Constable Munang did not think Mr Singh had had a problem understanding what was being asked of him during the interview. Mr Singh confirmed that he was confused due to feeling unwell but that he did know what was being asked and he understood the English.
103. Constable Munang was asked by the committee, in his educated opinion, what level of drinking Mr Singh had undertaken, to which he responded between moderate and heavy.

104. The committee put the question to Mr Singh to ask if he accepted that the Constable would have observed him looking pretty unwell, as in dizzy and unable to stand properly etc? Mr Singh responded in the affirmative
105. There was some further questioning regarding the timeline of the phone calls and replacement cover for Mr Singh. No further evidence was supplied.
106. Counsel for the applicant Mrs Davies questioned Constable Munang regarding the timing of events and the period taken for questioning.

CROSS EXAMINATION OF SERGEANT MCBRIDE

107. Mrs Hoogenraad asked if an application was lodged by somebody who had an excess breath alcohol against them would there be a stand down period for that application, to which Sergeant McBride replied that yes there would, there'd be two years standdown for excess breath alcohol.
108. Sergeant McBride referenced caselaw 2388/95 G.L Osbourne.
109. The committee questioned Sergeant McBride on whether the woman who answered the door at 30 Mountainview Road would have known that this was regarding Liquor Licensing, which was a negative.

EVIDENCE PROVIDED

110. NZ Police report dated 21 November 2023
111. NZ Police report dated 19 February 2024
112. [2016] NZARLA 400 decision dated 14 October 2014
113. Signed voluntary suspension document dated 12 September 2016
114. [2014] NZARLA 262 decision dated 13 May 2014
115. Photo of Mr Singh with the failed passive breath test showing on the device
116. NZ Police Statement dated 1 December 2023
117. Copy of the Police notebook signed by the applicant as correct and counter signed by Constable Munang
118. Copy of the Infringement Notice PA6848307

FURTHER INFORMATION – POST HEARING

119. A minute was emailed to all parties on 10 May 2024 stating that the committee was reserving their decision and subsequently requested the following information/evidence be supplied ahead of the Hearings panel reconvening for deliberations on Monday 13 May 2024 at 2pm.

120. That the Liquor Licensing Inspector visit the premises of the Bottle O Stafford Street Timaru and obtain a copy of the training manual and schedule of training of employees for the period covering October and November 2023.
121. That the applicant supplies evidence of the timeline related to the telephone call to his employers to arrange replacement cover of the duty manager on the day of 11 November 2023.
122. The training manual was duly produced and the committee notes that there was no evidence of training for Mr Singh on the staff training register.
123. The Temporary and Acting Managers register showed Mr Singh as being appointed as a Temporary Manager from 17 October 2023 – 13 November 2023
124. The incident log noted an incident on 11 November 2023, at around 11am, of Intoxicated while on duty. The description of the incident was written as follows
 - 124.1 *“Duty Manager Gursharan Singh was found intoxicated while on duty by Police. Gursharan Singh then called me (Parabhjit Singh Gill). I immediately informed our employer. My employer asked me to go to the store and take over the shift from Gursharan Singh. I came to the store around about 11.30am, the Police were still at the store. They did a breath test on me and allowed me to start my shift”.*
125. This was declared to be a true and accurate statement by Mr Parabhjit Singh Gill dated 11 November 2023 at 12.30pm
126. No evidence regarding the timeline related to the telephone call to Mr Singhs employers to arrange replacement cover of the duty manager on the day of 11 November 2023 was received either before the hearing or as further information. The committee notes that an attempt was made but was time prohibited by the phone service provider.

FINDINGS

127. 222 Criteria for manager's certificates
128. In considering an application for a manager's certificate, the licensing committee or licensing authority, as the case may be, must consider the following matters:
 - (a) the applicant's suitability to be a manager;
 - (b) any convictions recorded against the applicant;
 - (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](#).

RELEVANT SECTIONS 220 AND 222 ADDRESSED

Suitability of Applicant –

129. The committee is concerned by the pattern of behaviour exhibited during the time of Mr Singh working in the hospitality industry in New Zealand, in particular whilst holding a Managers Certificate, and more recently as a Temporary Duty Manager whilst awaiting the outcome of this application.
130. The applicant cannot use the experience and training gained whilst employed in the industry as highly relevant evidence in this application and hearing, and then argue that the behaviour and penalties that occurred within the same time period be outdated and irrelevant.
131. The two ARLA decisions were both alcohol related and were of such significance as to require the suspension of Mr Singhs Managers Certificate on both occasions.
132. The recent incident on 11 November 2023 was also alcohol related and showed very poor judgement by Mr Singh. The committee notes with concern that the applicant was perceived to be in such a state that a concerned member of the public felt the need to contact the Police.
133. Mr Singh provided false information on his first application regarding his address.
134. Mr Singh has, under oath, made conflicting statements regarding his places of residence.
135. Mr Singh had shown little effort to rehabilitate after the incidents in 2014 and 2016 other than to undertake a Servewise Certificate in 2017, and whilst the committee appreciates and commends Mr Singhs efforts after this latest incident there has not been enough time to ascertain whether these will be sufficient. The committee also notes the timing of the Servewise Certificate dated 30 April 2024 and Mr Singhs statement under oath that he was trying to do everything prior to the hearing.
136. The committee finds that there are conflicting statements regarding the timing of the call to find replacement cover for Mr Singh on 11 November 2023, and with no substantiated evidence to the contrary a weighting must be placed on the incident log provided from the Bottle O Stafford Street store.
137. Regardless of the timing of the replacement call, the committee finds that Mr Singh showed poor judgement in choosing to drink hard alcohol into the early hours of the morning prior to being on an opening shift. He further compounded the issue by continuing to open the store at 10am and selling alcohol to members of the public in an intoxicated state.

138. The committee struggles with Mr Singhs submission that he was unaware that he would still have alcohol in his body or that he was intoxicated. As someone who had previously held a Managers Certificate and holds the prescribed qualifications, it is expected that Mr Singh would have been well aware of the signs and symptoms of intoxication.

Any convictions recorded against the applicant –

139. There are no convictions recorded against the applicant in the timeframe relevant to this application.

Experience –

140. Mr Singh previously held a Managers Certificate issued by Christchurch City Council 60/CERT/1119/2015

141. Mr Singh worked in the industry from 2012-2018, with all of his experience in OFF Licence Bottle Stores

142. Mr Singh commenced work for Singh Brothers Trading Limited, trading as Bottle O Stafford Street, on 11 October 2023, and was appointed a Temporary Duty Manager on 17 October 2023 until 13 November 2023. Mr Singh initially applied for his Managers Certificate on 17 October 2023.

143. Mr Singh has not worked in the industry since prior to Christmas 2023, and not since the incident of 11 November 2023 for Bottle O Stafford Street

144. The committee finds that the applicant may require more recent experience in the New Zealand hospitality industry after a four year period out of the industry.

Training –

145. Mr Singh holds the prescribed qualifications, gained in 2011.

146. The committee finds that the applicant may have been let down by his employers at Bottle O Stafford Street as there is no staff training recorded in their staff manual. Mr Singh stated that it was undertaken verbally, as well as the induction process, but there is no substantiated evidence to support this.

147. With regard to Mr Singhs knowledge of the Act, the committee was disappointed and concerned that a previous Managers Certificate holder would need to undertake second tests on both applications due to initial failures.

148. When questioned at the hearing the committee notes that the answers were mostly correct but finds that the knowledge appeared to be memorised last minute rather than having an understanding of the Act.

149. **Any matters dealt with in any report from the Police, or an Inspector, made under section 220 –**

150. **Reporting Agencies** - The reporting agencies' positions have been discussed above.

DECISION OF THE COMMITTEE

151. The Timaru District Licensing Committee (the committee) is committed to ensuring the object and intent of The Sale and Supply of Alcohol Act 2012 is adhered to.
152. The committee maintains that the opportunity to hold a Managers Certificate is a privilege, not a right and comes with substantial additional responsibilities of a serious nature as evidenced by the penalties and fines that can result from breaches.
153. 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.
154. After due consideration, the application by Gursharan Singh for a Managers Certificate is declined.
155. The committee does not wish to set any person up to fail, and believes in the opportunity to learn, grow, and rehabilitate.
156. Due to the applicant's evidence that they are making steps to learn from this experience, the committee advises that a new application for a Managers Certificate may be lodged 12 months from the date of this decision if the following provisions can be met alongside the standard provisions -
 - Evidence of additional training and education in all areas of licensing, not just OFF Licence stand alone bottle stores
 - No further alcohol related offending
 - Evidence of continued efforts to manage stress and emotional discomfort

Dated at Timaru, on this 20th day of May 2024

Sharyn Cain
Commissioner
Timaru District Licensing Committee