DLC Reference:	AL444061
Decision Number:	[2026] WDLC 275
IN THE MATTER	of the Sale and Supply of Alcohol Act 2012
AND IN THE MATTER	of an application by DEEPINDER SINGH pursuant to Section 224 of the Sale and Supply of Alcohol Act 2012 for the issue of a Manager's Certificate

DECISION OF THE WAIMAKARIRI DISTRICT LICENSING COMMITTEE

Date of Hearing:	13 August 2026
Venue:	The Function Room, Rangiora Town Hall 303 High Street, Rangiora.
District Licensing Committee:	Commissioner N Atkinson KSM, JP(Chairperson) Commissioner J Gerard, QSO Committee Member T Bartle

In Attendance:

For the Applicant:

Ms K Logan (Ross Dowling Lawyers)

Mr D Singh

Reporting Agencies

Mr R Turner	District Licensing Inspector
Senior Constable G Craddock	New Zealand Police
Ms Williams	Medical Officer of Health

CONFLICT OF INTEREST

No conflicts of interest were declared.

DECISION OF THE WAIMAKARIRI DISTRICT LICENSING COMMITTEE

(a) That the application by DEEPINDER SINGH, pursuant to Section 244 of the Sale and Supply of Alcohol Act 2012, for the renewal of a Manager's Certificate, not be granted.

BACKGROUND

1. Before the Waimakariri District Licensing Committee (the Committee) was an application for the renewal of a DEEPINDER SINGH for the renewal of a Manager's Certificate.

2. The Applicant applied on 16 August 2025 for an application pursuant to Section 244 of the Sale and Supply of Alcohol Act 2012, for the renewal of a Manager's Certificate.

3. DEEPINDER SINGH's current Manager's Certificate (60/Cert/485/2021) was issued by Christchurch City Council in 2021 and would expire on 28 September 2026.

4. The Licensing Inspector had reported his opposition in his report dated 26 September 2026, and New Zealand Police had reported its opposition in its report dated 16 October 2025.

5. The Committee had heard the majority of the evidence as part of the hearing of application LL1340/AL101340, given the significant overlap between the applications. Submitters were invited to highlight any matters specific to the renewal of a Manager's Certificate

6. All parties agreed that no further evidence would be presented, unless the Committee had questions for witnesses.

HEARING

The Applicant

1. Counsel for the Applicant, Ms K Logan, noted that the briefs of evidence had been prepared to address both applications on the basis that they would be heard concurrently. As the applications had instead proceeded consecutively, arrangements had been made for the witnesses to be available to respond to any questions from the Committee. Ms Logan further submitted that the written briefs of evidence had been duly filed, circulated, and adopted by the respective witnesses during the earlier hearing. Accordingly, those briefs constituted the evidence relied upon by the Applicant for the purposes of the present application, subject to any questions the Committee may have wished to raise.

2. Ms Logan submitted that the statutory criteria for the renewal of a Manager's Certificate were set out in Section 227 of the Sale and Supply of Alcohol Act 2012 (the Act). The Committee was required to have regard to the applicant's suitability to hold a Manager's Certificate, whether the applicant was a licensee, any relevant convictions, the manner in which the applicant had managed the sale and supply of alcohol, and any matters raised in a report prepared under Section 225 of the Act.

3. Ms Logan further submitted that Mr D Singh had no relevant convictions, as confirmed in his brief of evidence. Ms Logan advised that the application was required to be determined on its own merits and that the statutory test for suitability in relation to a Manager's Certificate was distinct from, and less onerous than, the test applicable to a licence application. Ms Logan noted that no evidence or submissions had been advanced by the reporting agencies specifically challenging Mr Singh's suitability to hold a Manager's Certificate. Rather, the concerns raised by those agencies related to the licence renewal application and the suitability of the licensee. Ms Logan further submitted that a distinction should be drawn between the suitability of a licensee, which concerned the operation of the premises, including systems, staff and training, and the suitability of a manager, which concerned the management of the sale and supply of alcohol and the discharge of a manager's statutory responsibilities while on duty.

4. In support of the application, Ms Logan submitted that Mr Singh had held a Manager's Certificate and undertaken the duties of a Duty Manager for a number of years without suspension or disciplinary action. Ms Logan noted that Mr Singh had completed the requisite training and had provided evidence of this through training records, including his ServeWise certificate. Ms Logan further advised that Mr Singh had also completed Tipsy training. No evidence had been adduced to establish any failure, misconduct, or breach of statutory obligations by Mr Singh in the performance of his duties as a Duty Manager. Accordingly, Ms Logan submitted that Mr Singh met the statutory suitability requirements to renew his Manager's Certificate under the Act.

5. Ms Logan then called Mr Singh, the Applicant, to give evidence. The Committee took Mr Singh's Brief of Evidence, as included in the Committee Agenda and previously presented at the hearing of application LL1340/AL101340, as read and adopted.

6. In addition to adopting his previous evidence, Mr Singh spoke in support of his application for renewal of his Manager's Certificate. Mr Singh advised that he had been involved in the hospitality industry since 2018, having acquired his first licensed premises in Alexandra. Through his experience as an operator and Duty Manager, Mr Singh had developed significant expertise in managing licensed premises and overseeing large numbers of patrons.

7. Mr Singh gave evidence that he had successfully managed large-scale events, including events attended by approximately 700 patrons. Mr Singh submitted that his experience in managing such events demonstrated his ability to discharge his responsibilities as a responsible host and Duty Manager. Mr Singh further stated that he took his obligations as a Duty Manager seriously and remained receptive to feedback and guidance from staff, management, licensing authorities, and enforcement agencies. Mr Singh advised that he regularly sought feedback from Licensing Inspectors and the New Zealand Police on the operation of the premises and endeavoured to address any matters raised.

8. Mr Singh also stated that he respected the role of the regulatory agencies and acknowledged the importance of complying with the requirements of the Act. Mr Singh advised that he was committed to continuous improvement and to maintaining high standards in the performance of his duties as a certified manager. Mr Singh submitted that his industry experience, training, compliance history, and willingness to engage constructively with regulatory authorities demonstrated his suitability to continue holding a Manager's Certificate.

9. There were no questions from the Committee, other than the previously asked as part of the hearing of application LL1340/AL101340.

10. The Chairperson thanked Ms Logan and Mr Singh for their attendance and submissions.

Reporting Agencies

11. The Committee took the Licensing Inspector, Mr R Turner's Brief of Evidence, as included in the Committee Agenda and previously presented at the hearing of application LL1340/AL101340, as read and adopted.

12. Additionally, Mr Turner submitted that, while a licensee's responsibilities were broader than a Duty Manager's under the Act, suitability remained a central consideration in both applications. Mr Turner further submitted that the Committee was required to consider whether Mr Singh was a suitable person to ensure that the licensed premises operated in accordance with the requirements of the Act while under his management and control.

13. Mr Turner observed that there was a close relationship between the assessment of suitability for a licence and the assessment of suitability for a Manager's Certificate. In Mr Turner's view, if an applicant were not considered suitable to hold a licence, that would also be relevant to the assessment of whether the applicant was suitable to hold a Manager's Certificate.

14. There were no questions from the Committee, other than the previously asked as part of the hearing of application LL1340/AL101340.

15. The Chairperson thanked the Licensing Inspector, Mr Turner, for his attendance and submissions.

16. The Committee took the Senior Constable G Craddock of the New Zealand Police's Brief of Evidence, as included in the Committee Agenda and previously presented at the hearing of application LL1340/AL101340, as read and adopted.

17. Senior Constable Craddock advised that she had no additional evidence or submissions to present in relation to the application for renewal of Mr Singh's Manager's Certificate. Senior Constable Craddock confirmed that she relied upon the evidence and submissions previously presented during the hearing of application LL1340/AL101340.

18. There were no questions from the Committee, other than those previously asked as part of the hearing of application LL1340/AL101340.

19. The Chairperson thanked Senior Constable Craddock for her attendance and submissions.

20. The Committee took Ms P Williams from the Medical Officer of Health's Brief of Evidence, as included in the Committee Agenda and previously presented at the hearing of application LL1340/AL101340, as read and adopted.

21. Ms Williams confirmed that she had no additional evidence or submissions to present in relation to the application for renewal of Mr Singh's Manager's Certificate. Ms Williams further confirmed that she relied upon the evidence and submissions previously presented during the hearing of application LL1340/AL101340.

22. There were no questions from the Committee, other than those previously asked as part of the hearing of application LL1340/AL101340.

23. The Chairperson thanked Senior Constable Craddock for her attendance and submissions.

Summing Up

24. The Council of the Applicant, Ms Logan, observed that the statutory test for the renewal of a Manager's Certificate was set out in Section 227 of the Act. In determining the application, the Committee was required to have regard to the following matters:
    (a) The suitability of the applicant to hold a Manager's Certificate.
    (b) Any convictions recorded against the applicant since the issue or last renewal of the certificate.
    (c) The manner in which the applicant had managed the sale and supply of alcohol pursuant to the certificate; and
    (d) Any other matters raised in reports prepared under the Act and placed before the Committee for consideration.

25. Ms Logan submitted that the Committee's assessment of Mr Singh's suitability to hold a Manager's Certificate was required to be undertaken separately from the assessment of the licensee's suitability to hold a licence. The statutory roles and responsibilities of a certified manager and a licensee were distinct, and the Committee should avoid conflating the two assessments.

26. Ms Logan submitted that individual Duty Managers were not responsible for the oversight obligations of the licensee, including compliance with notification and administrative requirements imposed on the licence holder. The assessment should, therefore, focus solely on Mr Singh's suitability to manage the premises and discharge the responsibilities of a certified manager under the Act.

27. Ms Logan further submitted that much of the evidence presented by the New Zealand Police and the Licensing Inspector related to matters concerning the licensee rather than Mr Singh's conduct as a Duty Manager. In particular, it was noted that:

    (a) There was no evidence establishing that Mr Singh was the Duty Manager at the time of the incident involving Ms Bailey Giddens and her mother.

    (b) Staffing levels were matters falling within the responsibility of the licensee;

    (c) Any systemic failures identified at the premises were only relevant to the present application to the extent that they demonstrated a shortcoming by Mr Singh in his capacity as Duty Manager;

    (d) The appointment of Duty Managers and the associated notification requirements were obligations of the licensee; and

    (e) No evidence had been presented to suggest that any act or omission by Mr Singh had contributed to any drink-driving incident. Counsel noted that Ms Elliott's evidence established that she was the Duty Manager on 23 October 2025.

28. Ms Logan acknowledged that the evidence established that Mr Singh had been the Duty Manager at the time of Ms Giddens' subsequent violent outburst. Mr Singh took appropriate, proactive steps by contacting Ms Priyanka Sharma early. Ms Logan noted that a review of the CCTV footage indicated that Ms Sharma was already present at the premises when Ms Giddens' behaviour escalated. It was submitted that staff at The Brook reasonably attempted to manage Ms Giddens' conduct internally before it became violent.

29. Ms Logan further submitted that the evidence did not establish that Ms Giddens was intoxicated within the meaning of the Act. While the CCTV footage demonstrated that Ms Giddens behaved aggressively and violently, counsel submitted that the footage did not establish other indicators of intoxication, such as a lack of coordination. It was further noted that the CCTV footage alone could not adequately assess Ms Giddens' speech and physical appearance.

30. Ms Logan observed that the material before the Committee demonstrated that Ms Giddens' alcohol consumption was only one of a number of factors potentially contributing to her behaviour at the time of the incident. Reference was made to the court reports and assessments contained in the hearing material, which recorded that Ms Giddens had been diagnosed with various disorders, together with longstanding difficulties with emotional regulation. The reports also referred to anger management issues, ongoing stress, and unresolved trauma affecting her emotional functioning and responses to stressful situations. Similar matters were recorded in the Alcohol and Other Drugs Assessment, which also noted Ms Giddens' self-reported increase in alcohol tolerance and need for greater alcohol consumption to achieve the desired effect.

31. Ms Logan observed that, while the evidence established that Ms Giddens had been consuming alcohol, it did not establish that she was “intoxicated” within the meaning of Section 2 of the Act. It was submitted that no proper assessment had been undertaken against the statutory definition of intoxication and that evidence of alcohol consumption alone was insufficient to establish intoxication. Ms Logan further submitted that the evidence did not establish the allegation that Ms Giddens had been directed to leave the premises because she was intoxicated. The evidence did not clearly identify who made the alleged statement or to whom it was directed. Ms Logan also submitted that neither the individual alleged to have made the statement nor Micayla had conducted an assessment using the SCAB intoxication assessment tool.

32. Ms Logan noted that Michaela (*full name not provided*) appeared to have adopted a broader and non-statutory understanding of intoxication. It was noted that, in Michaela's (*full name not provided*) evidence, she had stated that it was “not unusual” for intoxicated persons to be present in a bar environment; however, she had not referred to the statutory definition of intoxication under the Act or to the SCAB assessment process, nor had she explained the basis upon which she had determined that patrons were intoxicated. Ms Logan also noted that, as Michaela (*full name not provided*) was not present to give oral evidence or be questioned on her observations, the evidence should be given limited weight. In particular, Ms Logan submitted that the reliability of her conclusions regarding intoxication was diminished by the apparent absence of any assessment against the statutory definition of intoxication contained in the Act.

33. Ms Logan observed that it was speculative to suggest that other patrons who assisted staff during the incident did so because they were intoxicated. It was submitted that such assistance may equally have reflected the close working relationships that existed between staff and regular patrons. Ms Logan further submitted that Ms Giddens’ description of other patrons as “antagonising” her did not establish that those patrons were intoxicated and noted that the allegation may have been made to minimise the seriousness of her offending. Ms Logan submitted that, in any event, staff at The Brook responded appropriately to the incident by contacting the New Zealand Police, cooperating with the Police investigation, and subsequently issuing Ms Giddens with a trespass notice.

34. Ms Logan submitted that Mr Singh had no convictions and that this factor weighed in favour of the renewal of his Manager’s Certificate.

35. Ms Logan submitted that the Committee should assess the evidence relating to Mr Singh’s management of the sale and supply of alcohol in its proper context. Especially since no objection or enforcement action had been taken specifically regarding Mr Singh’s Manager’s Certificate.

36. Ms Logan further referred to the evidence of Ms Courtney Elliott and Ms Sharma, both of whom gave evidence that Mr Singh conducted himself appropriately while undertaking his duties in licensed premises. The evidence supported a finding that Mr Singh discharged his responsibilities as a Duty Manager appropriately and responsibly.

37. Regarding the matters raised in the Reporting Agencies reports, Ms Logan submitted that the matters primarily related to the conduct of the licensee company rather than to any acts or omissions of Mr Singh in his capacity as a certified manager. Neither the Licensing Inspector nor the New Zealand Police had identified any specific conduct by Mr Singh demonstrating that he would be unable or unwilling to fulfil his obligations as a Duty Manager under the Act

38. Ms Logan further submitted that Mr Singh had given evidence before the Committee and had demonstrated an understanding of the requirements and obligations imposed by the Act. Mr Singh also expressed a willingness to keep learning and further develop his knowledge and skills where appropriate. Mr Singh completed a ServeWise Training Programme and undertook in-house training relevant to his role as a Duty Manager.

39. Ms Logan reiterated that the Committee's assessment should focus on whether Mr Singh would appropriately carry out the responsibilities of a certified manager and comply with the requirements of the Act while on duty. In Ms Logan opinion, the evidence before the Committee established that Mr Singh had the knowledge, experience, training, and commitment necessary to meet the obligations of a Duty Manager and that he would continue to discharge those responsibilities in accordance with the Act.

40. The Licensing Inspector, Mr Turner, remained opposed to the renewal of Mr Singh's Manager Certificate and supported the oppositions filed by the New Zealand Police and the Medical Officer of Health. Mr Turner submitted that the evidence presented at the hearing of application LL1340/AL101340 was directly relevant to renewing Mr Singh's Manager Certificate. It was noted that evidence had been presented of repeated failures to sell and supply alcohol safely at both licensed premises, which had resulted in alcohol-related harm.

41. Mr Turner submitted that, as both a Manager and Licensee of the two premises, Mr Singh bore responsibility for ensuring that the object of the Act was achieved at those premises. The Inspector considered that the evidence presented supported that proposition. The pattern of non-compliance identified across both premises raised significant concerns regarding Mr Singh's suitability to continue holding a Manager's Certificate. It was also submitted that the non-compliances identified constituted serious breaches of the Act.

42. For those reasons, and for the reasons set out within Mr Turner's report and evidence, together with the opposition filed by the New Zealand Police, he submitted that Mr Singh had not demonstrated sufficient suitability to continue holding a Manager's Certificate. Accordingly, the Inspector respectfully submitted that the application be declined.

43. Senior Constable Craddock confirmed that New Zealand Police continued to oppose the application and submitted that Police remained firmly of the view that Mr Singh was unsuitable to continue holding a Manager's Certificate. In response to evidence Mr Singh filed after the Reporting Agencies filed theirs, Senior Constable Craddock submitted that it was reactive rather than proactive. Senior Constable Craddock further submitted that Mr Singh's explanations regarding the offending were concerning.

44. Senior Constable Craddock referred to evidence indicating that Mr Singh had stated he maintained a good relationship with the reporting agencies. However, Senior Constable Craddock submitted that Mr Singh frequently failed to respond to requests from the agencies, despite repeated emails. It was noted that, on occasion and well after the emails had been sent, Mr Singh had contacted agency representatives by telephone, during which he was said to have deflected responsibility onto other premises or provided explanations for the matters raised.

45. Senior Constable Craddock submitted that a responsible Licensee or Manager would be expected to listen to advice from regulatory agencies, welcome the information provided, and take appropriate action in response, rather than deflecting responsibility or offering excuses. Senior Constable Craddock further submitted that Mr Singh failed on multiple occasions to comply with the Act's administrative requirements, including failing to appoint Managers, failing to make appointments within the required two working day timeframe, and failing to

terminate appointments at both premises when required. The New Zealand Police considered that these matters reflected negatively on his suitability to hold a Manager's Certificate.

46. Senior Constable Craddock referred to submissions made during the hearing of application LL1340/AL101340 and submitted that, given Mr Singh's lengthy experience in the hospitality industry, he should possess a sound understanding of the effects of alcohol consumption on patrons and the appropriate management of intoxication-related situations.

47. Senior Constable Craddock noted evidence from Ms Giddens that, when sober, she had stated she had consumed seven alcoholic drinks rather than the four drinks she had reported on the night of her arrest. Senior Constable Craddock submitted that this represented a significant quantity of alcohol. Based on CCTV footage and evidence from Mr Singh and witnesses, there was no indication that food or water had been offered to Ms Giddens. Senior Constable Craddock submitted that this demonstrated a failure to comply with host responsibility obligations.

48. In response to questions from the Committee, Senior Constable Craddock noted that Mr Singh's witness, Ms Sharma, had advised that staff communicated through a group chat and that Mr Singh had contacted her to attend the premises and assist with the situation involving Ms Giddens. Senior Constable Craddock submitted that evidence indicated Mr Singh preferred to manage the situation internally rather than contact the New Zealand Police, suggesting an inability to resolve issues arising at the premises independently. Senior Constable Craddock advised that oppositions to both the licence renewal applications and the Manager's Certificate renewal had been filed on 16 October 2025. Senior Constable Craddock submitted that, only after the current hearing, Mr Singh ceased operating the prize wheel, engaged Mr Martin Fergusson to undertake a review, and ended Ms Jillian McGill's employment.

49. Senior Constable Craddock further submitted that Mr Singh had been made aware of agency concerns during the Tri-Agency meeting held on 22 May 2025. Despite this, the New Zealand Police considered that insufficient action had been taken to address those concerns before the hearing, which they submitted raised serious questions about his suitability.

50. Senior Constable Craddock referred the Committee to the decision in *Deejay Enterprises [Re Millward LLA PH531/97, PH532/97]* and highlighted the Authority's comments regarding the importance of the character, reputation, and suitability of licence holders and managers, particularly given their responsibility for ensuring legal compliance within licensed premises.

51. In conclusion, Senior Constable Craddock submitted that Mr Singh's conduct, including what they characterised as deception, deflection of responsibility, and attempts to have New Zealand Police withdraw their opposition, cast significant doubt on his suitability to continue holding a Manager's Certificate. Accordingly, Police submitted that the Committee should refuse the application.

RELEVANT LAW

52. In deciding whether to renew Mr Sigh's Manager's Certificate, the Committee gave regard to Section 227 of the Act:

Section 227 of the Act

In considering an application for the renewal of a manager's certificate, the licensing authority or licensing committee concerned must have regard to the following matters:

(a) the applicant's suitability to be a manager:

(b) any convictions recorded against the applicant since the certificate was issued or last renewed:

(c) the manner in which the manager has managed the sale and supply of alcohol pursuant to the licence to contribute to the reduction of alcohol-related harm:

(d) any matters dealt with in any report made under Section 225.

DISCUSSION AND CONSIDERATION

53. In deciding whether to renew the Manager's Certificate, the Committee gave regard to Section 227. Having regard to the renewal criteria in Section 227, the Committee stepped back and considered whether any evidence indicated that granting the application would be contrary to the object of the Act.

54. The Applicant, Mr Singh, seeks the renewal of a Manager's Certificate. The application was opposed by both the Licensing Inspector and the New Zealand Police. The grounds of opposition relied upon are those set out in Sections 227(a) and (c) of the Act, namely the Applicant's suitability to hold a Manager's Certificate, and the manner in which the manager has managed the sale and supply of alcohol pursuant to the licence to contribute to the reduction of alcohol-related harm

Section 227(a) the applicant's suitability to be a Manager

55. The Committee considered whether the renewal of the Applicant's Manager's Certificate was likely to result in an increase in alcohol-related harm by more than a minor extent. Having regard to the object of the Act, the Committee considered the evidence the Applicant and the Reporting Agencies presented regarding the operation of the Brook and Mainstreet Sports Bar.

56. The Committee recognised that its assessment of the Applicant's suitability to hold a Manager's Certificate was required to be undertaken independently of any assessment of the licensee's suitability to hold a licence. It acknowledged that a certified manager and a licensee performed distinct statutory roles and were subject to different responsibilities under the Act. However, the Committee considered that Mr Singh's knowledge, conduct, and decision-making in his capacity as a licensee remained directly relevant to the assessment of his suitability to hold a Manager's Certificate.

57. The Committee accepted the concerns raised by the Licensing Inspector and New Zealand Police regarding the Applicant's suitability to hold a Manager's Certificate. In undertaking its statutory assessment, the Committee had regard to the Applicant's overall compliance history, management practices, and conduct across the licensed premises at which he had acted as a Duty Manager, insofar as those matters were relevant to the question of suitability

under the Act. The Committee considered that this evidence provided important context as to the Applicant's ability to understand, implement, and comply with the obligations imposed by the Act. Viewed collectively, these matters were relevant and probative indicators of the Applicant's competence, reliability, judgment, and overall fitness to hold a Manager's Certificate.

58. The evidence raised during the hearing of application LL1340/AL101340 gave rise to concerns regarding staffing levels, the adequacy and experience of staff, the provision of staff training, and the effectiveness of the operational systems implemented to minimise alcohol-related harm. The Committee considered that these matters were also directly relevant to the assessment of the Applicant's suitability to hold a Manager's Certificate. The Committee noted a pattern of the Applicant's non-compliance with a range of statutory and operational obligations and was satisfied that these matters provided cogent evidence of deficiencies in the Applicant's management practices and oversight of licensed premises. The Committee noted that this consistent non-compliance increased the risk of alcohol-related harm occurring at the premises by more than a minor extent.

59. The Committee acknowledged the evidence advanced by the Applicant concerning Ms Giddens' mental health circumstances. However, having carefully reviewed the video footage of the incident at The Brook on 1 May 2025 provided by the New Zealand Police, the Committee was satisfied that Ms Giddens was exhibiting clear signs of intoxication. While the footage demonstrated that Ms Sharma managed the situation appropriately and professionally upon her arrival, the Committee was concerned that her intervention became necessary at all. The Committee considered that the Applicant, who was present at the premises and aware of the developing situation, ought to have exercised his managerial responsibilities by intervening at an earlier stage and taking appropriate steps to manage the patron himself.

60. The Committee found that, by the time Ms Sharma became involved, Ms Giddens' behaviour had escalated significantly and had become increasingly agitated and violent. In the Committee's view, the Applicant's failure to take timely and appropriate action contributed to the escalation of alcohol-related harm and reflected a lack of proactive management. The Committee considered that this conduct demonstrated deficiencies in managerial judgment, situational awareness, and decision-making. These deficiencies were directly relevant to the assessment of the Applicant's suitability and weighed against a finding that he was presently a fit and proper person to hold a Manager's Certificate.

61. The Committee further had regard to the Department of Corrections Report, which recorded that:

"Ms Giddens reported consuming several alcoholic beverages prior to the offending, which adversely affected her judgement and emotional regulation."

Having considered this evidence alongside the video footage of the incident, the Committee was satisfied, on the balance of probabilities, that there was sufficient evidence to establish that Ms Giddens was intoxicated at the relevant time. The Committee therefore expressed concern with the Applicant's submission that the available evidence did not establish intoxication within the meaning of the Act. In the Committee's view, that submission reflected a failure to properly recognise and apply the indicators of intoxication contemplated by the Act. It indicated a limited appreciation of its object and purpose.

62. The Committee further considered that the Applicant's decision to defer the management of the incident to Ms Sharma, rather than personally exercising his responsibilities as the Duty Manager on duty, did not constitute an appropriate response in the circumstances. The Committee regarded this as evidence of shortcomings in the Applicant's ability to identify, assess, and effectively manage intoxicated patrons, core responsibilities of a certificated manager under the Act. Viewed cumulatively with the Applicant's apparent reluctance to seek assistance from New Zealand Police as the situation escalated, the Committee considered that these matters raised significant concerns about the Applicant's judgment, understanding of his statutory obligations, and capacity to actively minimise alcohol-related harm. Accordingly, these factors weighed against a finding that the Applicant was a suitable person to hold a Manager's Certificate.

63. The Committee concurred with the long-standing judicial approach articulated in *Dayal Holdings Ltd* [2004] NZLLA 568–569, in which the Authority emphasised the seriousness of intoxication and the central importance of preventing intoxicated persons from being supplied with, or consuming, alcohol on licensed premises. The Committee considered that the principles in that decision remain directly relevant to assessing an applicant's suitability, competence, and understanding of the statutory responsibilities associated with holding a Manager's Certificate. Accordingly, the Committee was not persuaded that the incidents identified during the hearing could properly be dismissed as minor. Rather, when viewed collectively and in the context of the Applicant's overall conduct and management practices, they raised significant concerns regarding his ability to identify, monitor, and appropriately respond to intoxication, and his understanding of the obligations imposed by the Act. These matters weighed against a finding that the Applicant was a suitable person to hold a Manager's Certificate.

64. The Committee accepted the extensive evidence provided by the Reporting Agencies regarding the Applicant's repeated failures to notify appointments and management changes as required under Section 231 of the Act. The Committee also noted the Applicant's submission that those omissions were regrettable but did not reflect a deliberate disregard for the licensing regime. However, during the hearing of application LL1340/AL101340, the Committee established that the Applicant was well aware of the requirements of Section 231 of the Act. The Committee also found that the statutory notification obligations had been discussed with the Applicant on numerous occasions by the Reporting Agencies. While the Committee accepted that the Applicant expressed remorse and explained the failures, it observed that those expressions were not accompanied by any meaningful or sustained change in conduct. Having considered the totality of the evidence, the Committee concluded that the Applicant's repeated failures to comply with the notification requirements could not be attributed to oversight, inadvertence, or a lack of understanding of the Act. Rather, the pattern of non-compliance demonstrated disregard for the statutory obligations imposed on licence holders and those responsible for managing licensed premises.

65. The evidence before the Committee was that the Reporting Agencies had met with the Applicant on numerous occasions to discuss the statutory requirements relating to manager appointments and notifications. The Committee accepted that the Applicant was repeatedly made aware of these obligations and of the importance of complying with them. Notwithstanding those discussions, the failures continued. Accordingly, the Committee afforded significant weight to the Applicant's non-compliance in this regard. In the Committee's view, the relevant breaches reflected deficiencies in the Applicant's understanding of, and commitment to, the statutory obligations imposed by the Act. When considered alongside the other matters before the Committee, these compliance failures further reinforced the Committee's concerns regarding the Applicant's suitability to hold a Manager's Certificate.

66. The Committee had grave concern that the Applicant characterised the many incidents of non-compliance raised by the Reporting Agencies during the hearing of application LL1340/AL101340 as minor in nature. The Committee considered that these incidents should not be viewed in isolation and required assessment on a cumulative basis. In undertaking that assessment, the Committee had regard to the object of the Act, which places significant emphasis on the prevention of intoxication and the minimisation of alcohol-related harm. The Committee considered that the presence of intoxicated patrons on licensed premises was a matter of considerable seriousness that indicated a failure to adequately monitor the consumption of alcohol, recognise signs of intoxication, and take timely and appropriate steps to prevent further service where required. In the Committee's view, the occurrence of several intoxication-related incidents reflected deficiencies in the identification, monitoring, and management of intoxicated patrons, being fundamental responsibilities of a certificated manager under the Act.

67. On balance, the Committee considered that these serious and recurring incidents, when viewed collectively rather than in isolation, provided compelling evidence that the Applicant's management practices were inadequate to ensure compliance with the Act's requirements. The Committee was satisfied that the repeated incidents indicated consistent lapses in judgment. The Committee concluded that the pattern of non-compliance demonstrated deficiencies in the management, supervision, and oversight of the licensed premises. In particular, the incidents highlighted shortcomings in the Applicant's ability to identify and manage intoxicated patrons effectively, ensure adherence to statutory obligations, and promote a culture of compliance among staff operating under his direction. The Committee considered that these deficiencies materially strengthened its concerns regarding the Applicant's capacity to fulfil the responsibilities of a certificated manager and to ensure that licensed premises were operated in a manner consistent with the object and purpose of the Act.

68. -In addition, the Committee was concerned by the Applicant's approach to the recruitment and engagement of employees at The Brook and Mainstreet Sports Bar. The evidence before the Committee indicated that the Applicant failed to adequately consider the criminal conviction histories of employees, including Mr K Sidhu and Mr R Singh, both of whom faced criminal charges at the time of their engagement. The Committee further considered that, in his evidence, the Applicant appeared to minimise the seriousness of those charges. Of particular concern was the Applicant's assertion that the New Zealand Police had supported the employment of Mr R Singh. However, under questioning, the Police confirmed that they would not have supported such employment. The Committee considered this discrepancy significant and concluded that the Applicant's conduct demonstrated not only a lack of diligence and proper scrutiny in the recruitment process, but also raised concerns about the accuracy and truthfulness of the information provided to the Committee.

69. The Committee further noted that the Applicant had come to the attention of the New Zealand Police on a number of occasions in a negative regulatory context. Of particular concern was the evidence that the Applicant had repeatedly sought to persuade Police to withdraw their opposition to licence applications. In the Committee's view, this conduct was inappropriate and showed a failure to appreciate the independent statutory role of reporting agencies within the licensing framework established by the Act. The Committee considered that reporting agencies are required to exercise their functions independently and in the public interest, and that attempts to influence or discourage the expression of legitimate regulatory concerns reflect poorly on an applicant's understanding of the licensing regime.

70. As part of its assessment of the applicant's suitability, the Committee refers to the well-established principles set out in Re Sheard [2012] NZARLA PH 1135, which confirm "*that suitability involves a forward-looking and evaluative judgment that takes into account both character and practical capacity."*

In that decision, the Authority reinforced that:

"Suitability cannot be considered in a vacuum" and must be scrutinised in light of previous conduct, including past failures and patterns of non-compliance."

The Committee also notes the guidance provided *in Nishcay's Liquor Centre [2013] NZARLA 837*, where the Authority stated:

"Suitability is a broad concept, and the assessment of it includes the character and reputation of the applicant, the previous operation of the premises, its proposals as to how the premises will operate, its honesty, its previous convictions and other matters. It also includes any matters raised in reports under s 33 of the Act (now s 105), and those reports may raise issues pertaining to the object of the Act as set out in s 4. Thus, whether or not the grant of the licence will result in the reduction or increase in liquor abuse is relevant."

Accordingly, the Committee's suitability assessment extends beyond the applicant's current circumstances and includes past conduct, demonstrated compliance history, operational capability, and the extent to which the licence grant is consistent with the object of the Act.

71. In general, the Committee was concerned that the Applicant demonstrated an insufficient commitment to complying with the requirements and underlying purpose of the Act. The Committee considered that the Applicant's responses to the issues raised by the Reporting Agencies frequently reflected a dismissive or overly casual approach to matters of regulatory significance, rather than an acknowledgement of the responsibilities and obligations that accompany the holding of licences and a Manager's Certificate.

72. The Committee was not satisfied that the Applicant had demonstrated the judgment, leadership, and regulatory understanding necessary to discharge those responsibilities effectively. When considered alongside the other evidence before the Committee, including the concerns raised by the Reporting Agencies and the incidents canvassed during the hearing, these matters further called into question the Applicant's suitability to hold a Manager's Certificate. Collectively, they weighed significantly against a finding that the Applicant was a fit and proper person to be entrusted with the responsibilities and obligations associated with that role.

73. Viewed cumulatively, the Committee considered that the Applicant's approach to regulatory compliance, his interactions with Reporting Agencies, and the concerns identified in other licensing proceedings raised significant doubts as to whether he possessed the level of judgment, accountability, and respect for the statutory framework expected of a certificated manager. These matters further reinforced the Committee's concerns regarding the Applicant's suitability to hold a Manager's Certificate.

74. Accordingly, the Committee stood back, weighed the evidence and concluded that it was not satisfied that the renewal of the Manager Certificate would be consistent with the object of the Act. Having regard to all the evidence before it, the Committee was therefore not satisfied that it should grant the renewal application.

Section 227 (b): any convictions recorded against the applicant since the certificate was issued or last renewed.

75. The Committee acknowledged that no convictions had been recorded against the Applicant since the Manager's Certificate was issued or last renewed. However, the Committee noted a series of repeated instances of non-compliance with the Act and considered that the absence of convictions was not, in itself, determinative of the Applicant's suitability.

76. The Committee was concerned by the Applicant's conduct, management practices, and regulatory reputation, including matters that had been considered in proceedings before other District Licensing Committees. In particular, the Committee had regard to the findings recorded in the Dunedin District Licensing Committee Decision 2025/32/ON, which identified issues relevant to the assessment of the Applicant's suitability and compliance with the obligations imposed under the Act. While the Committee did not treat those findings as conclusive or determinative of the present application, it considered them to be relevant contextual evidence forming part of the Applicant's broader compliance and regulatory history. When viewed alongside the other evidence before the Committee, those matters were relevant to the assessment of the Applicant's competence, responsibility, and overall fitness to hold a Manager's Certificate.

Section 227 (c) 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:

77. The Committee was particularly concerned by documentary evidence indicating that patrons participating in the weekly Friday wheel-spin promotion were eligible to win a $100 bar tab and that ready-to-drink alcoholic beverages (RTDs) were also offered as prizes. The Committee noted New Zealand Police evidence that the Applicant had previously been advised that distributing alcohol through raffles, prize draws, and wheel-spin promotions was contrary to the applicable regulatory framework. Notwithstanding that advice, the Committee found that the promotion continued to operate in substantially the same form under the Applicant's management.

78. The Committee regarded the continuation of the promotion following direct engagement from New Zealand Police as a matter of significant concern. In the Committee's view, a prudent and responsible manager, having been alerted to a potential breach of legal requirements, would have taken immediate steps to review the promotion and ensure compliance. The Applicant's failure to do so demonstrated a lack of diligence in responding to regulatory concerns and a failure to adequately discharge the responsibilities expected of a certificated manager.

79. During the site inspection undertaken on 13 August 2026, the Committee observed that the alcohol-related prizes had recently been removed from the wheel-spin promotion. While the Committee acknowledged that the promotion had been amended, it afforded limited weight to that change. The Committee considered the timing of the amendment to be significant and was not persuaded that it reflected a genuine recognition of, and commitment to, compliance with the law. Rather, the Committee considered it more likely that the removal of the alcohol-related prizes was prompted by the impending site inspection and increased regulatory scrutiny. In the circumstances, the Committee regarded the amendment as reactive rather than proactive. The Committee therefore attached limited significance to the change when assessing the Applicant's commitment to regulatory compliance.

80. The Committee considered that the Applicant's decision to continue the promotion despite having previously received advice from New Zealand Police, together with the timing of the subsequent amendment, reflected poorly on his understanding of and commitment to the statutory obligations associated with the sale and supply of alcohol. The Committee regarded these matters as further evidence of a pattern whereby regulatory concerns were not adequately addressed until enforcement action or heightened scrutiny became imminent.

81. When considered alongside the other compliance matters identified throughout this decision, these circumstances further undermined the Committee's confidence in the Applicant's judgment, regulatory awareness, and commitment to responsible alcohol management, and reinforced its concerns regarding his suitability to hold a Manager's Certificate.

Section 227 (d) any matters dealt with in any report made under Section 225.

82. The Committee was satisfied that any matters within any report made under Section 225 had been dealt with.

DECISION

83. The Committee referred to Deejay Enterprises Limited NZLLA 531–532/97. In that decision, it was stated:

"The guiding hand or hands-on operator of any company or the potential holder of a General Manager's 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 manager's 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 holders of General Manager's Certificates who control and manage licensed premises."

The Authority stated that licensees and holders of Manager's Certificates were expected to maintain high self-imposed standards of compliance and conduct.

84. The Committee noted that the holding of a Manager's Certificate was a privilege conferred under the Act rather than an entitlement. The Committee recognised that the suitability assessment was not limited to the presence or absence of criminal convictions, but required a broad evaluative judgment encompassing an applicant's conduct, judgment, compliance history, management practices, understanding of statutory obligations, and commitment to the object and purpose of the Act. Consistent with the principles articulated in Deejay Enterprises Limited NZLLA 531–532/97, the Committee was entitled to consider the totality of the Applicant's conduct and regulatory history in determining whether he was a fit and proper person to hold a Manager's Certificate.

85. The Committee was required to undertake a comprehensive assessment of all of the evidence before it and determine whether, having regard to the criteria prescribed by the Sale and Supply of Alcohol Act 2012 and the object of that Act, the application ought to be granted. Having undertaken that assessment, the Committee found that a consistent and concerning pattern of conduct had emerged across the licensed premises managed by the Applicant, including:

- failures to notify Acting Manager appointments as required by the Act;
- deficiencies in the implementation of host responsibility practices;

- an inadequate understanding and application of intoxication assessment requirements; and
- serious incidents involving excessive alcohol consumption and alcohol-related harm.

86. The Committee considered that these matters, when viewed collectively, disclosed recurring deficiencies in the Applicant's management practices and understanding of the obligations imposed upon certificated managers under the Act. The Committee was satisfied that the incidents were not isolated or aberrational occurrences but instead formed part of a broader and persistent pattern of conduct. In the Committee's view, that pattern was directly relevant to assessing the Applicant's suitability, competence, and fitness to hold a Manager's Certificate, and weighed significantly against a finding that the Applicant was an appropriate person to be entrusted with the responsibilities of that role.

87. In reaching its conclusion, the Committee placed significant weight on the concerns raised by the Licensing Inspector and New Zealand Police regarding the Applicant's suitability to hold a Manager's Certificate. The evidence presented by the Reporting Agencies identified ongoing and recurring deficiencies in management oversight, host responsibility measures, and compliance systems across the premises under the Applicant's management. The Committee noted that the Applicant had been made aware of these concerns on multiple occasions. Notwithstanding those opportunities, the Committee was not satisfied that the Applicant had taken adequate or effective steps to address, remedy, or prevent the recurrence of the issues identified. Rather than demonstrating insight into the concerns raised and a commitment to improving compliance, the Applicant frequently sought to minimise the significance of the matters identified by the Reporting Agencies.

88. When considered cumulatively, the Committee regarded this pattern of conduct as indicative of a lack of insight into the seriousness of the compliance issues identified, an unwillingness to fully accept responsibility for those matters, and a failure to appreciate the standards of diligence, accountability, and regulatory compliance expected of a certificated manager. These matters significantly reinforced the Committee's concerns regarding the Applicant's suitability to hold a Manager's Certificate.

89. Standing back and considering the evidence in its entirety, the Committee undertook a holistic assessment of all material properly before it, including both the evidence and submissions advanced in support of the Applicant and the concerns and objections raised by the Reporting Agencies. Having carefully weighed and evaluated the totality of the evidence, the Committee was not satisfied that the Applicant had demonstrated that he was a suitable person to hold a Manager's Certificate for the purposes of Section 227(a) of the Sale and Supply of Alcohol Act 2012.

90. The Committee was also not satisfied that the Applicant had demonstrated an adequate understanding of, or commitment to, the obligations imposed on a manager by the Act, including the obligation to contribute to the safe and responsible sale and supply of alcohol and the minimisation of alcohol-related harm. Accordingly, the Committee was not satisfied that the Applicant would effectively fulfil the matters contemplated by section 227(c) of the Act.

91. For these reasons, and having regard to the cumulative effect of the concerns identified throughout this decision, the Committee concluded that the Applicant had not satisfied it that he was an appropriate person to be entrusted with the responsibilities and obligations associated with holding a Manager's Certificate.

DATED AT RANGIORA THIS THE 29 DAY OF OCTOBER 2026.

Signed





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Neville Atkinson
CHAIRPERSON
WAIMAKARIRI DISTRICT LICENSING COMMITTEE