

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by **MARK
ANDREW HALL** pursuant to
s.219 of the Act for a Manager's
Certificate

BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE

Chairman: Mr E W Unwin
Members: Ms M W Rose
Mr J M Mann

HEARING at QUEENSTOWN on 10 February 2014

APPEARANCES

Ms Z Hammett – Queenstown Lakes District Licensing Inspector – to assist
Sergeant L K Stevens – N Z Police – to assist
No appearance of applicant

ORAL DECISION OF THE COMMITTEE

- [1] This is an opposed application for a Manager's Certificate. The application was filed on 10 September 2013. Mr Hall had completed a training course in the sale of alcohol and host responsibility and gained the required Unit Standards 4646 and 16705, and thus the Licence Controller Qualification. There was no information that he had undertaken the bridging test as required by Regulation 23 of the Sale and Supply of Alcohol Regulations 2013.
- [2] The application contained a reference from a former employer as well as a reference from his current employer. Both references referred to Mr Hall as a Head Chef. Mr Hall was rung to clarify the situation as there was no indication that he was required to sell or supply alcohol. Mr Hall agreed that there was no such intention. He stated that he had been asked to make the application by his employer. He indicated that he would withdraw the application.
- [3] However no such request was received. Mr Hall was again contacted. At that time he stated that he would check with the Human Resources team and report back. He did not do so and the Inspector told him that the file would be referred to the Licensing Committee. He was subsequently advised of the hearing date but there was no response. It is clearly a sign of unsuitability that the applicant has failed to keep the Inspector informed of what was happening, although

information was eventually received that Mr Hall would not be attending the hearing.

[4] The criteria that must be considered by the committee are set out in S.222 of the Act. These criteria are as follows:

- (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.


[5] Mr Hall carries the onus of establishing that these criteria have been satisfied. His absence from the hearing prevents him from doing so. Issues such as his lack of experience, lack of bridging training, and lack of co-operation with the reporting agency cannot be overlooked.

[6] In *Warren Richard Stewart* LLA PH 880-881/2005 it was stated:

"We believe that raising the bar for the holders of General Manager's Certificates and keeping it at a certain height has the potential to bring about a reduction in the abuse of liquor nation-wide. If certain otherwise meritorious applicants suffer in the process, that may not be too high a price to pay in order to achieve this long-term goal."

[7] For these reasons the application is refused.

DATED at Queenstown this 11th day of February 2014


E W Unwin
Chairman