



Decision No: QLDC Hearing 0310/2019

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by
**CHRISTOHER AARON
O'CARROLL** of Wanaka, Barman
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: Mr L.A. Cocks

Mr J.M. Mann

HEARING at Queenstown on 24/04/2019

APPEARANCES:

No appearance of Mr C A O'Carroll – applicant

Sergeant T D Haggart - NZ Police – in opposition

Ms S H Swinney – Licensing Inspector – to assist

**ORAL DECISION OF THE QUEENSTOWN LAKES DISTRICT LICENSING
COMMITTEE**

[1] This is an application by Christopher Arron O'Carroll for a new Managers Certificate. The application was received in late December 2018. Mr O'Carroll is 28 years of age, and has been employed at licensed premises in Post Office Lane in Lake Wanaka, since December 2018. The reference supplied was adequate, although there was no suggestion that Mr O'Carroll's services as a duty manager were being considered or supported.

[2] In his application, the applicant was asked whether he had criminal convictions, and a line was put through the part of the application where the convictions should have been disclosed. As it turns out this was a serious omission. The report from the Wanaka Police disclosed that Mr O'Carroll has no less than 46 previous convictions between April 2008 and June 2016. There are a large number of convictions for dishonesty including burglary, theft, and taking motor vehicles. The last conviction was in June 2016 for driving while his licence was suspended or revoked for the

fourth time. In summary, Mr O'Carroll has shown an almost complete disregard for his responsibilities as a citizen.

- [3] Of relevance were two recent warnings. On 23 November 2018 Mr O'Carroll was located in possession of methamphetamine utensils in the Tasman area and received a verbal warning. On 16 June 2017 the Police executed a search warrant at a property in Motueka. On that occasion Mr O'Carroll was formally warned for possession of cannabis as well as cannabis utensils.
- [4] Of greater relevance was an earlier application made by Mr O'Carroll in May 2017 for a manager's certificate in the Tasman area. On that occasion Mr O'Carroll disclosed one conviction for assault in 2011. His application was 'strenuously' opposed by the Police based on false representation of the correct position. The application was subsequently withdrawn. A contemporary application to become a temporary manager of a bottle store was also opposed and subsequently declined.
- [5] When the correct position was ascertained, Mr O'Carroll was asked why he had failed to disclose the true position. He responded that he thought that the Criminal Records (Clean Slate) Act 2004 applied. Clearly that is not the case particularly as Mr O'Carroll has served a number of custodial sentences. Being sentenced to imprisonment is a complete bar, to his ever having his criminal record clean slated.
- [6] The Inspector's report showed that at least one of the references supplied by Mr O'Carroll may also have been misleading. Furthermore, the Inspector noted that as part of the application an oral test is undertaken for all applicants. Mr O'Carroll failed to appear for the test. He later wrote and stated that he had been on medication following an accident, and was apparently allergic to the medication, and had ended up in hospital. In the light of the Police opposition, no further test was scheduled.
- [7] When the application was called for hearing at the appointed hour, Mr O'Carroll was not present. Efforts were made to contact him. He advised that he had suffered a mechanical breakdown on his way to Queenstown, and his vehicle had to be towed back to Wanaka, and he had no further intention of attending the hearing.
- [8] The criteria for granting an application for a Managers Certificate are listed in section 222 of the Act. Apart from holding the Licence Controller Qualification, Mr O'Carroll fails to measure up to any of the required standards. The submissions from both the Police and the District Licensing Inspector are clear. They referred to previous decisions of District Committees and ARLA concerning the importance of ensuring that persons who manage licensed premises are people of integrity who have a clear understanding of the objects of the Act, and will strive to ensure that such objectives are met.
- [9] We regard Mr O'Carroll's failure to appear as symptomatic of a situation which has been going on for some time. It is quite clear to us that Mr. O'Carroll will not be an asset to the hospitality industry. It is equally clear that he is not committed to take on the responsibility of a managerial role. Judging by his past we would have no confidence that he would carry out the duties expected of a manager. We therefore have no hesitation in refusing the application.



E W Unwin
Chairperson

