

Decision No. 60C [2016] 1683

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER of an application by
ROBERT JOHN SMITH
for renewal of a
Manager's Certificate
pursuant to s224 of the
Act.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson Mr R. J. Wilson JP
Members Mr A.J.Lawn
Mr P.Rogers

[1] This is an application by Robert John Smith for renewal of his Manager's Certificate GM/060/37/2012. It comes to a public hearing because it is opposed by the Inspector as Mr Smith is no longer working in the industry. There is also concern about an incident that occurred in a Christchurch bar which led to the Police arresting Mr Smith and subsequently to the suspension of his Certificate by the Alcohol Regulatory and Licensing Authority for a period of four weeks. The Police provided details of this incident and its aftermath to the Committee but are not formally in opposition because they failed to meet the applicable timeline.

EVIDENCE

[2] Mr Smith told us that he was actively seeking work in the industry as the alternative venture he had intended taking up was taking longer to put in place than expected. He said he had made several enquiries and was confident of finding something suitable in the near future. He pointed out that if he did not hold a current Manager's Certificate finding employment would be more difficult. With reference to the incident which led to the suspension of his Certificate, Mr Smith said it was out of character for him and he had offered a sincere apology to the Authority and he would also extend one to this Committee. He considered that the matter had been properly dealt with.

[3] The Inspector, Ms Davison, reiterated her opposition but did not opt to give further evidence, her report having been taken as read by the Committee. She referred the Committee to a number of ARLA decisions where the authority had made it clear that it expected applicants for Manager's Certificates to be employed in the industry. The most recent in *re Kerlake [2015]NZARLA 317* stated "*It is clear from this decision that the Authority expects that applicants for a manager's certificate will be, at the very least, currently employed in the industry and generally be able to indicate the position which they will take up if the certificate is granted.*" This case and the others referred to did however relate to new applications. In the case before us Mr Smith is seeking a renewal of his current Certificate and we would set the bar for refusing that somewhat higher than for a new application.

[4] However the NZ Police also drew attention to the case of *Bush [2015]NZARLA PH 137* which was an application for renewal. In that case the Authority noted that the applicant had been out of the industry for two years and had no early prospects of employment in the industry. That application for renewal was refused.

DISCUSSION

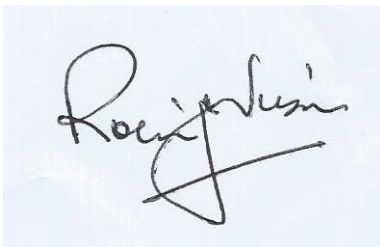
[5] In our view Mr Smith made a good if brief submission. We were satisfied that he is actively seeking work in the industry and we believe that there are vacancies for experienced people available. We note that he was employed as recently as 20th April 2016. We also note that no evidence was put before us alleging unsuitability because of the incident that had led to the suspension of his certificate. In the past we have granted renewals of Manager's Certificates where we believed the applicant was likely to find work in the near future. Mr Smith's case can be distinguished from that of *Bush* quoted above in view of his quite recent employment and his good prospects of being employed again.

[6] It is our intention to grant this renewal but for a period of 12 months only. Should Mr Smith not be employed in the industry when renewal is again required then he may find it more difficult to satisfy a future Committee at that time.

DECISION

[7] The application of Robert John Smith for renewal of Manager's Certificate GM/060/37/2012 is granted for a period of **twelve months only**.

DATED this 13th day of July 2016

A handwritten signature in black ink on a light blue background. The signature is cursive and appears to read 'R. J. Wilson'.

R.J. Wilson
Chairperson
Christchurch District Licensing Committee