

Decision No. N/59/656/2019

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application by **RUPERT
ANDERSON** for a Manager's
Certificate pursuant to s.219 of the
Act.

BEFORE THE SELWYN DISTRICT LICENSING COMMITTEE

Chairman: Mrs S M Griffin
Members: Ms T McIlraith
Mr A Lawn

ON THE PAPERS DECISION OF THE COMMITTEE

- 1) This is an application by **Rupert Anderson** for a Manager's Certificate, opposed by NZ Police and the Licensing Inspector on the grounds of suitability. The applicant had an extensive traffic demerit and licence suspension history since December 2015 and a conviction for driving while disqualified recorded against his name in June 2017.
- 2) Accordingly, at the hearing at Rolleston, 7 June 2018, the Committee expressed its concern in respect of the pattern of offending, the timeframes involved and the further infringement to those already on record.
- 3) The Committee believed that the granting of a Manager's Certificate to Mr Anderson would be a journey rather than an event and adjourned the matter for six months. Mr Anderson would benefit from this time with his employer, Henry's of Rolleston, as a temporary manager and be required to complete the ServeWise course.
- 4) Mr Anderson agreed to the Committee's requirements.
- 5) At the end of the adjournment period, supplementary reports from the Police and Licensing Inspector were to be provided and confirmation sought from Mr

Anderson's employer advising detail of continued learning and progress in the workplace.

- 6) The supplementary report from Police, 6 November 2018, stated that Mr Anderson had had no further offences since 4 April 2018.
- 7) The supplementary report from the Licensing Inspector, 28 January 2019, stated that communication with Mr Anderson over the adjournment period was difficult and then non-existent. During a visit to Henry's Rolleston the Licensing Inspector was informed that Mr Anderson was no longer employed by them and that he had left after some personal issues. Henry's management believed that Mr Anderson was residing in Australia.
- 8) Mr Anderson has failed to fulfil the Committee requirements that he committed to at the hearing in June 2018.
- 9) The Alcohol Regulatory Authority, and the Liquor Licensing Authority before it, have both ruled that two of the main prerequisites for the granting of a manager's certificate are to be employed in the industry and to have the support of an employer.
- 10) The Authority stated at paragraph [2] in *McLean* NZLLA PH 318/2009
"There are about 40,000 holders of certificates throughout the country. While we try and keep a consistent approach on a nationwide basis, there will always be exceptions to the general rule. Our policy has been that certificates should not be issued in a vacuum but should be working documents. To be successful, applicants should have the full committed support of an employer."
- 11) We are not satisfied as to the matters to which we are required to have regard as set out in s222 of the Act and it is our decision that the application for a Manager's Certificate is refused.
- 12) There is nothing stopping Mr Anderson from applying for a certificate when he is employed in the industry in New Zealand and is able satisfy a Licensing Committee of his suitability.

DATED at Christchurch this 12th day of March 2019



Chairman
Selwyn District Licensing Committee

