

[2014] NZARLA PH 698

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by **SAM RICHARD WILLIAMS** pursuant to s.118 of the Act for a General Manager's Certificate

BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Chairman: District Court Judge J D Hole

Member: Mr D E Major

HEARING at WELLINGTON on 5 September 2014

APPEARANCES

Mr S R Williams – applicant

Senior Sergeant S D Sargent – NZ Police – in opposition

Mr J L P Peat – Upper Hutt City District Licensing Inspector

DECISION OF THE AUTHORITY

[1] Mr Williams' application for a General Manager's Certificate was opposed upon suitability grounds. In particular, the Police were concerned that in the application he failed to disclose a previous serious conviction. There were other concerns not mentioned in the letter of opposition. Despite this, they were canvassed at the hearing.

[2] The failure to disclose the previous conviction was understandable. The application form which the applicant completed posed the following question: "*Has the applicant been convicted of any offence since the certificate was issued or last renewed?*" He answered "*no*". In evidence he stated that he was confused by the question as he has never held a General Manager's Certificate and accordingly there has never been a previous renewal of a General Manager's Certificate. It is not surprising that the applicant was confused. In evidence, he stated that he discussed the question with one of his superiors who was equally confused and who considered that a negative response was appropriate.

[3] Having heard all the evidence, the Police considered that the application could be granted provided the General Manager's Certificate is used by the applicant only in the course of his employment with Progressive Enterprises Limited.

[4] The Authority agrees.

[5] Accordingly the application is granted subject to an undertaking that the manager's certificate will be used by the applicant only in the course of his employment with Progressive Enterprises Limited or such other employer as is approved in writing by the Inspector.

DATED at WELLINGTON this 23rd day of September 2014

A E Cannell
Deputy Secretary

Sam Richard Williams.doc(jeh)