

Decision No. PH 286/2000

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by RICHARD JOHN LINDSAY pursuant to s.118 of the Act for a General Manager's Certificate

BEFORE THE LIQUOR LICENSING AUTHORITY

Quorum: Mr R J S Munro
Mr J W Thompson

HEARING at WELLINGTON on 27 January 2000

APPEARANCES

Mr R J Lindsay – applicant in person
Ms J H Burt – Wellington District Licensing Agency Inspector – in opposition
Sergeant G D Logan – NZ Police – to assist

DECISION

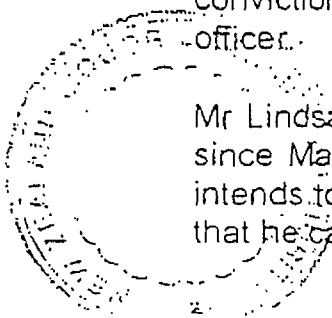
This is an application by Richard John Lindsay, for a General Manager's Certificate. The application was opposed by a Wellington District Licensing Agency Inspector on the grounds that Mr Lindsay had failed two tests on his knowledge of the Sale of Liquor Act.

At the hearing Ms J H. Burt, a Wellington District Licensing Agency Inspector, told us that Mr Lindsay lodged an application for a General Manager's Certificate on 27 May 1999. An appointment for an interview was arranged for 24 June 1999 but on that day Mr Lindsay contacted the Inspector to advise that he was unable to attend. Another appointment was arranged for 28 July 1999 but Mr Lindsay did not attend because he forgot. On 1 September Mr Lindsay was interviewed and completed the District Licensing Agency's test on the Sale of Liquor Act. The applicant was required to answer 37 questions and to pass the test he had to complete 30 questions successfully. He answered only 28.

Mr Lindsay was booked for another interview and test on 6 October 1999; this time he answered only 27 questions correctly. He was offered an opportunity to sit a third test on 10 November 1999. He forgot to attend.

Sergeant Logan did not oppose the application; but he drew our attention to the conviction of Mr Lindsay in 1996 for two charges of misleading a Social Welfare Officer.

Mr Lindsay told us he is 25 years of age. He attended university for two years and since March 1998 he had been employed in a Wellington on-licence premises. He intends to travel overseas in June and he seeks a General Manager's Certificate so that he can find a position when he returns.



In answer to questions from the Authority he said he believed he had good knowledge of the Act, that he "can handle people" and that he has a high IQ.

After Mr Lindsay's evidence we adjourned the hearing so that he could be tested for a third time on his knowledge of the Act, and a further report provided.

Ms Burt in a supplementary report dated 3 February 2000 states that Mr Lindsay was again unsuccessful.

Conclusion

The Authority is directed by s.121(1) of the Act in considering an application for a General Manager's Certificate to have regard to the following matters:

- "(a) The character and reputation of the applicant:
- (b) Any convictions recorded against the applicant:
- (c) Any experience that the applicant has had in managing any premises or conveyance in respect of which a licence was in force:
- (d) Any relevant training that the applicant has undertaken and any relevant qualifications that the applicant holds:
- (e) Any matters dealt with in any report under section 119 of this Act."

Mr Lindsay had three opportunities to pass a District Licensing Agency test. His marks show no improvement in his knowledge. That, his conviction, and the other evidence has not convinced the Authority that he is a suitable person to hold a General Manager's Certificate.

The application is refused.

DATED at WELLINGTON this 3rd day of March 2000


R J S Munro
Member

Lindsay.doc(J9)




J W Thompson
Member