

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER**

of an application by **PETER  
PITTSO**n 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: Ms M W Rose  
Mr J M Mann

**HEARING** at QUEENSTOWN on 10 February 2014

**APPEARANCES**

Ms Z Hammett – Queenstown Lakes District Licensing Inspector – to assist  
Sergeant L K Stevens – N Z Police – in opposition  
No appearance of applicant

**ORAL DECISION OF THE COMMITTEE**

- [1] This is an opposed application for a Manager's Certificate. The application was filed on 24 May 2013. The applicant is from overseas. At the time the application was filed he was resident in Queenstown on a working holiday visa. In April 2013 he completed a training course in the sale of alcohol and host responsibility and gained the required Unit Standards 4646 and 16705, and thus the Licence Controller Qualification. However there was no information that he had undertaken the bridging test as required by Regulation 23 of the Sale and Supply of Alcohol Regulations 2013.
- [2] Mr Pittson had good support from the owner of the "Flame Bar and Grill" where he had worked as a full-time bar tender since early November 2012. The application drew an adverse report from the NZ Police because of two matters that occurred in December 2012 that had resulted in Mr Pittson receiving diversion.
- [3] Mr Pittson was contacted on three occasions about the matter. He was firstly advised that the application had been opposed and it was suggested that he make contact with NZ Police. Subsequently he was told that the application was being forwarded to the Licensing Committee. He was asked to consider whether he wanted to proceed with the application and to advise the Inspector

of the outcome. No response was made although advice was received that he would not be appearing at the hearing.

[4] The criteria that must be considered by the committee are set out in S.222 of the Act. These criteria are as follows:

- (a) The applicant's suitability to be a manager;
- (b) Any convictions recorded against the Applicant;
- (c) Any experience, in particular recent experience, that the applicant has had in controlling any premises for which a licence was in force;
- (d) Any relevant training, in particular recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification required under section 218;
- (e) Any matters dealt with in any report made under section 220.


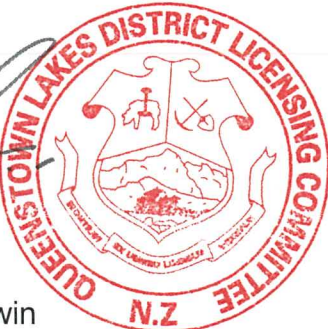
[5] Mr Pittson carries the onus of establishing that these criteria have been satisfied. His absence from the hearing prevents him from doing so. Issues such as the lack of bridging training and lack of co-operation with the reporting agency need to be addressed. Then there are the circumstances surrounding the diversion despite the fact that no conviction was recorded, and accepting that the purpose of diversion is to give people a second chance. None of these matters can be overlooked. The result is that we are unaware of Mr Pittson's level of commitment to the safe and responsible sale and supply of alcohol.

[6] In *Warren Richard Stewart* LLA PH 880-881/2005 it was stated:

*"We believe that raising the bar for the holders of General Manager's Certificates and keeping it at a certain height has the potential to bring about a reduction in the abuse of liquor nation-wide. If certain otherwise meritorious applicants suffer in the process, that may not be too high a price to pay in order to achieve this long-term goal."*

[7] For these reasons the application is refused.

**DATED** at Queenstown this 11<sup>th</sup> day of February 2014

E W Unwin  
Chairman