

Decision Number: 60F [2022] 12901

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

AND

IN THE MATTER OF an application by **GORDON LESLIE FREEMAN** for **Renewal of a Manager's Certificate** pursuant to section 224 of the Act

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Committee: Mrs M Redstone (Chair)
Mr D Ivory
Mr G Clapp

Appearances: Mr G L Freeman (Applicant)
Ms A Lavery (Inspector)

Hearing: 27 September 2022

DECISION ON APPLICATION FOR RENEWAL OF MANAGER'S CERTIFICATE

[1] This is an application by **GORDON LESLIE FREEMAN** ('the Applicant') for renewal of a Manager's Certificate pursuant to section 224 of the Sale and Supply of Alcohol Act 2012 ('the Act').¹

[2] The application was opposed by the Inspector. The application was not opposed by the Police. The matter was set down for public hearing on 27 September 2022 at 11.00am.

[3] The Applicant gave evidence of having worked in the industry for some 34 years owning a number of businesses during that time. He said he has continued to renew his Manager's Certificate as he *"didn't want to lose contact with the industry"*. He wished to be available to fill relieving positions as and when they arose. The Applicant said he acknowledged he was Director and Shareholder of a Company, G L Freeman Holdings Limited, which was fined by

¹ 60/CERT/1034/2015

the Labour Inspectorate for breaches of the employment law. In 2018, in further proceedings, the Applicant was banned from employing staff for three years for "*persistent beaches of employment law*". The Applicant said these charges had resulted from bad legal advice obtained but accepted that ultimately he was responsible.

[4] The Applicant referred to his previously unblemished record and his contribution to the community over his lifetime, including his years as a Christchurch City Councillor, for which he had received a Civic Award.

[5] In response to questions from the Inspector, the Applicant agreed that at the time of his last renewal in 2019 he had recorded in answer to question 2(d) in the application as to where he is working, "*Not at present/in between*". He further agreed that in response to the same question in his current application, he had recorded "*Relieving as required*". When questioned about current employment, the Applicant said "*I am not seeking work in the industry. I want to be in a position to relieve, as required. I don't want to be paid. I want to help others.*"

[6] The Inspector gave evidence of receiving Mr Freeman's application and making inquiries. She said that in response to a letter from the Inspectorate as to current employment, the Applicant advised he had been asked to relieve at both the Madeira Hotel and The Wharf restaurant in Akaroa. Inquiries made at The Wharf Restaurant indicated that no such offer of employment had been made. A letter of reference from the owner of the Madeira Hotel indicated that the owner was going overseas and would like the Applicant to work at his premises to attend to such matters as "*emergency repairs and refrigerating & beer system issues*". This reference was later withdrawn.

[7] The Inspector referred to the Labour Inspectorate and Employment Court issues, noting these were serious matters and reflected on issues as to suitability.

[8] The Inspector said in her view, the fact of the issues, as reported, and the fact that the Applicant was not working in the industry and had not done so for a number of years, was the basis of her opposition to a Manager's Certificate Renewal being granted.

[9] The Committee, in considering Mr Freeman's application, acknowledge his contribution to the Community over many years, and his years of service as a Christchurch City Councillor. The Committee also acknowledges that the Applicant is reluctant to "*let go*" of his long association with the alcohol industry. It accepts the Applicant's statement that he is willing to work unpaid from time to time, in order to assist others in the industry.

[10] Even putting aside the issue of the Labour Inspectorate and Employment Court matters in 2015 and 2018, the Committee is not convinced of the necessity for the Applicant to hold a Manager's Certificate. It has been many years now since he has worked in the industry and the Applicant, himself, acknowledged that there have been changes since he last worked, and he would have to update himself on the requirements of the Act.

[11] Section 230 of the Act would allow for the Applicant to be appointed as an Acting Manager in the event of him being employed in the industry in a "*relieving*" capacity, which would satisfy the Applicant's stated intent with regard to any future employment.

[12] The Committee finds that the Applicant could not establish a requirement for his Manager's Certificate to be renewed and therefore his application is declined.

DATED at CHRISTCHURCH this 29th day of September 2022

A handwritten signature in black ink, appearing to read 'M S Redstone', written in a cursive style.

M S Redstone

Chairperson

Christchurch District Licensing Committee