

Decision No. PH 1355/2009

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by **JOSHUA
DAVID NEWMAN** pursuant to
s.118 of the Act for a General
Manager's Certificate

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge E W Unwin
Member: Ms J D Moorhead

HEARING at AUCKLAND on 21 October 2009

APPEARANCES

No appearance by or on behalf of applicant
Mr A C Phillips – Auckland District Licensing Agency Inspector – in opposition
Sergeant J P Loye – NZ Police – to assist

ORAL DECISION OF THE AUTHORITY

[1] This is the resumption of a hearing of an application by Joshua David Newman for a General Manager's Certificate. The application was heard on 25 November 2008 (see LLA PH 1739/2008). At that time there were concerns about the application because of active charges. That particular issue was considered at the hearing but Mr Newman advised that he had changed his place of employment. There was no supportive reference indicating that he would be used as the duty manager of licensed premises.

[2] The decision was made to adjourn the application to enable Mr Newman to obtain confirmation from his employer that he would be required to work in a responsible position. The indications were that if that issue was resolved, the application would be granted on the papers. In the event nothing further was heard from Mr Newman despite messages having been left on his cell-phone. Accordingly the application was set down for a public hearing.

Information was received at the hearing that Mr Newman left the country on 12 October 2009 and has not returned. Further information gleaned indicates that

Mr Newman was working on a boat. Not unnaturally he failed to appear in further support of the application. In those circumstances he is now unable to establish the criteria set out in s.121 of the Act, and the application is refused.

DATED at WELLINGTON this 4TH day of December 2009

B M Holmes
Deputy Secretary