

Decision No. QLDLC 0735/2021

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **SAMUEL MAURICE
KEOGH** of **UNIT 13, 13 PLANTATION
ROAD, WANAKA** pursuant to s.219 of
the Act for a Manager's Certificate.

Chairman: Mr LA Cocks

Members: Mr JM Mann

Mr B Pay

HEARING at QUEENSTOWN 17th February 2022

APPEARANCES

Ms S H Swinney – Licensing Inspector – to assist

RESERVED DECISION OF THE DISTRICT LICENSING COMMITTEE

1. An application was filed by Samuel Maurice Keogh on the 28th January 2020 for a Manager's Certificate. It was considered in accordance with s.191(1) and s.222 of the Sale and Supply of Alcohol Act 2012.
2. The applicant completed the LCQ qualification on 7th December 2017.
3. The application was not opposed by the Police.
4. The Inspector reported the applicant twice failed the required test to demonstrate his knowledge and requirements under the Act and did not complete a third test scheduled for the 25th March 2020 due to New Zealand going into COVID 19 lockdown. On the 15th May 2020, the applicant's employer advised the Inspector that Mr Keogh's employment contract had been terminated due to 'gross misconduct' involving excessive consumption of alcohol while on duty and allowing intoxicated persons on the premises.
5. Mr Keogh confirmed on 9th June 2020 he wished to proceed with the application however, as he was not employed at this time he was advised the application would be on hold until he gained employment. Subsequent attempts to contact Mr Keogh

by email have been unsuccessful and after 18 months he has made no attempt to contact the Agency.

6. The Inspector highlighted that we are directed by s.222 of the Act to have regard to the following matters:
 - 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 managing any premises or conveyance in respect of 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; and*
 - e. *any matters dealt with in any report under section 220 of this Act.*
7. The applicant has not responded to emails from the Agency and not made contact for over 18 months. This, combined with the report by his previous employer that his employment contract was terminated due to gross negligence as a duty manager, brings into question Mr Keogh's suitability to hold a Managers Certificate. This has been confirmed by his failure to appear and address his application at a formal hearing on 17th February 2022.
8. Accordingly, the Committee rules pursuant to s.221(1) of the Act, that this application for a new Managers Certificate is refused.

DATED at Queenstown this 16th March 2022.



LA Cocks
Commissioner
Queenstown Lakes District Licensing Committee

