

IN THE MATTER OF

The Private Security Personnel and
Private Investigators Act 2010

AND

IN THE MATTER OF

An application for waiver made under
s 64 of the Act by **THIRSTY WHALE
BAR AND RESTAURANT LIMITED &
CHRISTOPHER SULLIVAN**

Respondent

DECISION

[1] Thirsty Whale Bar and Restaurant Limited and Christopher Sullivan have applied for waiver of the grounds for disqualification following their convictions for employing or engaging a person without the relevant certificate or licence. Thirsty Whale holds a company licence in the classes of crowd controller, property guard and personal guard and Mr Sullivan, a director of the Thirsty Whale, holds a certificate of approval in the same classes.

[2] Section 64 of the Act allows me to waive disqualification if I am satisfied that Thirsty Whale and Mr Sullivan are, despite their disqualifying convictions, suitable to be a licence or certificate holder in the classes of business to which their licence or certificate relates.

[3] The recent convictions are Thirsty Whale and Mr Sullivan's only convictions under the Act and they have no convictions in relation to the management of their liquor licence. I accept that the offending, which resulted in the disqualifying convictions, was an oversight rather than a deliberate attempt to not comply with the Act. The people who were working in security without the required certificates had either previously held certificates or had current certificates but not in the appropriate class.

[4] Mr Sullivan accepts responsibility for not implementing a process to check the validity of the certificates of those engaged as crowd controllers at the Thirsty Whale. Mr Sullivan is remorseful for what has happened and now fully understands the legal requirements. He has taken proactive steps to ensure all security staff are trained and hold the appropriate certificates and has introduced new processes to ensure similar breaches do not happen in the future.

[5] Thirsty Whale and Mr Sullivan have provided a supporting email from Sergeant Ray Wylie who is an experienced alcohol harm prevention supervisor. He is responsible for ensuring that the licenced premises in his area comply with the Sale and Supply of Alcohol Act 2012 as well as having some responsibilities for security licensing. Sergeant Wylie advises that after Mr Sullivan took over the Thirsty Whale premises in 2015 there was an immediate improvement in compliance and order issues. At that time Mr Sullivan also ensured that all staff, including security staff and contractors, had the required training and certificates.

[6] Sergeant Wylie advises that he has found Mr Sullivan to be an excellent licensee who is fully cooperative with Police and gives them access to all areas of his premises to enable

thorough compliance checks. Sergeant Wylie is confident that Mr Sullivan is a suitable person to hold a COA and that Thirsty Whale is suitable to retain its security licence.

[7] Based on the evidence provided I am satisfied that, despite the disqualifying convictions, Mr Sullivan is suitable to hold a certificate and Thirsty Whale is suitable to hold a company licence. I therefore waive the grounds for disqualification for both Mr Sullivan and Thirsty Whale Bar and Restaurant Limited.

DATED at Wellington this 13th day of October 2020

The image shows a handwritten signature in blue ink, which appears to read 'P A McConnell'. To the right of the signature is a circular official seal. The seal features a central coat of arms with a crown on top, flanked by two figures. The text 'THE PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY' is written around the perimeter of the seal.

P A McConnell
Private Security Personnel Licensing Authority