

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

AND

IN THE MATTER of an application by **RAFAEL ZERBINI
DE SOUZA** of **BETTY'S
LIQUORSTORE** pursuant to S.219 of
the Act for a Manager's Certificate.

BEFORE THE DISTRICT LICENSING COMMITTEE

INTRODUCTION

- [1] On the 10th December 2018 Mr Rafael Zerbini De Souza filed an application for a manager's certificate with the Queenstown Lakes District Licensing Agency (the Agency). At the time, Mr De Souza was employed by Betty's Liquorstore (Cow Lane) as a Retail Sales Assistant. He commenced full time work with his employer on the 13th November 2018 and successfully completed his Licence Controller Qualification on the 28th November 2018.

THE APPLICATION

- [2] The Inspector has provided the Queenstown Lakes District Licensing Committee (the Committee) with a detailed summary and a time line of the application's progress within the Agency.

THE REPORT

- [3] *"The Agency contacted Mr De Souza via email on 14 December 2018, advising him that a copy of his LCQ certificate was required to complete the application and that the application would be put on hold until the applicant had 6 months' experience working in a licensed premises.*
- [4] *Mr De Souza was again contacted on 20 June 2019, advising him that it had been six months since the application was lodged and a request for an updated reference was sent in an email. He was further contacted on 24 July 2019, 22 August 2019, 24 October 2019 and 8 January 2020. No response was received from Mr De Souza in reply to any of these emails*
- [5] *On 30 October 2019, Ms Tash Falk, Retail Operations Manager of Betty's Liquorstore advised via email that Mr De Souza no longer worked for the company. A notice of management change was received by the Agency on 21 January 2019, which confirmed that Mr De Souza's management appointment was terminated from 3 January 2019.*

[6] *Police confirmed that Immigration New Zealand advised that Mr De Souza was still in New Zealand, (and) it is unknown if he is in Queenstown. Mr De Souza has not contacted (the Agency) since the application was lodged.*"

[7] The Inspector concluded;

"(The Agency) is unable to grant or decline the application for a manager's certificate. Consequently, the file must be sent to the District Licensing Committee for determination".

THE HEARING

[8] A Notice of Hearing for 11.00 am Friday 13th March 2020 to consider the application at the Queenstown Lakes District Council Chambers was issued on the 27th February 2020. As the application is of a kind as listed in s191 (3) (b) the quorum necessary to consider and determine the application is one member who must be the chairperson.

[9] The Committee has three permanent members that are council commissioners that meet the qualification necessary s191 (2)

[10] The meeting was convened at 11.00am. In attendance were Ms Sian Swinney, representing the Licensing Inspector. Present to assist the Inspector were Ms Lainy Black and Ms Jess Mason, both Regulatory Support Officers. The Committee was represented by Commissioner J M Mann.

[11] Proceedings were delayed for 30 minutes in case Mr De Souza or a representative was running late. In addition, Ms Black made another attempt to contact the applicant by phone. This was unsuccessful with the phone ringing, but remaining unanswered.

[12] There were no briefs of evidence or submissions supplied to the hearing from the reporting agencies or the Inspector. Ms Swinney, for the Inspector supplied copies of documents identified in the Inspector's report for the completeness of the committee's file. The copies included the email trail, the termination of employment from Betty's Liquor Store and the formal Notice of Management Change.

DECISION

[13] In considering an application for a manager's certificate the committee must consider 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;

(e) any matters dealt with in any report under section 220 of this Act."

[14] The applicant Mr De Souza has been given ample opportunity to engage in the process required to determine whether or not he is a suitable person to be a certificated manager. The Queenstown Lakes District Licensing Agency has no knowledge of his whereabouts. The Agency has not had any response to their initiatives nor have they had any other contact with the applicant for over 12 months. Mr De Souza's behaviour brings into question his motivation and suitability to hold a Manager's Certificate. Accordingly, the committee rules pursuant to s 221(1) of the Act that the above application for a Manager's Certificate is refused.

DATED at Queenstown this 13th Day of March 2020



J.M.Mann

Commissioner

Queenstown Lakes District Licensing Committee

