

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **ELIOT  
WILSON ROULE** pursuant to  
S.222 of the Act for a Manager's  
Certificate

**BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE**

Chairman: Mr E W Unwin  
Members: Ms L A Cocks  
Mr J M Mann

**HEARING** at QUEENSTOWN 30<sup>th</sup> November 2016

**APPEARANCES**

Mr E W Roule - applicant  
Mr N.P. Bates – Licensing Inspector – to assist  
Sergeant T. Haggart – Queenstown Police – in opposition

**ORAL DECISION OF THE COMMITTEE**

[1] Before the committee is an application by Eliot Wilson Roule for a Managers certificate. The application was submitted on the 19<sup>th</sup> October 2016 and shows that Mr Roule is French by nationality. He came to this country a little over 12 months ago and his working visa expired on 23<sup>rd</sup> November 2016.

[2] Mr Roule is 26 years of age. According to his CV he has worked in hospitality for up to 8 years in various establishments around the world. More particularly he has worked in Auckland and more recently at licence premises known in Queenstown as “Bardeaux”.

[3] Mr Roule made an impressive start to his work as a bar person since he was appointed in the 1<sup>st</sup> August 2016. He is regarded as responsible and conscientious and has the added advantage in that the group manager of this and other premises has seen fit to come before us in support of the application.

[4] The application was initially presented with a number of difficulties. The first concern of the reporting agencies was whether Mr Roule had sufficient experience in the conduct of licence premises to warrant the grant of a certificate. Experience is but one of the criteria set in s.222 of the Act. It is accepted that in this case six months experience would be appropriate.

[5] “Bardeaux” has a good reputation in Queenstown as an upmarket bar frequented by hospitality staff amongst others. Apparently Mr Roule fits into this particular environment well. The issue about experience has been overtaken by the presentation of the CV. In our view Mr Roule would qualify to be holder of a certificate based on his experience.

[6] The second issue relates to Mr Roule's visa. This has now expired as stated above. Accordingly Mr Roule has been unable to work since that time. He is currently unemployed but still a visitor to New Zealand. Last week he made application for sponsorship with the support of "Good Group Hospitality". If granted, this would mean Mr Roule could continue to work as a bar person at "Bardeaux" or any other premises operated by this group. It would be of great assistance to the group if Mr Roule is also a holder of a Managers Certificate.

[7] This leads the third issue. On the 20<sup>th</sup> June 2016 Mr Roule was in a pharmacy in Queenstown. He picked up a bottle of beard oil valued at just under \$30 and concealed this on his person. He then picked up a bottle of nasal spray at valued just under \$20 and also concealed this on his person. He then purchased two other items and left the pharmacy. The security system was activated as he left. When approached by the staff he attempted to get rid of the nasal spray, but eventually handed it to members of the staff.

[8] Approximately a week later the Police (having viewed CCTV footage) called on Mr Roule who acknowledged that he also taken the beard oil although he used it in the interim. The balance of the bottle was duly returned. Mr Roule was arrested for theft which is a crime under the Crimes Act carrying a maximum penalty of 3 months imprisonment. Mr Roule was offered diversion which would have resulted in him working for 20 hours in the community for no reward other than the fact that he was giving something back to the community which he had offended against.

[9] Mr Roule had started work by this time at "Bardeaux" and so he declined the offer. It is probable that he was unaware of what he was doing in terms of consequences. Nevertheless he was subsequently convicted in the District Court.

[10] The issue before us is the conviction. This reflects on his suitability which is one of the criteria under s.222 of the Act. In addition we are by law required to consider any convictions recorded against an applicant. Although both Mr Roule and his employer refer to the incident as a mistake, it seems to us there was a reasonable amount of preparation and/or concealment. This was an attempt by Mr Roule to steal from the store. It is commonly known as shoplifting.

[11] The issue is how should such a conviction be viewed against the application which by in large has some merit. We acknowledge the submissions made by Mr Bates as Inspector and Sergeant Haggart representing the Police. Both have referred us to the well-known decision of G.L Osborne which although occurred in 1995 it's still regarded by all Committees in this country as the relevant law. In the decision the authority said this;

***"Without fettering ourselves in this or other applications, it may be helpful if we indicate that we commonly look for a five year period free of any serious conviction or any conviction relating to or involving the abuse of alcohol, or arising in the course of an applicant's duty on licensed premises. "***

***Less serious convictions are also weighed. By way of example is an isolated excess breath/blood alcohol conviction or a single driving offence disclosing no pattern of offending.***

***In these and similar cases we frequently indicate that a minimum of two years from the date of conviction may result in subsequent favorable consideration – providing suitable reports from both the Police and a Licensing Inspector are received."***

[12] There is no question in our view that offending of this nature is unacceptable in terms of qualifying to hold a Managers Certificate. Although the decision of Osborne case is a guideline it is one which should not be departed from lightly, and only when justified by the circumstances.


[13] It is our view that a Managers Certificate is a symbol of responsibility and competence. As long as standards are kept high, then the value of the certificate will not be diminished.

[14] We are unable in these circumstances to reduce what we consider to be appropriate period of time for Mr Roule to establish he has learnt from the past and can be relied upon in the future. We have no option in this case other than to decline the application.

[15] We accept that no such decision can last forever. It is our view that the earliest Mr Roule can apply or reapply for a Managers Certificate would be after 20<sup>th</sup> December 2017, some 18 months after the incident.

For the reason we have attempted to articulate this application is refused.

**DATED** at Queenstown this 9<sup>th</sup> day of December 2016.



E W Unwin  
Chairperson