



Decision No. QLDLC Hearing 0006-7/17

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

AND

IN THE MATTER of applications:

MC5389 – STEPHEN WILLIAM BYRNE
MC5478 – ALBERTO CASARES SAENZ

Pursuant to s.219 of the Act for a Manager's Certificate

BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE

[1] The applications were for Manager's Certificates and both were made in 2015. Mr Stephen William Byrne applied in August 2015 and Mr Alberto Casares Saenz in September. The applicants were partway through the process of applying through the Agency when communication between the applicants and the Agency Officers ceased.

[2] The Inspector provided a report on both of the applications stating that numerous attempts had been made to contact the applicants by phone, email and via their last known employer but had been unsuccessful. Messages were left but no responses were received. The Inspector highlighted that the Committee is directed by s222 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;*
- (e) Any matters dealt with in any report under section 220 of this Act.*

[3] The Inspector also noted in his report that both applicants' visas had expired in 2015 and that the agency officers believed that they had left the country. He went on to conclude that the Agency was unable to process the applications further.

[4] In considering the matters outlined above, the committee is mindful of the relevant principles within the following decisions:

Deejay Enterprises Limited (LLA Decisions 531/97-532/97) the Authority held:

“The broad pattern in recent years has been to gently raise the required standard for licensees and holders of a General Manager’s CertificateThe “guiding hand” or “hands-on” operator of any company or the potential holder of a General Manager’s Certificate now receives greater scrutiny from both the Police and other reporting agencies. Character and reputation are closely examined. The law and human desires of patrons frequently take different directions. The Police cannot be everywhere. Little but a licensee’s or manager’s character and suitability may stand between upholding the law and turning a blind eye. Self-imposed standards in accordance with the law must be set by licensees and by holders of General Manager’s Certificates..... “

and:

LLA PH591/2005 Ian Neville Frith where the Authority stated:

“Since this responsibility was devolved to managers in 1999, there has been a drive to raise the standards of those charged with the responsibility of supplying liquor to the public. Current expectations are that the management of licensed premises is now conducted by persons of integrity who are committed to supervising the sale and supply of liquor, and concerned to give meaning to the term, ‘host responsibility’. Mutual respect and co-operation between managers and the reporting and enforcement agencies, is a vital part of this expectation”.

[4] As a result of the applicants making no contact with the Agency subsequent to their applications being lodged and processed in spite of the efforts by the Agency, this brings into question their motivation and suitability to hold a Managers Certificate.

[5] Accordingly, the Committee rules pursuant to S 221(1) of the Act, that both of the above applications for Managers Certificates are refused.

DATED at Queenstown this 7th day of March 2017



J M Mann
Commissioner
Queenstown Lakes District Licensing Committee