

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

AND

IN THE MATTER of applications:

MC5434 – JAMIE CALLAHAN
MC5449 – NICK WOULTERS
MC5613 – JAMES ROONEY
MC5599 – JESSICA RODGERS
MC2679 – SHANE ANGEL

pursuant to s.219 of the Act for a Manager's Certificate and
s224 of the Act for the Renewal of a Manager's Certificate

BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE

[1] The applications by Jamie Callaghan, Nick Woulters, Jessica Rodgers and James Rooney for new Manager's Certificates were made in 2015. All applicants completed the LCQ qualification but for Messrs Callaghan, Woulters and Rooney their applications were put on hold while they gained the required six months industry experience. Ms Rodgers application was held pending appropriate references from her current employer.

[2] The application by Shane Angel for a renewal of his Manager's Certificate was made on the 4th March 2015, the day it was due to expire. The application was incomplete, in that the required evidence of the successful completion of the Bridging Test and an employer reference were missing. There were several unsuccessful attempts made by the Regulatory Support Officer to obtain the required references and undertakings given by the applicant to supply them, occurring on or around the 15th October 2015, 22nd February 2016, 23rd May, 26th May, 1st and 13th of June 2016.

[3] The Inspector provided a report on each of the new Manager's Certificate 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.*

[4] The Inspector also quoted case law as follows:

Deejay Enterprises Limited (LLA Decisions 531/97-532/97) which clearly sets out the relevant principles, where 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”.

[5] As a result of the applicants making either no or timely 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.

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

DATED at Queenstown this 23rd day of November 2016



J M Mann
Commissioner
Queenstown Lakes District Licensing Committee

