

Decision No. QLDLC 0731/2021

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER of an
application by **NICHOLAS JOHN
HORSLEY** of **20/24
PANORAMA TERRACE,
QUEENSTOWN** pursuant to s.219 of
the Act for a Manager's
Certificate.

Chairman: Mr LA Cocks

Members: Mr JM Mann

Mr B Pay

HEARING at QUEENSTOWN 17th February 2022

APPEARANCES

Ms S H Swinney – Licensing Inspector – to assist

RESERVED DECISION OF THE DISTRICT LICENSING COMMITTEE

1. An application was filed by Nicholas John Horsley on the 24th March 2020 for a Manager's Certificate. It was considered in accordance with s.191(1) and s.222 of the Sale and Supply of Alcohol Act 2012.
2. The applicant provided one reference with his application from his employer at the time (Jessica Healy, Retail Store Manager, Betty's Liquor Store), where he commenced employment on 13th March 2020. Ms Healy supported the applicant and indicated Mr Horsley had completed the Liquor Controller Qualification (LCQ) but there was no evidence of this with the application, and nothing to confirm any previous experience.
3. The Inspector advised the applicant by email on the 27th March 2020 that his application would be put on hold until 13th September 2020 to enable him to obtain relevant experience working in a licensed premises. Mr Horsley did not respond to this email, nor to subsequent emails sent on 6th November 2020 and 15th February 2021. Ms Healy confirmed by email on 3rd May 2021 that Mr Horsley's employment ceased on 28th October 2020. On 31st May 2021 confirmation was received from

Immigration New Zealand that Mr Horsley departed New Zealand on 31st October 2020.

4. The Inspector highlighted that we are directed by s.222 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; and*
 - e. *any matters dealt with in any report under section 220 of this Act.*
5. The applicant does not have the relevant qualifications or experience and his failure to respond to the Agency's attempts to make contact after he submitted his application, bring into question his suitability. Further to this, as he is not currently residing in New Zealand and therefore not employed as a manager of any particular licensed premises, he does not satisfy s.219 requirements. Finally, Mr Horsley did not appear to address his application at a formal hearing on 17th February 2022.
6. Accordingly, the Committee rules pursuant to s.221(1) of the Act, that this application for a new Managers Certificate is refused.

DATED at Queenstown this 16th March 2022.



LA Cocks
Commissioner
Queenstown Lakes District Licensing Committee

