

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **SEYNI JAMIE
MCWILLIAM** pursuant to s.219 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 12th April 2016

APPEARANCES

Ms S H Swinney – Licensing Inspector – to assist
Sergeant Haggart – N.Z. Police – to assist
No appearance by or on behalf of the Applicant

ORAL DECISION OF THE COMMITTEE

- [1] Ms McWilliam submitted a new Manager's Certificate application on 3rd February 2015.
- [2] Following Police opposition to the application, the matter was referred to the District Licensing Committee for a public hearing.
- [3] The hearing took place on 19th October 2015. The Committee's issued an oral decision which was published on 22nd October 2016. In its decision, the Committee granted the application subject to an undertaking agreed to by Ms McWilliam that permitted the applicant to use her certificate only to manage off-licensed premises.
- [4] As part of the application process as well as Council policy, an applicant for a Certificate is required to undertake an oral test verifying knowledge of the LCQ course undertaken and the Act he or she will be enforcing. Apparently no such interview had been undertaken prior to the hearing.
- [5] As a result, an initial test was booked for 28th October 2015. Ms McWilliam called on the day of the test to cancel the appointment as she was working. A further two appointments were made with the applicant. A second interview was set down for 4th November 2015, and was altered to 3rd December 2015 at the applicant's request.
- [6] The Queenstown Lakes District Council support staff received a notice of management change form on 2nd December 2015 to advise that the applicant had resigned her position at "Betty's Liquor Store" in Frankton. The applicant was rung on 3rd December and advised that the application could not be processed any further unless she was employed or about to be employed in the Industry.

[7] Ms McWilliam was advised to undertake the oral interview and then supply an up to date reference. She declined to do so and an application to have the fee refunded was refused. It became clear that the applicant was no longer employed in the industry and made no attempt to contact the Agency to confirm employment if in fact she was. Accordingly the matter was set down for a further hearing.

[8] Ms McWilliam has not appeared today and has made no further contact with the Agency. We have a policy based on case law that Certificates should be working documents, and should not be regarded as a qualification purely to be achieved and not used. Given the applicant's absence without excuse or reason, we have no alternative other than to re-hear the application pursuant to s. 201(4) of the Act, and refuse it.

Dated at Queenstown this 26th day of April 2016.

A handwritten signature in blue ink, consisting of a large, sweeping loop at the top, followed by a series of smaller, connected loops and a short horizontal stroke at the end.

E W Unwin
Commissioner