

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012 Act

AND

IN THE MATTER

of an application by **JAMES
MATTHEW COWAN** pursuant to
s.219 of the Act for a Manager's
Certificate

BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE

Chairman: Mr L A Cocks
Members: Mr J M Mann
Mr B Pay

HEARING at QUEENSTOWN on 6th July 2022.

APPEARANCES

Ms Sharon Dinneen – Licensing Inspector – to assist

RESERVED DECISION OF THE COMMITTEE

Introduction

1. Before the committee is an application by Mr James Matthew Cowan for a Manager's Certificate. The application was received by the Agency on 4th September 2022.
2. The applicant, Mr James Cowan failed to appear at the hearing. We proceeded with the hearing in his absence.

The Application

3. At the time of lodgement, Mr Cowan was employed as 'Retail Duty Manager' at Betty's Liquorstore, Frankton where he had been employed for approximately four weeks. This employment ceased on 30th December 2021. Mr Cowan did not provide evidence of other relevant employment in New Zealand and was advised by the Inspector his application would be placed on hold until he obtained a minimum of six months experience in a licensed premises.
4. Mr Cowan did not report any criminal convictions and the Police did not oppose the application.
5. Mr Cowan obtained the Licence Controller Qualification (LCQ) on 1st September 2021 and also provided a 'Statement of Attainment' from the Australian provider 'Express Online Training', demonstrating that he completed the accredited unit 'SITHFAB002 – Provide Responsible Service of Alcohol' on 8th January 2018.

The Licensing Inspector

6. The Inspector provided a report on the application with details of communication with Mr Cowan. Mr Cowan was advised on 25th January 2022 that his six month period of

experience was due to conclude on 9th February 2022 and he was asked to provide an updated reference confirming his employment. Mr Cowan did not respond and a follow up email was sent to him on 31st January 2022 asking if he intended proceeding with the application.

7. On the 8th February 2022, Mr Cowan responded and confirmed he wished to proceed and provided an updated reference stating he had worked as Retail Duty Manager at Betty's Liquorstore from 9th August 2021 until 10th December 2021, and then as a casual employee through to 30th December 2021. No other references were provided to show he was employed in a licensed premises.
8. The Inspector made several attempts to make contact Mr Cowan by phone and email between the 28th February 2022 and 19th April 2022, but no response was received. The Ministry of Business, Innovation and Employment (MBIE) confirmed on 24 March 2022 that Mr Cowan had not left New Zealand.
9. The Inspector brought to our attention the decision ***Kerslake (2015) NZARLA 317*** where the Authority held at [11]:

'It is clear from this decision that the Authority expects that applicants for a manager's certificate will be, at the very least, currently employed in the industry and generally be able to indicate the position which they will take up if the certificate is granted.'

The Inspector went on to advise that the evidence supplied by the applicant indicates he is no longer employed in the industry, and he has failed to respond to repeated requests to confirm the position which he would take up if the certificate were to be granted.

The Committee's Decision and Reasons

10. S.222 of the Act provides the matters that must be considered for a Managers Certificate. Mr Cowan achieves or was likely to achieve the criteria at s.222 (b)(c)(d) and (e), but he has failed to show he is suitable to be a manager as required at s.222 (a) due to his failure to communicate with the Inspector, failure to confirm his employment in a licensed premises, and failure to appear at this hearing.
11. Considering the reports provided and submission made, we are not satisfied that Mr Cowan should be issued a Manager's Certificate, and therefore the application is declined.

DATED at Queenstown this 8th day of July 2022



LA Cocks
Chairman

