



Decision No. 13614/2023

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012 (the Act)

AND

IN THE MATTER

of an application by NAOMI KATRINA LEMAUA for a new
Manager's Certificate application pursuant to section
219 of the Act.

BEFORE THE GISBORNE DISTRICT LICENSING COMMITTEE AT GISBORNE

Chairperson: Commissioner Pat Seymour

Members: Ken Lyell, Paulette Goddard

HEARING at Gisborne District Council Chambers on Monday 27 November 2023 at 9am.

APPEARANCES

Naomi Katrina Lemaua

Applicant **Did Not Appear**

Vincenzo Petrella

District Licensing Inspector
In Opposition

Alexa Coleman

NZ Police – Alcohol Harm Prevention Constable
In Opposition

RESERVED DECISION OF THE GISBORNE DISTRICT LICENSING COMMITTEE

APPLICATION

1. This is an application by **NAOMI KATRINA LEMAUA** received at Gisborne District Council on the 24th of May 2023.
2. The reporting of the application for a manager's certificate has been hindered by the applicant's failure to attend several pre-arranged interview opportunities, despite numerous follow up phone calls.
3. The application was duly reported, and both the Police Alcohol Harm Prevention Officer and the Licensing Inspector for Gisborne District Council oppose the application.

Criteria for Manager's Certificate

4. In considering an application for a manager's certificate the licensing committee is required to consider the following questions (section 222):
 - a) Is the applicant suitable to be a manager?
 - b) Have any convictions been recorded against the applicant?

- c) Does the applicant have any recent experience in controlling any premises for which a licence was in force?
- d) Has the applicant 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) Have the Inspector and Police raised any relevant matters in their reports as per S220?

APPLICANT EVIDENCE

- 5. There was no applicant's evidence apart from the initial completed application form received at Gisborne District Council on the 24th of May 2023.
- 6. The applicant Ms Lemaua did not attend the hearing and did not indicate whether she would attend. The reporting officer Mr Vincenzo Petrella confirmed that he did oversee the papers for this hearing being hand delivered to Ms Lemaua by a licensing team member.
- 7. The Secretary reported that Ms Lemaua had confirmed by email that she had received the papers.
- 8. The committee proceeded to hear the application since there had been no request to withdraw the application.

REPORTING AGENCIES

Police

- 9. Constable Alexa Coleman for the Police opposed the granting of a manager's certificate on the grounds of suitability and that the applicant was no longer working in the industry.
- 10. Constable Coleman advised that the police had not initially opposed the application for a Manager's Certificate in a report dated 1 June 2023.
- 11. Subsequently it became apparent that the applicant was no longer working in the industry and the support of her former employer VDV Ventures was withdrawn. On 21 June 2023 the Police further reported to the Gisborne District Council licensing team that the application of Ms Lemaua for a Manager's Certificate was opposed as she was no longer working in the industry.
- 12. The Licensing Inspector notes this subsequent Police report was outside the 15 days required to provide a report.
- 13. The contents are noted, and the report of 21 June 2023 accepted by the Committee.

Inspector

- 14. Mr Vincenzo Petrella, District Licensing Inspector opposed the granting of a Manager's certificate. The Inspector notes the failure of the applicant to attend any of three June 2023 appointments made to interview the applicant and the lack of response to numerous follow up phone calls. This has made it impossible to confirm the depth of experience of the applicant as stated in the application.
- 15. The Inspector indicates concerns as to the suitability of the applicant due to the failure to attend interviews, and a failure to demonstrate maturity and an understanding of the responsibilities expected of someone holding a manager's certificate.

THE LICENSING COMMITTEE'S DECISION AND REASONS

Criteria for Manager's Certificate

16. The committee considered the criteria for the holding of a manager's certificate, Section 222 and the suitability of the applicant to hold a manager's certificate.
17. The committee note that the applicant has no convictions and has completed her Licence Controller Qualification (LCQ) in February 2022.
18. It has not been possible for the applicant's experience to be tested by interview. The committee is therefore unable to confirm Ms Lemaua's experience nor understanding of the responsibilities of a manager in the industry.
19. The Reporting Officer and the Police report that Ms Lemaua is no longer working in the industry.
20. The failure of the applicant to attend interviews nor follow up appointments appear to indicate either a lack of understanding of the responsibilities of a manager or a change in the circumstances of the applicant.
21. Having considered all evidence before it, the committee **decline** the application of Naomi Katrina Lemaua for a Manager's Certificate.
22. The applicant is advised that should she return to working in the industry and wish to apply for a manager's certificate then she should make a new application.

DATED at Gisborne this 30th day of November 2023



Pat Seymour
Commissioner
Gisborne District Licensing Committee

On behalf of DLC Members:

Ken Lyell
Paulette Goddard