

IN THE MATTER

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

AND

IN THE MATTER

of an application by **James Gabriel
OWENS** of the **COWBOYS
QUEENSTOWN** pursuant to s.224 of the
Act for the renewal of a Manager's
Certificate.

Chairman: Mr G B Pay
Members: Mr C Cooney
Mr J Mann

HEARING at QUEENSTOWN on 19th August 2025

APPEARANCES

Mr J G Owens – Applicant
Ms K E Burns - Queenstown Lakes Licensing Inspector – to assist
Sergeant S Matheson – NZ Police – to assist

DECISION OF THE DISTRICT LICENSING COMMITTEE

APPLICATION

- [1] An application was filed by JAMES GABRIEL OWENS on the 17th March 2025 for the renewal of a Manager's Certificate. It was considered in accordance with s.191(2) and s.227 of the Act.
- [2] Mr Owens has held a Manager's Certificate since 2021. His certificate was originally issued and renewed by the Auckland District Licensing Committee. Mr Owens moved to the Queenstown district prior to the latest renewal date for his certificate which was 22nd March 2025. He is employed as manager of Cowboys Queenstown which operates primarily as a late-night tavern venue.

- [3] In his application for the renewal of his manager's certificate, Mr Owens disclosed a driving with excess blood alcohol conviction from April 2024. The offence was committed in Auckland and the subsequent conviction was entered by the Auckland District Court.
- [4] Neither the Police or Inspector opposed the application, however in keeping with this Committee's previous decisions, we decided a public hearing was required.

THE HEARING

NZ POLICE

- [5] Sergeant Matheson spoke to us and explained the reason Police had no opposition to the application. He said the Alcohol Harm Prevention Officer in the Auckland district had not made any application for the suspension or cancellation of Mr Owens' manager's certificate as a result of his conviction. Sgt Matheson told us he believed by the time he was made aware of Mr Owens conviction it was "*..outside the accepted timeframe that the matter could be referred to ARLA.*" The Sergeant said he was mindful of the Committee's attitude towards the renewal process in similar cases.
- [6] Sergeant Matheson told us he had contacted Mr Owens and had a "*...robust discussion with Mr Owens around this offending and the implications it has on his ability to retain (sic) Duty Manager's certificate.*" He told us he believes Mr Owens has "*good support*" from the owner of Cowboys Queenstown. He said he was not aware of any calls to incidents at the premises and had no negative feedback about how the premises has been run.
- [7] The Sergeant produced the Police summary of facts and Constable's notes from the driving with excess blood alcohol incident. Mr Owens was stopped in a Police alcohol checkpoint at about 10.45pm and failed a roadside breath screening test. He produced a positive breath alcohol result and elected a blood sample be taken. The resulting blood test returned a result of 128milligrams of alcohol per 100ml of blood. The legal limit is 50mg/100ml for a person over 20 years of age. Mr Owens was aged 27 at the time. He was convicted and disqualified from driving for six months and fined \$500 plus costs. Mr Owens pleaded guilty at his first court appearance and in explanation stated he had stopped drinking some time before driving and believed he would be under the limit.

THE INSPECTOR

- [8] The Inspector presented a report that provided us with Mr Owens' history with the Auckland District Licensing Committee. She told us that Mr Owens had not come to the notice of the Auckland Committee and provided us with a reference from My Owens' current employer. The reference was dated 1st May 2025 and was supportive of his application.

- [9] Ms Burns also informed us My Owens had expressed his displeasure at being required to meet with a member of the Queenstown District Council Licensing Support team to take a face to face oral test as part of the renewal process. Ms Burns explained this is the accepted practice for people who are renewing a manager's certificate that was issued by another District Licensing Committee. From the email thread provided to us, Mr Owens was further frustrated by being made to wait for 30 minutes before taking the test and made a complaint to Council about the process which he said "...*makes little to no sense..*". He further compared the renewal of his manager's certificate with the renewal of a driver's licence in that neither are "...*region specific.*"

THE APPLICANT

- [10] Mr Owens gave evidence. He gave us a rundown on his experience in the New Zealand hospitality industry which he says spans eleven years. He told us he is currently employed as the General Manager of Cowboys Queenstown which entails rosters, training and duty shifts. He told us he likes to be the duty manager on the weekends and high-risk days.
- [11] Mr Owens was reasonably open about his excess blood alcohol conviction and expressed both remorse and a desire for self-improvement since the experience.
- [12] With regard to his attitude towards requiring to undergo a knowledge test, Mr Owens said he now understood the process of the Queenstown District Licensing Committee. Mr Owens told us he was still of the opinion there were similarities with a drivers licence renewal which does not require a different process in different parts of the country.

DECISION

- [13] We remind ourselves of the criteria we must have regard to -

227Criteria for renewal

In considering an application for the renewal of a manager's certificate, the licensing authority or licensing committee concerned must have regard to the following matters:

- (a) the applicant's suitability to be a manager:*
- (b) any convictions recorded against the applicant since the certificate was issued or last renewed:*
- (c) the manner in which the manager has managed the sale and supply of alcohol pursuant to the licence with the aim of contributing to the reduction of alcohol-related harm:*
- (d) any matters dealt with in any report made under section 225.*

- [14] With regard to Mr Owens' application before us we are primarily concerned with his conviction for driving with excess blood alcohol.

[15] The Committee hopes we have impressed upon Mr Owens that a Manager's Certificate is unlike most other certifications in New Zealand. The suitability of the holder is scrutinised in both their personal and professional lives. If they are convicted in the criminal justice system they are subject to a degree of "double jeopardy" by way of their suitability being revisited by ARLA or District Licensing Committees. The holder of the manager's certificate is the most important person when it comes to ensuring both the object and the aim of the Sale and Supply of Alcohol Act are attained. Unlike the drivers licensing system, the sale and supply of alcohol legislation purposefully encourages local variations. We encourage the licensing support staff of Council to continue with the face to face testing of applicants who are new to our manager's certificate system.

[16] We have considered Mr Owens' submissions as well as those of the Police and Inspector. Both the Alcohol Regulatory Licensing Authority and our own Committee have indicated in a number of decisions that a high standard is expected of those in the hospitality industry with the right to oversee the sale and supply of alcohol to the public. Consistent with this, we believe a truncated period for the certificate renewal is appropriate and will allow the Committee time to assess the continued suitability of Mr Owens.

[17] The Committee rules pursuant to s.191(2) and s.228(2) of the Act, that the above application for the renewal of a Manager's Certificate is approved for a period of 18 months. The certificate will expire on 22nd September 2026.

DATED at Queenstown this 19th day of August 2025



G B Pay
Commissioner
Queenstown Lakes District Licensing Committee

