

Decision Number: 60E [2021] 8500

IN THE MATTER OF the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF an application by **TAVITA DANNY FAALOGO** for a **Manager's Certificate** pursuant to section 219 of the Act

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Committee

Chairperson Mr D L Blackwell QSM
Members Mrs M S Redstone JP
Miss L Shields

Appearances Mr Tavita Danny Faalogo, the Applicant
Mr Richard Dear, sole director The Wave Bar, Witness for the Applicant
Senior Constable Graeme Jolliffe, New Zealand Police, in opposition
Mr Hamish Little, Licensing Inspector, to assist

RESERVED DECISION OF THE COMMITTEE

[1] This is an application by **TAVITA DANNY FAALOGO** ('the applicant') for a Manager's Certificate pursuant to section 219 of the Sale and Supply of Alcohol Act 2012 ('the Act'). The applicant is currently employed in the industry.

[2] On Saturday 15 May 2021 the tri-agencies conducted a minors controlled purchase operation (CPO) on a number of premises in the Christchurch District including The Wave Bar at 2 Brighton Mall. The applicant was serving at the bar when the premises failed the test and sold alcohol to minors.

[3] The NZ Police opposed the application as the applicant had failed the CPO and this cast doubt on his suitability to hold a Manager's Certificate. The Licensing Inspector's report on the application expressed a view that the applicant's suitability is in question and recommended it be determined by way of a public hearing.

[4] We convened a hearing on 6 August 2021. The applicant attended along with Mr Richard Dear, the applicant's employer and his witness.

[5] The applicant provided his employment history in the industry together with an explanation of the circumstances of his serving the minors and the consequences for himself and his employer. He also provided a number of references from his work colleagues along with a reference as to his character. He regretted the incident and assured the Committee it was a momentary lack of concentration at a very busy period of time and would not happen again.

[6] The applicant explained the nature of his employment and the training he had undertaken since the event including completing the Serve Wise on-line course as recommended by the Alcohol Licensing Inspector. He has also agreed with the Police to appear before the Community Justice Panel.

[7] Mr Dear gave evidence of putting a training session in place immediately following the event and ensuring that all regular future training would include a section on the responsibility of the Bar Person to obtain IDs in order to ensure they are not serving minors. He said that Mr Faalogo was a valued employee who worked shifts on the busier Thursday, Friday and Saturday evenings and that he believed that alcohol-related incidents had declined on these nights since he had employed Mr Faalogo.

[8] Having heard from the applicant and Mr Dear and having heard the submission of Senior Constable Jolliffe for the Police, the Committee is of the view that Mr Faalogo has learned from this experience and is unlikely to offend again. The Committee was most impressed with Mr Faalogo as a person and with the experience he has in the industry.

[9] Having regard to the matters in section 222 of the Act we believe the applicant holds the required qualifications and experience, and is of a suitable character, to hold a Manager's Certificate. We approve the application for a period of 12 months.

[10] We record that serving minors or intoxicated persons is a serious matter and goes to the suitability of an applicant and if the applicant were to appear before a Committee again in relation to any similar incidents, this would place the applicant's certificate in jeopardy.

DATED at CHRISTCHURCH this 10th day of August 2021

A handwritten signature in blue ink, appearing to be 'D. L. Blackwell', with a small dot at the end.

D. L. Blackwell

Chairperson/Commissioner

Christchurch District Licensing Committee