

APPLICATION

19/056/2018

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND
IN THE MATTER

of an application by
Julia Christine Sherry
for a manager's certificate
pursuant to section 219 of the Act

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The application for a manager's certificate is declined.

REASONS

1. On 15 October 2018 Julia Sherry applied for a manager's certificate. Ms Sherry worked at Awakino Hotel, a licenced premises, from March 2018 to October 2019. The Police report dated 6 November 2018 presents no opposition to the application. However, the Licensing Inspector opposes the application on the basis that Ms Sherry is not currently employed in the hospitality industry in New Zealand.
2. Ms Sherry has returned to the UK and cannot be contacted, therefore there is no merit in having a hearing. Therefore, this application is decided on the papers pursuant to section 202(1). This section permits the licensing committee to decide an application on the papers, where there are no public objections to the application. An application of this type does not have to be advertised to the public and therefore there are no objections to the application.
3. In considering an application for a manager's certificate the licensing committee must consider the following questions (s 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 undertaken appropriate training and completed relevant qualifications under section 218?
 - d) Have the Inspector and Police raised any relevant matters in their reports?

Should the manager's certificate be granted?

4. The Licensing Inspector is satisfied that Ms Sherry is a suitable person to hold a manager's certificate because she has appropriate training, qualifications and experience and is of good character.

5. However, the Licensing Authority has consistently stated that a manager must be in the hospitality industry to qualify for a manager's certificate. In *McLean* NZLLA PH 318/2009, the Authority reiterated that a manager's certificate should not be issued in a vacuum and must have the full committed support of an employer.

6. The Inspector interviewed Ms Sherry on 31 October 2018 and ascertained that she held a United Kingdom of Great Britain and Northern Ireland passport, but did not have the appropriate visa to allow her to work in New Zealand. The application was then put on hold to give Ms Sherry an opportunity to gain a working visa. However, subsequently Ms Sherry returned to the United Kingdom, as her 'interim visa' had expired. The Licensing Inspector has made numerous attempts to contact Ms Sherry by email and has had no response. It appears that Ms Sherry has not revisited New Zealand and is therefore no longer working on a licensed premises.

7. In conclusion, the manager's certificate application is declined because Ms Sherry is no longer working in the hospitality industry in New Zealand.

Dated this 20th day of March 2020



Sara Grayson
Commissioner