

Application	19/010/2019
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u>	
<u>IN THE MATTER</u>	of an application by Joseph Jibin Kizhakkeveettii Joseph for a manager's certificate

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The application for a manager's certificate is granted subject to an undertaking that the manager's certificate will only be used by Joseph Joseph in a premises operating an off-licence in a grocery store, supermarket or bottle store. The manager's certificate may issue immediately.
2. The manager's certificate shall continue in force until the close of the period of the day 12 months after the day it is issued.

Reasons

1. Joseph Joseph seeks a manager's certificate to assist the management of Te Kuiti Supervalve to comply with the provisions of the Sale and Supply of Alcohol Act 2012.
2. The Liquor Licensing Inspector and Police have provided reports and do not object to the application (s 220). Accordingly, this application is decided on the papers (s 202).
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. Joseph Joseph has worked at Te Kuiti Supervalve for two years in a number of different areas. He is now an Assistant Manager and needs a Manager's Certificate for this position.

He has completed the Manager's Training Course, is the holder of the Licence Controllers Qualification. He does not have any convictions.

5. The Licensing Inspector interviewed Joseph Joseph and reports that he has an adequate understanding of the requirements and responsibilities of a manager. However, he has limited experience of only working in a grocery store. Therefore, the Licensing Inspector suggests that the manager's certificate be granted subject to an undertaking that it will only be used in a premises operating with an off-licence. The Licensing Inspector states that Joseph Joseph has given an undertaking that he will only use his Manager's Certificate in a premises operating an off-licence in a grocery store, supermarket or bottle store.
6. The licensing committee accepts this recommendation. The Sale and Supply of Alcohol Act 2012 does not make any specific provision to grant a manager's certificate for one type of licenced premises. However, the licensing committee accepts that it is appropriate in this case to note the undertaking given by Joseph Joseph on the certificate. It is unlikely that the Manager's Certificate would be granted without this undertaking. This is because Joseph Joseph does not have sufficient experience to manage other types of licensed premises such as a restaurant or tavern.
7. The purpose of the Act is to put in place a new system of control over the sale and supply of alcohol (s 3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4).
8. Section 214 of the Act provides that a manager on duty on any licensed premises is responsible for compliance with and enforcement of the Act. In addition, a manager is responsible for "the conditions of the licence in force for the premises and the conduct of the premises with the aim of contributing to the reduction of alcohol related harm". Therefore, a Duty Manager has a big responsibility and requires a detailed knowledge of the Act.
9. The main task of Duty Managers in a grocery store/supermarket/bottle store environment is to ensure that alcohol is not served to minors and intoxicated persons. The Licensing Inspector is satisfied that Joseph Joseph has sufficient knowledge and experience to handle these tasks.

Dated this 8th day of March 2019



Sara Grayson
Commissioner
Waitomo District Licensing Committee