

Application	19/052/2018
<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 Maria Rangi Were for renewal of a manager's certificate pursuant to section 224 of the Act

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The application for renewal of a manager's certificate is granted subject to an undertaking that the manager's certificate will only be used by Maria Were in the course of her employment with Te Kuiti New World or such other employer that is approved in writing by the Licensing Inspector. The manager's certificate may issue immediately.
2. The manager's certificate is renewed for a further period of three years or if an application for the renewal of the certificate is made, until the application is determined.

Reasons

1. Maria Were is currently employed as a Duty Manager on a licensed premises and seeks the renewal of her manager's certificate.
2. The Liquor Licensing Inspector and Police have provided reports and do not object to the application (s 225). Accordingly, this application is decided on the papers (s 202).
3. In considering an application for the renewal of a manager's certificate the licensing committee must consider the following questions (s 227):
 - a) Is the applicant suitable to be a manager?
 - b) Have any convictions been recorded against the applicant since the certificate was issued or last renewed?
 - c) How has the applicant managed the sale and supply of alcohol with the aim of contributing to the reduction of alcohol-related harm?
 - d) Have the Inspector and Police raised any relevant matters in their reports?

Should the manager's certificate be granted?

4. Maria Were has worked at Te Kuiti New World for 20 years, has held a manager's certificate since 2008, and has worked as a checkout supervisor for the past 14 years. Maria Were does not have any convictions.
5. The Licensing Inspector reports that Maria Were has no experience working in a licensed premises other than one operating supermarket off-licence. The Licensing Inspector recommends that due to a lack of experience in other types of licensing premises Maria Were should give an undertaking that she will only use her Manager's Certificate in a supermarket or grocery store. This undertaking has been given in writing by Maria Were.
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 Maria Were on the certificate. It is unlikely that the Manager's Certificate would be granted without this undertaking. This is because Maria Were 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 a Duty Manager in a supermarket environment is to ensure that alcohol is not supplied to minors and intoxicated persons. The Licensing Inspector is satisfied that Maria Were has sufficient knowledge and experience to handle these tasks. Therefore, the application for the renewal of the manager's certificate is granted.

Dated this 26th day of October 2018



Sara Grayson
Commissioner
Waitomo District Licensing Committee