

Decision	19/035/2023
<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 Jason Henry Voyce for a manager's certificate pursuant to section 219 of the Act

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 Jason Henry Voyce in the course of his employment with Waitomo Distillery Limited. 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.

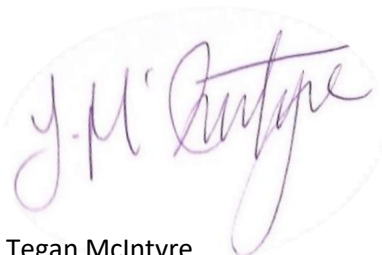
Reasons

1. Jason Henry Voyce seeks a Manager's Certificate to assist the management of Waitomo Distillery Limited 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. Jason Henry Voyce has set up Waitomo Distillery Limited and as the business owner and operator it is advantageous for him to hold 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 states that Mr Voyce has given an undertaking that he will only use his Manager's Certificate with Waitomo Distillery Limited and that this is appropriate. This undertaking can be reviewed at the first renewal.
6. The Licensing Committee accepts this recommendation. It is an expectation of the committee that applicants have a minimum of 6 months experience on licensed premises. Mr Voyce does not meet this experience criteria. However, in [2010] NZLLA PH 1271 an applicant with no licensing experience but with shares in a vineyard, with sales either via mail order or internet sales was granted a manager's certificate. In this case, the applicant made an undertaking not to be engaged in the sale or supply of alcohol except through internet sales/mail order without first getting the approval of the licensing inspector.
7. The Sale and Supply of Alcohol Act 2012 does not make any specific provision to grant a manager's certificate for one type of licensed premises. However, the licensing committee accepts that it is appropriate in this case to note the undertaking given by Mr Voyce on the certificate. It is unlikely that the Manager's Certificate would be granted without this undertaking. This is because Mr Voyce does not have sufficient experience to manage other types of licensed premises.
8. The Licensing Inspector interviewed Mr Voyce and reports that she was comfortable with his knowledge and maturity to manage this remote sales operation for compliance.
9. The main task of Duty Managers In a remote sales environment, is ensuring there is an appropriate website with suitable safeguards and safeguards around the delivery of alcohol. There would be no personal assessment of sobriety of customers as would be the case of someone working on licensed premises visited by customers. The Licensing Inspector is satisfied that Jason Henry Voyce has sufficient knowledge and experience to ensure this.

Dated at this 18th day of July 2023



Tegan McIntyre
Commissioner
Waitomo District Licensing Committee