

Application	19/034/2021
<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 Christina Mary Irvine 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 Christina Mary Irvine in the course of her employment with Roselands Resort. 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.

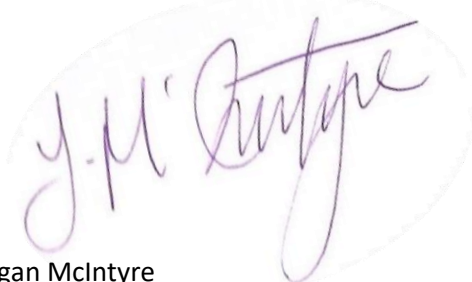
Reasons

1. Christina Mary Irvine seeks a Manager's Certificate to assist the management of Roselands Resort 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. Christina Mary Irvine has worked at Roselands Resort since June 2022. However, the licensing inspector reports that, since the premises gained an on-licence in July 2022, there have only been four functions, two birthdays and two weddings (one with no alcohol) It is advantageous for Ms Irvine to hold a Manager's Certificate for this position. She has completed the Manager's Training Course, is the holder of the Licence Controllers Qualification. She does not have any convictions.
5. The Licensing Inspector interviewed Christina Mary Irvine and reports that she was comfortable with Ms Irvine's knowledge and maturity to manage this tourist functions venue for compliance. Ms Irvine has given an undertaking that she will only use her Manager's Certificate with Roselands Resort and that this is appropriate. This undertaking can be reviewed at the first renewal.
6. 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 Ms Irvine on the certificate. It is unlikely that the Manager's Certificate would be granted without this undertaking. This is because Ms Irvine does not have sufficient experience to manage other types of licensed premises such as a higher risk restaurant or tavern.
7. 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 lower risk restaurant environment is to ensure that alcohol is not served to minors and intoxicated persons. The Licensing Inspector is satisfied that Christina Mary Irvine has sufficient knowledge and experience to handle these tasks.

Dated at this 2nd day of August 2023



Tegan McIntyre
Commissioner
Waitomo District Licensing Committee