

ŌTOROHANGA DISTRICT LICENSING COMMITTEE

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| Decision | 018/0523 |
| <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 Jack Francis Walters 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 Jack Francis Walters in the course of his employment with Pungent Pukeko. 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. Jack Francis Walters seeks a Manager's Certificate to assist the management of Pungent Pukeko (a new off licence (remote sales only) to comply with the provisions of the Sale and Supply of Alcohol Act 2012.
2. The 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. Jack is a part-time music teacher at Hamilton Boys High School and offers online music lessons. He has been distilling and fermenting alcohol following as a hobby for the last 3 years. Jack has held a Special Licence before and has some experience with alcohol management in an event. As the licensee of Pungent Pukeko, it is advantageous for Jack 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 interviewed Jack and reports that she was comfortable with Jack's knowledge and maturity to manage this small on-line distillery for compliance. The Licensing Inspector states that Jack has given an undertaking that he will only use his Manager's Certificate with Pungent Pukeko and that this is appropriate. This undertaking can be reviewed at the first renewal.
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 licensed premises. However, the licensing committee accepts that it is appropriate in this case to note the undertaking given by Jack Francis Walters on the certificate. It is unlikely that the Manager's Certificate would be granted without this undertaking. This is because Jack does not have sufficient experience to manage other types of licensed premises such as a higher risk 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 an online/remote sales environment is to ensure that alcohol is not served to minors and intoxicated persons. The Licensing Inspector is satisfied that Jack has sufficient knowledge and experience to handle these tasks.

Dated this 3rd day of December 2024



Tegan McIntyre
Commissioner
Ōtorohanga District Licensing Committee