

File number: 3705.01/2015-2016
Report to: District Licensing Committee
Meeting date: 27 October 2015
Subject: **Application for Renewal of Managers Certificate – Janit Patel**
Date of report: 16 October 2015
From: Rachel Sheppard
 Chief Licensing Inspector

Approved for agenda ☒

Report purpose ☒ **Decision** ☐ **Recommendation** ☐ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

In the matter of the Sale and Supply of Alcohol Act 2012 and an application pursuant to s.224 of the Act for the granting of the renewal of a Managers Certificate to Janit Patel who is currently working in the licenced premises known as Mangawhai Four Square, 43 Moir Street, Mangawhai, Kaipara District. The application was received by the Territorial Authority on 31 August 2015. All reports from the agencies were received by 15 October 2015 allowing the application to progress to the District Licensing Committee hearing scheduled for 27 October 2015.

Recommendation

That the District Licensing Committee:

- 1 *Receives the Chief Licensing Inspector's report titled 'Application for Renewal of Managers Certificate – Janit Patel' dated 16 October 2015 and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Grants the application made by Janit Patel for the renewal of his Managers Certificate.*

Reason for the Recommendation

Report received from the Licensing Inspector appointed under the Act is satisfactory and does not oppose the issue of the renewal of the Managers Certificate. No objection has been received from the Police. It is appropriate that the application be determined on the papers pursuant to s.228 of the Act.

Reason for the Report

Application under s.224 of the Sale and Supply of Alcohol Act 2012 has been made for the granting of the renewal of a Managers Certificate to Janit Patel who is employed at the licenced premises known as Mangawhai Four Square, 43 Moir Street, Mangawhai, Kaipara District.

Background

The applicant has been employed at the Mangawhai Four Square since 2011. He holds a current Managers Certificate originally issued by the Kaipara Territorial Authority in 2011. In order to continue his employment at the Mangawhai Four Square, and to be able to act as a Duty Manager within this licenced premises, Mr Patel seeks the granting of the renewal of his Managers Certificate.

Experience

The applicant has four years' experience as Duty Manager at the Mangawhai Four Square. In accordance with internal training supplied by Foodstuffs New Zealand, he has continued to receive training every six months in respect of alcohol retail sales and legislation. During this time there have been no known issues or concerns brought to the attention of the Territorial Authority.

Section 225 of the Act provides for the application for the renewal of a Managers Certificate to be lodged with the territorial authority for reporting on by the Police and the Licensing Inspector. On receipt of those reports s.226 of the Act provides for the District Licensing Committee to grant or decline such application.

Issues

Section 216 of the Act requires that if the applicant wishes to work in a licensed premises as a duty manager to sell and supply alcohol from that premises, they must be the holder of a current Managers certificate or they would be deemed to be in breach of the Act. Neither report received from the Inspector nor the Police factor any objection to the application for the renewal of the certificate.

On interview, the Inspector's report details that the applicant adopts a responsible attitude towards the sale of alcohol. He has completed the course for the Licence Controller Qualification (LCQ). The LCQ certificate was issued on 19 July 2011, and the more recent Bridging Test Certificate which demonstrates knowledge and understanding of the changes now legislated under the Sale and Supply of Alcohol Act 2012 was issued on 23 July 2015. Both certificates have been provided as proof of successfully completing the necessary unit standards NZQA 4646, 16705 thus meeting the prescribed qualifications as required under s.218 of the Act.

The existing certificate is deemed to be current under s.223 of the Act.

Factors to Consider

Community Views

The Community expects that only fit and proper persons are granted licences or certificates for any matter concerning the sale of alcohol. Others in the community will expect Council to deal with these matters in the most efficient and effective manner.

Policy Implications

The decision has no impact on Council policy.

Financial Implications

There are no financial implications attached to this decision.

Legal/Delegation Implications

The Sale and Supply of Alcohol Act 2012 provides for all decisions on applications to be made by Council's District Licensing Committee. For unopposed applications the Chairperson alone may determine the application based on information provided in the papers.

Options

The District Licensing Committee has two options; it may either grant the application with conditions or decline the application.

Option A: Grant the application with conditions

Option B: Decline the application.

Assessment of Options

There are no grounds that officers are aware of that would substantiate a declining of the application. Based on the reports received by the Police and the Licensing Inspector, there is no good reason to impose further conditions on the Certificate, other than those required under the Act. The applicant has provided all information to the satisfaction of the reporting agencies who have responded with no opposition being raised to the issuing of the Renewal of a Managers Certificate.

Option A is considered the preferred option as it satisfies all requirements of s.227 of the Sale and Supply of Alcohol Act 2012 allowing the unopposed application to issue once determined by the District Licensing Committee.

Assessment of Significance

A decision in accordance with the recommendation is not considered to have a high degree of significance because it doesn't involve any council expenditure or impact financially on any ratepayers.

Recommended Option

The recommended option is **Option A**.

Next Step

The decision by the District Licensing Committee will be publicised on Council's website.

Attachments

- Reports for Renewal of Managers Certificate for J Patel (Attachment 1).
- Draft Decision by District Licensing Committee (*to be finalised on letterhead when approved*) (Attachment 2).
- Draft Certificate (*to be finalised on letterhead when approved*) (Attachment 3).