

**File number:** 3705.01/2015-2016 **Approved for agenda** ☒  
**Report to:** District Licensing Committee  
**Meeting date:** 27 October 2015  
**Subject:** **Application for Renewal of Managers Certificate – Melanie Jane Bayes**  
**Date of report:** 19 October 2015  
**From:** Rachel Sheppard  
 Chief Licensing Inspector

**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 Melanie Jane Bayes who is currently working in the licenced premises known as Estuary Vineyard, 381 King Road, Mangawhai, Kaipara District. The application was received by the Territorial Authority on 28 September 2015. All reports from the agencies were received by 09 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 – Melanie Jane Bayes' dated 19 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 Melanie Jane Bayes for the renewal of her 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 Melanie Jane Bayes who is employed at the licenced premises known as Estuary Vineyard, 381 King Road, Mangawhai, Kaipara District.

## **Background**

The applicant has been operating her business at Estuary Vineyard, Mangawhai since 2014 and has held a managers certificate issued by the Kaipara Territorial Authority in October 2014. In order to continue operating her business at Estuary Vineyard and to be able to act as Duty Manager within the premises, Ms. Bayes seeks the granting of the renewal of her Managers Certificate.

## **Experience**

The applicant has been operating her business at Estuary Vineyard since 2014. She completed her Licence Controller Qualification in May 2014, consequently obtaining her managers certificate in October 2014. She has continued working at Estuary Vineyard and 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. She has completed the course for the Licence Controller Qualification (LCQ). The LCQ certificate was issued on 13 May 2014 which demonstrates knowledge and understanding of the Sale and Supply of Alcohol Act 2012. Her certificate has 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 M J Bayes (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).