

**File number:** 3705.01/2015-2016

**Approved for agenda** ☒
**Report to:** District Licensing Committee

**Meeting date:** 27 October 2015

**Subject:** Application for Managers Certificate – Emmajean Desiree Mason

**Date of report:** 16 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.219 of the Act for the granting of a Managers Certificate to Emmajean Desiree Mason who is employed at the licenced premises known as Bennetts Cafe, 52 Moir Street, Mangawhai, Kaipara District. The application was received by the Territorial Authority on 09 September 2015. Final agency reports 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 Managers Certificate – Emmajean Desiree Mason' 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 Emmajean Desiree Mason for the issuing of a 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 Managers Certificate. No objection has been received from the Police. It is appropriate that the application, be determined on the papers pursuant to s.221 of the Act.

### Reason for the Report

Application under s.219 of the Sale and Supply of Alcohol Act 2012 has been made for the granting of a Managers Certificate to Emmajean Desiree Mason who is employed at the licenced premises known as Bennetts Cafe, 52 Moir Street, Mangawhai, Kaipara District.

## **Background**

The applicant is currently employed by Bennetts Café and she seeks the granting of her Managers certificate to enable her to continue her employment.

## **Experience**

The applicant has gained experience working within licensed premises over the last 12 years. She worked under duty managers at a licenced water taxi and ferry cruise operator, as well as a licenced café in Mangawhai, in which time she has learned to manage and meet the demands of patrons. Her training to be a duty Manager has been by way of direct supervision by the owner/operators of the licenced premises, who held current Managers certificates.

Section 220 of the Act provides for an application for 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.221 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 manager certificate or they would be deemed to be in breach of the Act. The Police report received offers no objection to the application for the issue 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 26 February 2007, 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 15 September 2015. Both certificates have been provided with the application as proof of successfully completing the necessary unit standards NZQA 4646 and 16705 thus meeting the prescribed qualification as required under s.218 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 thus satisfying the reporting agencies who have responded with no opposition being raised to the issuing of a Manager's Certificate.

Option A is considered the preferred option as it satisfies all requirements of s.222 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 Managers Certificate for E D Mason (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).