

**Decision Number:** 4192/2021

**IN THE MATTER** of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER** of an application by **Joshua Downey** for a Manager's Certificate pursuant to section 219 of the Act.

### **BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE**

The manager's certificate application (MC4192) had no objections filed and no matters of opposition raised under section 220 reports, therefore the matter was considered by the Napier District Licensing Commissioner in accordance with sections 221, 222 and 223 of the Act.

**Commissioner: Stuart Hylton**

### **RESERVED DECISION OF THE NAPIER DISTRICT LICENSING COMMITTEE**

#### **1. Application**

**Joshua Downey** made the application on the prescribed form received on the 16 November 2020. The applicant intends using the certificate at the 'Water Bar' (Tavern Style On-licence), where the applicant has worked for around 6 years. The applicant previously held a certificate but let it expire.

The application included evidence of obtaining the necessary License Controller Qualification and attesting to their experience and skills. The applicant declared they have no convictions apart from that discussed above.

#### **2. Decision Making**

In considering this application for a manager's certificate the licensing committee had regard to the following criteria under section 222 of the Act.

- (a) *the applicant's suitability to be a manager:*
- (b) *any convictions recorded against the applicant:*
- (c) *any experience, in particular recent experience, that the applicant has had in controlling any premises for which a licence was in force:*
- (d) *any relevant training, in particular recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification required under [section 218](#):*
- (e) *any matters dealt with in any report made under [section 220](#).*

#### **3 Reporting Agencies**

The following reports were received under section 220 of the Act and taken into account during the decision.

**3.1 Police** – No opposition within report dated 1 December 2020.

**3.2 Licensing Inspector** – Full report assessing **Joshua Downey's** credentials against the Acts criteria.

The Inspector raises the issue of the applicant's repeated lapse of certificate and potential of operating in a manager's role whilst holding an expired certificate. The inspector notes that any further lapse would result in an opposed Inspectors report.

The inspector concludes that the application is complete, in all other aspects appears to meet the criteria of section 222 of the Act to hold a managers certificate.

**4 Conclusion**

Based on the evidence provided to me within the application and statutory reports I conclude that **Joshua Downey** meets the criteria to hold a Managers Certificate under the Act.

**5 Decision**

Accordingly the application is **Approved** for issue for a period of one year.

**Dated at Napier City this day of 7 January 2021.**

**Signed**



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**Stuart Hylton**  
**Napier District Licensing Commissioner**