

DECISION NUMBER

4487/2022

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Wenxi She** for a Manager's Certificate pursuant to section 219 of the Act.

BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE

The manager's certificate application (MC4487) 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

Wenxi She made the application on the prescribed form received on the 4 August 2022. The applicant intends to use the certificate at Princess Alexandra Retirement Village, Café Style On-license, where the applicant has been employed for over two years. The Retirement Village has yet to be granted its licence.

The application included the applicant's qualifications and evidence attesting to the applicant's suitability to hold a certificate. In a manager's certificate interview with the inspector, they displayed suitable knowledge and understanding of the Act and host responsibility.

The applicant has attained the relevant License Controller Qualification and has not incurred any convictions.

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 received from the Police on the 20 August 2022.

3.2 Licensing Inspector – Full report assessing **Wenxi She**'s credentials against the Acts criteria. The inspector has interviewed the applicant and is satisfied that the applicant has the necessary knowledge to hold the certificate.

The Inspector has rightly raised the issue of the applicant (and others from 'Alexandra') not having any real industry experience. He has not opposed the application as the applicant had excellent knowledge of the Act, shows capability, and has signed an undertaking limiting the certificates use to the rest home license which is low risk. I commend this risk-based approach and use of an undertaking in this instance.

The inspector concludes that the grant of the certificate is supported. I support this conclusion.

4 Conclusion

Based on the evidence provided to me within the application and statutory reports I conclude that **Wenxi She** meets the criteria to be granted a Manager's Certificate in accordance with the Act.

5 Decision

Accordingly, the application for manager's certificate is **Approved** for issue for a period of one year and subject to the undertaking being annotated to the licence.

Dated at Napier this day the 1 December 2022.

Signed



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Stuart Hylton
Napier District Licensing Commissioner

