

**Decision Number:** 4384/2022

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

**AND**

**IN THE MATTER** of an application by **Garth Parker** for a Managers Certificate pursuant to section 219 of the Act.

**BEFORE THE NAPIER DISTRICT LICENSING COMMITTEE**

The managers' certificate application (MC4384) 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**

**Garth Parker** made the application on the prescribed form received on the 21 December 2021. The applicant intends using the certificate with 'Westshore Hotel' (Hotel Style On-licence), where the applicant has over twelve months' experience.

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.

**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 16 December 2021.

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

The Inspector raises the issue of this applicant previously having a manager's certificate on three other occasions and failing to renew it on each occasion. The Inspector believes this brings into question the applicants suitability to hold a certificate based on non-renewals and suggestion that the applicant has continued to be a duty manager during periods of certificate expiry.

Without fettering any future decisions of this DLC, the DLC is more concerned about being a duty manager without a current certificate than a person choosing not to renew a certificate per se.

In any event the Inspector suggests he does not oppose the application on this occasion however gives notice of future opposition should this pattern continue.

The inspector concludes that the application is complete, in all 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 **Garth Parker** 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 20 January 2022.**

**Signed**



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**Stuart Hylton**

**Napier District Licensing Commissioner**