

Application	19/004/2018
<u>IN THE MATTER</u>	of the Sale and Supply of Alcohol Act 2012
<u>AND</u>	of an application by
<u>IN THE MATTER</u>	Mukesh Dashrathbhai Chaudhari for a manager's certificate

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The application for a manager's certificate is granted subject to an undertaking that the manager's certificate will only be used by Mukesh Chaudhari in the course of his employment with Pio Pio Superette or such other employer that is approved in writing by the Licensing Inspector. The manager's certificate may issue immediately.
2. The manager's certificate shall continue in force until the close of the period of the day 12 months after the day it is issued.

Reasons

1. Mukesh Chaudhari seeks a manager's certificate to assist the management of Pio Pio Superette to comply with the provisions of the Sale and Supply of Alcohol Act 2012.
2. The Liquor Licensing Inspector and Police have provided reports and do not object to the application (s 220). Accordingly, this application is decided on the papers (s 202).
3. In considering an application for a manager's certificate the licensing committee must consider the following questions (s 222):
 - a) Is the applicant suitable to be a manager?
 - b) Have any convictions been recorded against the applicant?
 - c) Does the applicant have any recent experience in controlling any premises for which a licence was in force?
 - d) Has the applicant undertaken appropriate training and completed relevant qualifications under section 218?
 - d) Have the Inspector and Police raised any relevant matters in their reports?

Should the manager's certificate be granted?

4. Mukesh Chaudhari has worked at the Pio Pio Superette since 21 October 2017 and is currently the store manager. Mukesh Chaudhari needs a Manager's Certificate for this position as he will be responsible for the sale and supply of alcohol. He has completed the Manager's Training Course and is the holder of the Licence Controllers Qualification. He does not have any convictions.

5. The Licensing Inspector interviewed Mukesh Chaudhari and reports that he has an adequate understanding of the requirements and responsibilities of a manager in an off-licensed premises such as a grocery store. The Licensing Inspector states that Mukesh Chaudhari only has limited industry experience working in a grocery store and therefore he has given an undertaking that he will only use his Manager's Certificate in a grocery store, supermarket or bottle store operating under an off-licence.
6. The Sale and Supply of Alcohol Act 2012 does not make any specific provision to grant a manager's certificate for one type of licenced premises. However, the licensing committee accepts that it is appropriate in this case to note the undertaking given by Mukesh Chaudhari on the certificate. It is unlikely that the Manager's Certificate would be granted without this undertaking. This is because Mukesh Chaudhari does not have sufficient experience to manage other types of licensed premises such as a restaurant or tavern.
7. The purpose of the Act is to put in place a new system of control over the sale and supply of alcohol (s 3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4).
8. Section 214 of the Act provides that a manager on duty on any licensed premises is responsible for compliance with and enforcement of the Act. In addition, a manager is responsible for "the conditions of the licence in force for the premises and the conduct of the premises with the aim of contributing to the reduction of alcohol related harm". Therefore, a Duty Manager has a big responsibility and requires a detailed knowledge of the Act. The main task of Duty Managers in a grocery store/supermarket environment is to ensure that alcohol is not served to minors and intoxicated persons. The Licensing Inspector is satisfied that Mukesh Chaudhari has sufficient knowledge and experience to handle these tasks.
9. The licensing Inspector also notes that Mukesh Chaudhari's work visa expires on 14 September 2018. Mukesh Chaudhari has given an undertaking that he will deliver a copy of a new work visa to Waitomo District Licensing Committee before 14 September 2018. This is an important undertaking because Mukesh Chaudhari must have a current work visa to enable him to work in New Zealand. However, there is nothing in the Sale and Supply of Alcohol Act 2012 which states that a manager's certificate is not valid if a work visa expires, therefore it is not necessary for the undertaking to be formally recorded on the manager's certificate.

Dated this 11th day of May 2018



Sara Grayson
Commissioner
Waitomo District Licensing Committee