

IN THE MATTER

AND

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Decision No.

of the Sale and Supply of Alcohol Act 2012

of an application by **MELISSA KNOWLES** for a Manager's Certificate pursuant to s.219 of the Act.

BEFORE THE ASHBURTON DISTRICT LICENSING COMMITTEE

Chairman: Mrs S M Griffin
Members: Mrs R Kilworth
Mr G Lee

HEARING at LINCOLN on 8 March 2019

APPEARANCES

Mrs H A Faass - Ashburton District Licensing Inspector - in opposition

ORAL DECISION OF THE COMMITTEE

- [1] This is an application by Melissa Knowles pursuant to section 219 of the Act for a Manager's Certificate. The application was received by the Ashburton District Council on the 21st of March 2017. The Licensing Inspector has confirmed that Ms Knowles ceased her employment at Rakaia Four Square and she has not been able to be contacted for an interview after initial contact in April 2017. The Licensing Inspector and the Police confirm a lack of experience and an LCQ.
- [2] Ms Knowles does not hold the LCQ.
- [3] The application had been opposed by the Alcohol Licensing Inspector on the grounds that Ms Knowles cannot be assessed for suitability or experience and that she does not hold the necessary qualification. She was not able to be interviewed. Initial contact was made with Ms Knowles in April 2017. She has not responded to messages left on her phone on two further occasions during 2017, nor in April 2019. An appointment was made for her to attend the

council in April 2019 but she did not attend. Recent correspondence sent "signature required post" has been returned gone no address. Police did not oppose this application but noted the lack of experience and the LCQ.

[4] The applicant did not attend the hearing. An adjournment was not sought.

[5] The Alcohol Regulatory Authority, and the Liquor licensing Authority before it, have both ruled that two of the main prerequisites for the granting of a managers certificate are to be employed in the industry and to have the support of an employer. The Committee does not know if Ms Knowles is employed in the industry.

[6] In giving their oral decision the Committee Chair utilised wording relating to certificates being working documents not issued in a vacuum and the applicant having the support of an employer, from a specific case. The Authority stated at paragraph [2] in *McLean* NZLLA PH 318/2009

"There are about 40,000 holders of certificates throughout the country. While we try and keep a consistent approach on a nationwide basis, there will always be exceptions to the general rule. Our policy has been that certificates should not be issued in a vacuum but should be working documents. To be successful, applicants should have the full committed support of an employer."

[7] There is nothing stopping Ms Knowles from applying for a certificate when she is employed in the industry but for the mean time the application is declined.

DATED at Christchurch this 11th day of March 2019.

S M GRIFFIN
Chairperson
Ashburton District Licensing Committee