

Decision No. 62/CERT/045/24

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Joanna Susan
Alexandre for the renewal of a
Manager's Certificate pursuant to s.224
of the Act

DECISION OF THE ASHBURTON DISTRICT LICENSING COMMITTEE

Chairperson: Mr Simon Moore JP

Members: Mrs Merelyn Redstone JP
Mr Martin Fergusson

Applicant: Ms Joanna Alexandre

Present: Mrs Toni Woods (in support of the applicant), Mr Rick Catchpowle (ADC), Ms Cara Badger (ADC), Carol McAtamney (ADC), Julie Clements (Licensing Inspector in opposition), Senior Sergeant Bowden (NZ Police to assist).

Introduction

This is the result of a hearing for the renewal of the applicants Managers Certificate (62/CERT/058/18) pursuant to Section 224 of the Sale and Supply of Alcohol Act 2012. The applicant is currently employed in the industry on a part time basis.

The application is opposed by the Licensing Inspector on the grounds that the applicant is unsuitable to hold a Managers Certificate, the reasons will be traversed below. There is no objection from the New Zealand Police.

The Hearing

The hearing was held in the Wakanui Room of the Ashburton District Council on Monday 15 December 2025 before the District Licensing Committee.

The Applicant's Evidence

In summary of both the evidence given under oath by the applicant and in her closing submission, the applicant explained the following:

- That she has been involved in the liquor industry for a number of years, however a majority of that experience was pre-2010. More recently she has been employed by the Ashburton Club and MSA predominantly as an Office Administrator but has a regular shift working in the bar of

4 hours per week on a Tuesday. She applied for a Managers Certificate as the Club had staff leaving and she was filling in the gap that this left.

- She has been working as a Duty Manager since being granted a Managers Certificate on 9 August 2024. There are times where she will work more than 4 hours per week in the bar to relieve for others, but on average she only works 4 hours per week.
- She is a hardworking and contentious person and takes her role as a Duty Manager seriously. She realises that holding a Managers Certificate is a privilege and not a right and that there are extensive responsibilities when working as a Duty Manager.
- That's she has had no 'incidents' whilst working as a Duty Manager at the Club.
- She at times works on her own.
- She has had no formal training sessions in respect of the Sale and Supply of Liquor Act since being employed as a Duty Manager by her current employer.
- She has dyslexia and has had to deal with this all her life. It makes some tasks difficult, but she uses software in written correspondence to deal with this. As she has had to deal with this learning difficulty all her life, she has become good at hiding it from others.
- Her learning difficulty was the reason for the incorrect answers in the questionnaire, i.e. confusing "restricted" designation with "supervised".
- She agrees that she would benefit with more training on a regular basis. Her LCQ was completed online but was open to the suggestion from the committee that she would undergo in-person training in Christchurch (ARA).
- Her learning difficulty made it difficult to communicate with others and she lacked confidence. She told the committee that she had been "judged" by others for her dyslexia her whole life.
- It was a coincidence that she applied for an on-license for her business known as Flashbacks within about a month of being granted a Manager's Certificate.
- She realises that a Managers Certificate can be used outside of her current employment at the Ashburton Club and MSA.

Mrs Toni Woods – in support of the applicant

In summary of the oral evidence given under oath by Mrs Woods she explained the following:

- She is currently employed as the Bar Manager at the Ashburton Club and MSA and has been for some time. The Club has a General Manager who reports to the committee and she reports to him. She has 3 staff under her, two of which have Managers Certificates. The club is run under a 'Queens Charter'.
- She has known the applicant for many years having worked with her at the Devon and the Ashburton Licensing Trust (ALT) before working with her at the Ashburton Club (there was a considerable gap between).
- The applicant is very hardworking and caring but does have issues with her dyslexia. She is honest and professional.
- She confirms that the applicant is predominantly employed as an Office Administrator but does work a 4-hour shift in the bar on a Tuesday. She told the committee that the applicant does not work alone and usually works with another Duty Manager. This was found by the committee to be contradictory to the evidence of the applicant.
- Mrs Woods told the committee that it was her opinion that the applicant had simply mixed up the designations in her answers to the Licensing Inspectors question relating to "restricted" areas.
- The club has an older clientele as a rule, has gaming machines and a restaurant that is run by a contractor and not the Club. She confirmed that the Club had about 2500 members.

- Mrs Woods confirmed to the committee that there is no formal training for staff in terms of the sale and supply of alcohol, however training in respect of the TAB, gaming, health and safety etc were given by outside organisations and providers.
- She did not seem to agree with the committee that as the Bar Manager she had a responsibility to ensure that bar staff and duty managers were trained and or given continuing professional development with respect to the Sale and Supply of Alcohol Act 2012. It was her opinion that this was the responsibility of the Club Manager.
- Mrs Woods does however agree that all staff would benefit from more training and would speak to the Club Manager about this.

The Licensing Inspector – Julie Clements

In summary of both the evidence given under oath by the Licensing Inspector and in her closing submission, the Inspector explained the following:

- She is the Licensing Inspector for the Ashburton District Council.
- The Inspector opened her evidence by explaining that she believed that there was a lack of transparency with respect to the applicant's application, including the first application for a Managers Certificate in 2024. She explained that none of what she had to say was personal.
- She received an application for the renewal of the applicants Managers Certificate and went about her usual checks, including requiring the applicant to answer a written questionnaire in front of her.
- The Licensing Inspector presented the questionnaire as an exhibit and explained that her observation was that the applicant had no issues completing the questionnaire despite the revelation that the applicant has a learning difficulty, which the Inspector has only recently become aware of.
- The Inspector felt that the lack of transparency was evident during the interview and that there was a lack of knowledge and understanding of licensing requirements and processes.
- Notably the applicant "struggled" to make firm decisions and commit to them.
- In respect of the initial application for a Managers Certificate in 2024, the applicant told the Inspector that she was applying for a Managers Certificate to be a "backup" for the Ashburton Club and MSA, however had since learned that she applied under her own volition and not because of the club's requirements.
- In addition to the above, about one month after being granted her Managers Certificate she made an application for an on licence¹ for her business known as 'Flashbacks' to run as a nightclub in Ashburton. Had the Inspector known this it would have raised a "red flag", and the Managers Certificate application may have been opposed.
- The initial application was not opposed as the Inspector believed that there was less risk within the Club environment, and the applicant could learn whilst working in the club.

Decision

Section 222 of the Act sets out matters that must be considered when determining an application for a manager's certificate, namely:

- (a) The applicant's suitability to be a manager:
- (b) Convictions (not applicable in this matter):

¹ (62/ON/06/24)

- (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 training, in particular any recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification under section 218;
- (e) Any matters dealt with in any report made under section 220.

In addition to the above the following case law also guides DLC's when considering applications for Manager's Certificates;

Deejay Enterprises Limited NZLLA 531=532/97. In that decision it is stated:

"The guiding hand or hands-on operator of any company or the potential holder of a (General) Manager's Certificate now receive greater scrutiny from both the Police and other reporting agencies. Character and reputation are closely examined. The law and human desires of patrons frequently tug in difference directions. The Police cannot be everywhere. Little but a licensee's or managers character and suitability may stand between upholding the law and running a blind eye. Self imposed standards in accordance with the law must be set by licensees and holders of General managers Certificates who control and manage licensed premises."

It was explained to the applicant by the committee at the hearing that the role of a manager in terms of the sale and supply of liquor is a very important role and is a privilege not a right. *"The role that managers of licensed premises play in ensuring that the object of the Act is met, should not be underestimated"*².

The committee must always consider the application for a Manager's Certificate in its own merits however it is also, where applicable, prudent to take note of other applications concerning an applicant. In this matter there are two applications that the committee takes some notice of, i.e. the initial application for a Manager's Certificate in 2024 and the ensuing application of the applicant's company's application for an on-licence with respect of 'Flashbacks', as they are both pertinent and relevant to this application.

It is noted by the committee that the applicant was granted a Manager's Certificate in 2024 and then about a month later a company owned by the applicant applied for an on-licence in which the applicant would play a significant part in the management of that business, especially with respect to the sale and supply of alcohol. That application was declined by the committee.

It is not accepted by the committee that the timing of the on-licence application was coincidental, but more than likely deliberate due to the applicant having her Managers Certificate granted. In the evidence of the Inspector, she stated had she known that at the time of the Managers Certificate application in 2024 the applicant intended to apply for her company's on-licence, it would have raised a red flag and likely caused opposition from her, and given that the police also opposed the Flashback's application, it may have also been opposed by the police.

This corroborates the concerns of the Licensing Inspector regarding honesty and transparency, and therefore **Section 222 (a)** - Suitability. The applicant herself acknowledged that she didn't need to hold a Manager's Certificate as the owner of a company applying for an on-licence, but the timing of the application suggests that the applicant believed it would be a significant factor in terms of supporting that application.

² (para 23 [2015] NZARLA 590)

This is further corroborated by the reason given by the applicant for applying for a Manager's Certificate in 2024. It became apparent from the evidence, that whilst the applicant told the Inspector that she had applied for the certificate to be "backup" for the club, the evidence was that she applied for it under her own volition as the Club already has a significant number of certified Managers.

The evidence was that most of the staff at the Club, bar one, are holders of Managers Certificates, including the Club Manager. The applicant mostly works with another qualified Duty Manager which was contradictory to the evidence of the applicant that at times she works alone, which was vehemently denied by the Bar Manager Mrs Woods. That being the case it was not necessary for the applicant to be a certified Manager to be employed on a part time basis.

Also of concern to the committee was the admission from the applicant that she lacks confidence and *"does not communicate well with others"*.

Communication skills are paramount in terms of Managers Certificates. As per the above decision (Deejay Enterprises Ltd) where it states:

"Little but a licensee's or managers character and suitability may stand between upholding the law and running a blind eye. Self-imposed standards in accordance with the law must be set by licensees and holders of General Managers Certificates who control and manage licensed premises."

The applicant has largely got away with her lack of communications skills due to a somewhat compliant clientele in a long-standing local club, where the Bar Manager and the applicant both admit that there is little trouble due to the nature of the club and its clientele.

Because a Manager's Certificate allows a manager to manage any licensed premises, the applicant may find it difficult to deal with intoxicated and or difficult persons in a different setting given her admissions about her lack of confidence and communication skills. That poses a significant risk to the applicant, the public and the object of the Act.

Also of concern to the committee is **Section 222 (c)** of the Act - 'recent experience'. The committee finds that the most recent experience has not allowed the applicant to progress to a standard that meets these criteria. She works 4 hours per week on average in a club with little exposure to the intricacies of managing **any** licensed premises, which recently includes the desire to manage a night club.

We further refer the applicant to **Section 222 (d)** of the Act with respect to 'training'. The applicant admitted that there was no training regime with respect to the sale and supply of alcohol at the Club and Mrs Woods confirmed that. The applicant told the committee that she has not undergone any alcohol training of any kind since holding her Managers certificate. That is not satisfactory and does not meet the requirements of the Act.

Whilst the club has no statutory responsibility as most licensed premises do when it comes to training as it runs under a Queens Charter, they have an obligation to their staff and customers to ensure that they are compliant with their responsibilities of being a Manager under the Act.

Everyone requires ongoing professional development and training on a regular basis, no matter in which type of licensed premises they work in, as the industry operates under a forever changing and dynamic landscape. It is inconceivable that anyone working in the alcohol industry can escape from ongoing training to ensure the object of the Act is met.

For these reasons the committee is unanimous in the view that the applicant does not meet the required standard to hold a Managers Certificate.

It is accepted by the committee that the applicant is hardworking and conscientious and that with the appropriate training, including an in-person course with ARA or a similar institution, the applicant may be able to meet the requirements in the future, and the committee encourages the applicant to undergo this type of training.

It is also accepted by the committee that the applicant may have a learning difficulty but given by her own admission she has successfully completed tertiary training in the past, there should be no reason that she cannot achieve the standard through extra training but ultimately that is up to the applicant. This would have to include training in communication skills that will allow the applicant to handle all situations that arise in licensed premises where communication skills are vital.

For the reasons outlined above the application is **Declined**. As per Section 228 of the Act the date of expiry of the applicants Managers Certificate will be 15 January 2026 (Section 5(1) **working day** (c) of the Act applies to Alcohol Licensing being in a 'non-working day period' between 20 December and 15 January).

DATED at Christchurch this 22nd December 2025



S A Moore JP
Chairperson
Ashburton District Licensing Committee