

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **DOUGLAS  
JOHN PRICE** pursuant to S.219  
of the Act for a Manager's  
Certificate

**BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE**

Chairman: Mr E W Unwin  
Members: Ms L A Cocks  
Mr J M Mann

**HEARING** at QUEENSTOWN 12 April 2016

**APPEARANCES**

Mr D.J. Price - Applicant  
Ms S.H. Swinney – Licensing Inspector – to assist  
Sergeant T. Haggart – Queenstown Police – in opposition

[1] This is an application by Douglas John Price for a Manager's Certificate. Mr Price is 27 years of age and originally from England. He holds a current work visa which is valid until 29<sup>th</sup> July 2016. One of the current work visa conditions states that Mr Price is able to work as a Cook for the owner of a restaurant trading as “The Cow” in Wanaka.

[2] The criteria against which an application is measured are set out in s.222 of the Act. In this case the questions which must be answered are;

- (a) Can Mr Price manage and control the premises and ensure that the law is not broken if he is working as a cook?
- (b) Does he have the necessary experience in the management of licensed premises?
- (c) Is he suitable to hold a Manager's Certificate?

[3] Mr Price commenced employment at “The Cow” in November 2013 as a Kitchen Hand. Since this time he has worked his way up to the position of Second in Charge of the premises. From June 2014 the applicant decided to sit for his Licence Controller Qualification to learn more about the sale of alcohol. In addition he took on other responsibilities such as training new staff, as well as bar and management duties. He was keen to learn all he could about the business. He filed his application in December 2015. The application drew opposition from the Police based on his lack of experience in the management of licensed premises, and concerns about the visa restrictions. Accordingly the application was set down for a public hearing.

[4] Mr Price submitted that he was able to do both jobs at the same time. The restaurant has seating capacity for 52 people at eight tables inside with five more tables outside with associated seating. On a busy night, the premises can turn over up to 150 covers. The layout of the internal portion of the premises is generally open plan with the majority of the

premises visible from the pizza preparation area of the kitchen. The outside area is unable to be seen from inside the premises.

[5] Mr Price produced part of his employment contract and in particular the clause requiring the employee to co-operate fully with the Employer over changes in duties, work operations, hours and location of work. Mr Price advised that he only intended to use the Certificate about three times a week. He had the full support of his employer who had made the effort to attend the hearing, and had funded the application although the preliminary work including the gaining of the qualification had been carried out on the applicant's initiative.

[6] With the various types of work that he has carried out over the past eighteen months, it seemed clear that Mr Price had probably met the six months threshold in terms of experience. In addition he gave a very good account of himself in the witness box. He has on the floor experience and has shown a clear knowledge and understanding of his obligations under the Act and the premises licence. We believe he is suitable to hold a Certificate.

[7] The issue for us was whether he could carry out the duties and responsibilities expected of a certificated manager while carrying out his normal role as the second in charge chef or cook. It is our view that it is not possible to carry out these dual roles with their separate goals. One is keen to ensure that the food is served to a high quality, and the other carries an equally heavy responsibility of compliance with the law and the licence. Our experience is that most of the time when the law is broken, the Manager's attention has been diverted or he/she is too busy, and there is not sufficient staff to maintain control. The ability to walk around the area of any bar or dining room is a truly beneficial way of helping to keep drinkers safe.

[8] In the event neither the applicant nor his employer took issue with our suggestion that it is impossible for both roles to be carried out by the one person. Of course there may be exceptions to that rule in special circumstances, but every employer who requires his/her Manager to carry out other work in addition to his/her required role takes the risk of a loss of licence following any consequential breach. We have therefore determined that the Certificate will carry the following condition:

*It is a condition of this Certificate that while the holder is on duty at "The Cow Restaurant" he will not be expected to work in the kitchen."*

[9] Subject to the above condition the application is granted.

DATED at Queenstown this 26<sup>th</sup> day of April 2016.



E W Unwin  
Chairperson