

IN THE MATTER of the Sale and Supply of Alcohol
Act 2012 ("the Act")

AND

IN THE MATTER of an application by **Ruth Tia**
VENDT pursuant to s.219 of the
Act for the grant of a Manager's
Certificate

CORRIGENDUM OF THE FAR NORTH DISTRICT LICENSING COMMITTEE

Members: Mr Murray Clearwater (Chairperson)
Mr Martin Macpherson (Member)
Mr John Thorne (Member)

HEARING at **Kaitaia** on 25 July 2024

APPEARANCES

Ms Ruth Tia Vendt (applicant)
Mr. Steve Ericksen – Far North District Alcohol Licensing Inspector – in opposition

ORAL DECISION OF THE COMMITTEE

INTRODUCTION

1. This is an application by **Ruth Tia Vendt** seeking the grant of a manager's certificate.
2. The applicant has been employed at the Tuatua Tavern up until December 2023 when she was 'let go' by her employer due to her not obtaining her manager's certificate. She held the LCQ and had been appointed as a Temporary manager since November 2023. Prior to that she had held a Manager's Certificate but had allowed it to lapse in October 2023.
3. The Police reported with no matters of opposition.
4. The Licensing Inspector reported on the application and opposed the granting of the Certificate as he had made multiple attempts to get Ms. Vendt to undergo an interview with him. All attempts had been unsuccessful.
5. Consequently, the Committee set the matter down for hearing to enquire into the reasons for the delay in coming forward for an interview.

EVIDENCE OF THE APPLICANT

6. Ms. Ruth Vendt appeared before us and told us about her lifetime in hospitality in Taranaki and more latterly in the Far North.
7. She was asked why her employer had let her go in December 2023. She said the owner was disappointed in her for not pursuing her application with vigour. She did say that the employer said she could come back once she had her certificate.
8. When asked about the reasons for not getting in touch with the Inspector Ms Vendt told us she lives in an isolated area with no internet coverage. However, she conceded that it was her job to progress the application, not the Inspectors.
9. Ms Vendt was subjected to quite a rigorous questioning from the members of the Committee and although it was clear she had significant experience in hospitality she was unable to display the required level of knowledge and the law applicable to a busy tavern environment.

THE INSPECTOR

10. The Inspector's Report was taken as read and Mr Erikson outlined the multiple attempts he had made to locate Ms Vendt and to get her to attend an interview.
11. He was unable to comment on her level of knowledge as he had not conducted an interview.

THE LAW

Section 222 Criteria for manager's certificates

In considering an application for a manager's certificate, the licensing committee or licensing authority, as the case may be, must consider the following matters:

- (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](#).¹

¹ Sale and Supply of Alcohol Act 2012 section 222

REASONS FOR THE DECISION

12. There are three options open to the Committee. Grant the certificate now, adjourn the application for a period of time for the applicant to prove to the Committee that she has the required level of knowledge, or to refuse the application.
13. Also, we explained to Ms Vendt that the Committee is unable to grant a manager's certificate in a vacuum to be added to her CV. The Alcohol Regulatory Licensing Authority has been very clear that new managers certificates are for people working in the industry, and not to those hoping to enter the hospitality industry.
14. In Susong Gao LLA 973/2008² the Authority said "***It has been explained to Mr Gao that General Managers' Certificates are not issued in a vacuum and that the holder of a General Manager's Certificate is expected to have employment in the industry and the support of an employer.***"
15. The task for this Committee is to decide if the positive features of this application outweigh the negative aspects.
16. By a slim margin we believe they do, and we are prepared to give Ms. Vendt an opportunity to prove to herself, the community she lives in, and the Committee, that she can refresh her knowledge, pass an interview with the Inspector, and gain employment back in the hospitality industry.
17. We have set her three tasks which she has readily agreed to undertake.

DECISION

18. The Far North District Licensing Committee, acting pursuant to Section 221 of the Act, **adjourns** an application made by **Ruth Tia Vendt** for a Manager's Certificate for **3 months from the 25th of July 2024**.
19. During these 3 months she is to go online and complete the Servewise course and obtain a Pass certificate.
20. She is to make an appointment with the Inspector and satisfactorily complete an interview with him.
21. Once she has achieved those two prerequisites, she is to produce a written offer from an employer that she has a job in hospitality awaiting her.
22. When these tasks are fulfilled they are to be reported back to the DLC and the certificate will be granted for 12 months.

² Susong Gao LLA 973/2008

23. The ball is now firmly in Ms Vendt court to achieve 'her dream' of becoming a certificated Duty Manager in hospitality. We wish her the best of luck.

UPDATE

24. On 31 October 2024 the DLC received the following information from the Inspector.

Could we please advise the Committee that the deadline that was given in the decision and hearing has now passed, and Ruth has not attended an interview with me or provided her Servewise certificate.

There have been multiple contacts on my part – both phone and text based, and we did get as far as Ruth advising she has done her Servewise, but despite reminders has not provided me the certificate.

We did also have an interview booked, but this was cancelled by Ruth and a new interview request was organised which was via Microsoft teams due to Ruth being in Whangarei - she did not show up to the interview.

Ruth was advised via phone and text which she responded to that the deadline was 25 October 2024.

25. Sadly, Ms Vendt has let herself down and abused the opportunity and trust that the DLC, and the Inspector, placed in her.
26. The application for a Managers Certificate is refused. If Ms. Vendt is minded to apply again in the future she will require evidence recent training, a pass mark from an interview with an Inspector, and the committed support of an employer.
27. That is the matter for the future.

DATED at Kaitaia this 1st day of November 2024



Murray Clearwater
Chairperson/Commissioner
Far North District Licensing Committee

