

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **EDWARD  
RICHARD ANDREW GAPPER**  
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 30<sup>th</sup> November 2016

**APPEARANCES**

Mr E R A Gapper - applicant  
Mr N. P. Bates – Licensing Inspector – to assist  
Sergeant T. Haggart – Queenstown Police – to assist

[1] This is an application by Mr Andrew Richard Edward Gapper for a new Managers Certificate. The application is a little usual because it is basically an application to manage the sale of craft beer which is brewed under contract for Mr Gapper's company. At this stage of the company's evolution, the craft beer is sold only at events for which a special licence has been granted.

[2] Mr Gapper is 40 years of age. He is married and has permanent residency in New Zealand. During the course of his career he was employed at the Queenstown Resort College as a teacher between March 2013 and May 2016. He taught several papers in the diploma of Hospitality Management and the Diploma of Adventure Tourism Management.

[3] Mr Gapper is the holder of the Licence Controller Qualification and presented himself as a person who under certain circumstances would qualify as the holder of Managers Certificate. He has established his responsibility and maturity.

[4] Mr Gapper became involved in a small brewery known as "Altitude Brewing", which has its own brand of craft beer which is made for the company in Christchurch. Mr Gapper is the Manager Director of this company and has a business partner. His reason for applying for a Managers Certificate is that the company markets its beer through a number of festivals and markets for which a special licence is granted either to the business or to the promotor to the particular event.

[5] This type of activity has been going on for at least two years. In general an event is attended by "Altitude Brewing" on a monthly basis. In the majority of cases where a special licence is granted, it is anticipated that a Duty Manager will be in attendance. As Mr Bates (Licensing Inspector) pointed out in his submission, there is provisions for a Committee to exempt the normal requirement to appoint a manager when a special licence is granted,

provided it is satisfied that the licensee or any other person nominated by the licensee will manage the conduct of the sale of alcohol appropriately.

[6] However, it is our view that it is often preferable for persons in areas of potential responsibility to be inside the tent rather than outside. In other words it might be appropriate from time to time for a person to be recognised as carrying responsibilities of management, rather than a person who is not regarded as capable as doing so. Knowledge and experience in the management of licensed premises is likely to result in higher standards.

[7] As Mr Bates has correctly pointed out the Committee has always been of the view that manager's certificates should be working documents. They should not be used as a bankable resource or the enhancement of the holder's Curriculum Vitae.

[8] The criteria for the grant of a Managers Certificate are set in s. 222 of the Act. In a way Mr Gapper does not have the experience required for controlling licences premises, except of course there are a number of events which he has attended where he has been responsible for the conduct of the special licence.

[9] Mr Gapper has no convictions and satisfies the other criteria. He has given an undertaking that if granted a certificate it will only be used for managing the sale of craft beers under the label "Altitude Brewing". This undertaking is a solemn promise and any breach would result in the Manager's Certificate being cancelled. Its existence will be noted on the certificate.

[10] Mr Gapper is quite clear that he has no wish to enter the front line management of licence premises. If his situation changes in the future then he is welcome to reapply to the Committee for an amendment or for the removal of the undertaking.

[11] We are satisfied that the undertaking provides the protection given that Mr Gapper has limited experience in the conduct of licence premises. We are also satisfied that in these circumstances the certificate will be a working document. Mr Gapper intends to use it on a regular basis to control the sale of alcohol under the Act.

[12] Accordingly, and subject to the undertaking, the application is granted

**DATED** at Queenstown this 9<sup>th</sup> day of December 2016.



E W Unwin  
Chairperson