

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

AND

IN THE MATTER of an application by **IOSE MIKA
FILIMALO** pursuant to s.219 of
the Act for the grant of a
Manager's Certificate

BEFORE THE FAR NORTH DISTRICT LICENSING COMMITTEE

Members: Mrs Ann Court (Chairperson)
Mr Martin Macpherson (Member)
Mr John Thorne (Member)

HEARING at **KAIKOHE** on 29 May 2023

APPEARANCES

Mr Iose Mika Filimalo (applicant)
Sergeant Michelle Rowe – NZ Police – to assist
Ms Megan Edwards – Far North District Alcohol Licensing Inspector – in opposition

RESERVED DECISION OF THE COMMITTEE

INTRODUCTION

- [1] This is an application made by Iose Mika Filimalo for the grant of a manager's certificate to manage licensed restaurant premises known as the Beachcomber Restaurant and Bar, Commerce Street, Kaitaia.
- [2] The application was opposed by the Inspector on suitability grounds due to an unsatisfactory interview and unsatisfactory written questionnaire results. The Inspector also highlighted repeated difficulties in email and phone responses from the applicant over a 3 month period. There were no other concerns.
- [3] The Police had no matters of opposition.
- [4] The applicant is suitably qualified and previously held a Managers Certificate issued in 2017 for one year for use at the same premises. For various reasons the certificate lapsed and he now seeks a new one.
- [5] The applicant has the full support of his employer although we note that he paid the application fee himself.

EVIDENCE OF THE APPLICANT

- [6] At the hearing Mr Filimalo addressed the Committee. He had not produced a written brief of evidence but told us about his role at the Beachcomber and he responded candidly to the Committee's questions.
- [7] He told us that his previous time at the Beachcomber went without any adverse matter or report arising.
- [8] He said that he and his family were residents of Kaitaia and that there were employment challenges in the area. COVID did not help.
- [9] In response to questions from member Macpherson, Mr Filimalo demonstrated good practical knowledge of the Act and his Host Responsibility requirements as the appointed duty manager.
- [10] He apologised for the communication delays and explained that he had given his phone away to a family member who needed it more than he did. He had no computer or electronic device and relied on using his employers computer when he went to work. Over this time he dealt with a family tragedy and was then at the forefront of organising a Pacifica Festival in his community.
- [11] Mr Filimalo said he now had a new phone and gave assurances he would make himself more contactable to the council Inspectors. He also expressed interest in the on-line Serve Wise training to enhance his knowledge.

THE INSPECTOR

- [12] The Inspectors Report was taken as read and not challenged.
- [13] The Inspector Ms Edwards said that given the evidence heard she was now satisfied as to the applicants knowledge and suitability. The opposition to the grant of a Managers Certificate to Mr Filimalo was now withdrawn.
- [14] It is noted that going forward the Inspector undertook to explore the Serve Wise training programme possibilities with applicant employers – particularly for applicants who may not have electronic device access.

EVIDENCE OF THE POLICE

- [15] The Police had no matters of concern.

REASONS FOR THE DECISION

- [16] The premises are considered low risk. We believe that the applicant is suitably trained and qualified and has the necessary experience. There are now no matters of opposition to the grant of the certificate.

- [17] In the lessons learned from this hearing and others similar, we believe it is very important that licensees and managers develop and maintain a good working relationship with Agency representatives.
- [18] The Manager's Certificate will be granted and may issue immediately. It will be valid for 12 months from date of issue.

DATED at Kaikohe this 30th day of May 2023



PP

A handwritten signature in black ink, appearing to be "John Thorne", written over a set of horizontal lines.

**John Thorne
Member
For the Far North District Licensing Committee**

*Section 105(j) of the Act requires employers to provide staff with appropriate training to comply with the law