

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012 ("the Act")

**A N D**

**IN THE MATTER**

of an application from **Shona Theresa Ngatai** pursuant to s219 of the Act for a  
renewal of a Managers Certificate  
Decision 065/2023

**BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE**

Chairperson: Cr Ross Brannigan  
Members: Mr Allen Little  
Mr Martyn Slade

**HEARING** at Levin on 30 March 2023.

**APPEARANCES**

- (a) Ms Shona Ngatai – Applicant
- (b) Senior Constable Simon Carter, Levin Police – in opposition
- (c) Mr Eric Gimpel, Alcohol Licensing Inspector – in opposition

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

**1. Introduction**

- 1.1 This decision relates to an application by Shona Theresa Ngatai for a Manager's Certificate.
- 1.2 The application was filed on 20 October 2022, with the hearing held on 30 March 2023.
- 1.3 The applicant Ms Ngatai has held a Manager's certificate since 2015 where she has been working as the Duty Manager at Waitarere Beach Four Square. This application relates to the third subsequent renewal of the Managers Certificate.
- 1.4 Since the last renewal of Ms Ngatai's Managers Certificate she has had two (2) convictions recorded against her. Ms Ngatai did not disclose these convictions on her application.
- 1.5 The application was opposed by the NZ Police due to the convictions, the Police opposition to the application was supported by the Alcohol Licensing Inspector, with regards to the non-disclosed convictions.

**2. Reporting agencies**

- 2.1 The NZ Police opposed the application based on the applicants' failure to disclose two convictions in their application. NZ Police raised the opposition to the application holding concern that the non-declaration of the convictions is relevant to the statutory inquiry phase carried out by Police.
- 2.2 Police submitted two (2) summary of facts reports relating to the convictions in their written brief of evidence provided to the Committee and all parties prior to the hearing date. These matters were discussed at the hearing.

- 2.3 In the evidence provided by NZ Police, they submitted that the DLC consider a stand-down period for the applicant of 12 months from the last conviction.
- 2.4 The Alcohol Licensing Inspector also opposed the application based on the applicant's non-disclosure of convictions. In his written report Mr Gimpel stated *"I support the Police and object to this application for the renewal of a Manager's Certificate for Ngatai, based on concerns raised...and the Police report"*.

### **3. Considerations of Section 222 matters**

a. *The applicant's suitability to be a manager;*

Though the Committee had some reservations in relation to the applicant failing to disclose convictions in her application. The Committee took note of the applicant's experience in the industry, and in the support provided to the application by the employer.

b. *Any convictions recorded against the applicant*

This was the main basis for the hearing due to the applicant failing to disclose her convictions on the renewal application form.

c. *Any experience, in particular recent experience, that the applicant has had in controlling any premises for which a licence was in force;*

The applicant Ms Ngatai has been working in the industry for over seven (7) years and has held a Managers Certificate since 2015.

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;*

The Committee had no concern in this regard. Ms Ngatai completed a Licence Controller Qualification (LCQ), on 1 October 2015, and has been working in the industry with a Managers Certificate since November 2015.

e. *Any matters dealt with in any report made under Section 220;*

The NZ Police and the Alcohol Licensing Inspector opposed the application on the grounds the applicant had failed to disclose convictions on her application. Details of the convictions were provided by Police and distributed to all parties ahead of the hearing. These matters were considered by the Committee at the hearing.

The Committee noted during the hearing that while Police opposed the application, a level of empathy was detected from all parties with regards to the circumstances surrounding the applicants' most recent conviction.

### **4. Decision**

- 4.1 The Committee observed the applicant as a person who appeared to own up to her mistakes and who made no excuses when outlining the circumstances that lead to her convictions. They considered the applicant to be a credible witness for her application. Based on the evidence presented at the hearing, the Committee expects the applicant to have learnt from their recent experiences, and expects the applicant to ensure no further offending occurs that may jeopardise any subsequent applications in the future.
- 4.2 The Committee took a level of comfort in the evidence provided by the applicants' employer, where they spoke of the applicant being a valued employee who had worked in her premises for many years, and who is well respected. The expects this to continue to be the case for the applicant.

- 4.3 The Committee considered the opposition by Police and the Alcohol Licensing Inspector to be fair, and the hearing proceedings to be balanced. The Committee acknowledge the suggestion from Police and the Alcohol Licencing Inspector proposing the applicant observe a one year stand-down period from the last conviction, before the issue of a new certificate.
- 4.4 It is therefore the decision of this Committee is to issue a Manager's Certificate to Shona Theresa Ngatai for one (1) year from the date of this decision.

**DATED** at LEVIN this 30th day of June 2023.



R J Brannigan  
**Chairperson**

