

**IN THE MATTER**

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

**A N D**

**IN THE MATTER**

of an application from **Olivia Katy-Lee Green** pursuant to s219 of the Act for a new Managers Certificate  
Decision 135/2023

**BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE**

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

**HEARING** at Levin on 8 June 2023.

**APPEARANCES**

- (a) Ms Olivia Katy-Lee Green – Applicant
- (b) Alcohol Harm Prevention Officer, 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 Olivia Katy-Lee Green for a Manager's Certificate.
- 1.2 The application was filed on 16 March 2023, with the hearing held on 8 June 2023.
- 1.3 The applicant Ms Green is currently employed at the Manawatu Hotel and has been working for her current employer for the past eight (8) years. This is Ms Green's first application for a Managers Certificate.
- 1.4 Since the last renewal of Ms Green's Managers Certificate she has had two (2) convictions recorded against her. Ms Green did not disclose these convictions on her application.
- 1.5 The application was opposed by the NZ Police where they have concerns for the suitability of the applicant with specific concern with regards to recent offending that resulted in a formal diversion agreement through the Court. The Police opposition to the application was supported by the Alcohol Licensing Inspector.

**2. Reporting agencies**

- 2.1 The NZ Police opposed the application based on the applicants' suitability to be a manager. Police provided evidence of offending that involved charges laid against the applicant of 7 counts of 'Uses a document dishonestly and without claim of right obtains a pecuniary advantage'. This involved dishonestly using a debit card between September 2021 and January 2022 without authority.

- 2.2 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.
- 2.3 The Alcohol Licensing Inspector also opposed the application. In his written report Mr Gimpel stated *"I support the Police opposition in this matter, in that the applicant is not a suitable person to hold a managers certificate..."*

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

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

The Committee expressed concern in relation to the evidence provided by Police involving the applicant's dishonest behaviour and that it is not behaviour expected of a duty manager. 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*

There is no recorded convictions.

*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 Green has been working in the industry for over ten (10) years and has held a Managers Certificate since 2021.

*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 Green completed a Licence Controller Qualification (LCQ), on 14 September 2010 and the subsequent required bridging assessment on 6 December 2014.

*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's suitability. Details of the applicants offending over a 5 month period between September 2021 and January 2022 that we laid as charges with the Courts and completed through the Adult Diversion Scheme were provided by Police and distributed to all parties ahead of the hearing. These matters were considered by the Committee at the hearing.

### **4. Decision**

- 4.1 Based on the evidence presented at the hearing, the Committee considered the nature of offending to be of such a dishonest intent, that despite the absence of a conviction a stand-down period of non-offending be observed prior to the consideration of granting a managers certificate.
- 4.2 The Committee considered the opposition by Police and the Alcohol Licensing Inspector to be fair, and the hearing proceedings to be balanced.
- 4.3 The Committee acknowledge and agree to the suggestion from Police and the Alcohol Licensing Inspector proposing the applicant observe a two year stand-down period before the issue of a new certificate. As the offending occurred between September 2021 and January 2022, the Committee informs that the stand-down period expires January 2024; and

should the applicant wish to pursue a Managers' Certificate they can do so from February 2024.

- 4.4** It is therefore the decision of this Committee is to refuse to renew the Manager's Certificate to Olivia Katy-Lee Green.

**DATED** at LEVIN this 19<sup>th</sup> day of July 2023.

A handwritten signature in blue ink, appearing to be 'R J Brannigan', written in a cursive style.

R J Brannigan  
**Chairperson**