

**IN THE MATTER**

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

**AND**  
**IN THE MATTER**

of an application from **ANTHONY  
CHARLES LEATHERS** pursuant to  
s219 of the Act for a new Off-Licence  
Decision 104/2019

**BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE**

Chairperson: Cr Ross Brannigan  
Members: Mr Philip Comber  
Mr Roger Perring

**HEARING** at Levin on 7 June 2019.

**APPEARANCES**

- (a) Mr Anthony Leathers – Applicant
- (b) Senior Constable Simon Carter, NZ Police – in opposition
- (c) Mr Bharat Mekkanagadde, Liquor Licensing Inspector

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

**1. Introduction**

- 1.1 This decision relates to an application by Anthony Charles Leathers for a Manager's Certificate.
- 1.2 The application was filed on 20 March 2019, with the hearing held on 11 June 2019.
- 1.3 The applicant Mr Leathers has been working in the alcohol industry for more than 30 years and currently works in a local bar, Tony's Place.
- 1.4 In the application made by Mr Leathers he failed to disclose all details of previous convictions, having omitted a charge of Wilful Trespass for which he was convicted of and sentenced in May 2018.
- 1.5 The application was opposed by NZ Police on the grounds of suitability of the applicant.

**2. Reporting agencies**

- 2.1 NZ Police opposed the application based on concerns relating to the suitability of the applicant; specifically the applicant failing to disclose all details of his previous criminal convictions.

### 3. Considerations of Section 222 matters

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

Though the Committee had some concern that the applicant failed to disclose both his convictions on his application, the Committee accepts the applicant believed the non-disclosed conviction related to the one which had been disclosed.

At the hearing the Committee heard from the applicant about how the incident that lead to his convictions occurred, and from NZ Police about how the two convictions were separate but related to the same incident.

The Committee noted the applicant to have demonstrated maturity in the liquor industry and once explained by NZ Police to have accepted his convictions, albeit one of which he failed to disclose in his application.

#### b. *Any convictions recorded against the applicant* Comments as above.

#### 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 Mr Leathers has been working in the liquor industry for over 30 years, and working at Tony's Place for the past 7 months.

#### 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;* Mr Leathers completed a Licence Controller Qualification (LCQ), on 9 October 2018.

#### e. *Any matters dealt with in any report made under Section 220;* NZ Police objected to the application on the grounds of suitability of the applicant.

### 4. Decision

4.1 Whilst the Committee acknowledge the objection by NZ Police, following the hearing the Committee expects the applicant to have learnt from his recent experiences and that he has served a suitable stand down period of 12 months since the conviction obtained for a one-off not very serious offence. The Committee also acknowledges the applicants 33 years industry experience as a mitigating factor, and as such have no further concern the applicant will not fulfil the role of a Manager in a licenced premises.

4.2 It is therefore the decision of this Committee is to issue a Manager's Certificate to Anthony Charles Leathers for the period of 12 months as per Section 223 (1)(b).

**DATED** at LEVIN this 17<sup>th</sup> day of June 2019.

R J Brannigan  
Chairperson

