

IN THE MATTER

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

A N D

IN THE MATTER

of an application from **TRACEY
SANDRA CELIA WHITE** pursuant to
s219 of the Act for a new Off-Licence
Decision 125/2018

BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE

Chairperson: Cr Ross Brannigan
Members: Mr Allen Little
Mr Roger Perring

HEARING at Levin on 9 July 2018.

APPEARANCES

- (a) Ms Tracey White – Applicant
- (b) Ms Lisa Roiri – For Applicant
- (c) Ms Amy Maere, Liquor Licensing Inspector – in opposition

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. Introduction

- 1.1 This decision relates to an application by Tracey Sandra Celia White for a Manager's Certificate.
- 1.2 The application was filed on 26 April 2018, with the hearing held on 9 July 2018.
- 1.3 The applicant Ms White was previously the holder of a Manager's certificate that had expired on 19 January 2018. From 19 January 2018 until 26 April 2018 Ms White was the duty manager for Pipi Point Restaurant and Bar without a current manager's certificate.
- 1.4 During a controlled purchase operation conducted on 27 April 2018 at Pipi Point Restaurant and bar alcohol was sold to a volunteer minor by another staff member whilst the applicant Ms White was Duty Manager.
- 1.5 The application was opposed by the Liquor Licensing Inspector and NZ Police on the grounds of suitability of the applicant.

2. Reporting agencies

- 2.1 The Liquor Licensing Inspector opposed the application based on concerns regarding the suitability of the applicant specifically in relation to Ms White continuing to work as a duty manager without a current manager's certificate; and in relation to an incident that occurred on 27 April 2018 where alcohol was sold to a volunteer minor during a controlled purchase operation by another staff member whilst Ms White was Duty Manager.
- 2.2 NZ Police also opposed the application based on concerns relating to the applicant continuing to work as a duty manager at Pipi Point Restaurant and Bar without a current

manager's certificate and therefore allowing for the sale of alcohol to patrons without a certified duty manager onsite from January 2018 to April 2018.

3. Considerations of Section 222 matters

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

Though the Committee had some concern in relation to the applicant working without a current manager's certificate, they were impressed with the applicant's knowledge in relation to host responsibility. They noted the applicant's willingness to acknowledge her lapses of responsibility though had some regard to being busy, came from a degree of naivety in relation to the importance of ensuring licensing matters are current and in accordance with legislative requirements rather than a disregard for responsibility.

b. Any convictions recorded against the applicant

The applicant has no convictions recorded.

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 White is a director, owner and operator of Pipi Point Restaurant and Bar where she had been working for over 12 months at the time her previous Manager's Certificate expired. Ms White continues to work at the establishment in the capacity as Temporary Manager.

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;

Ms White completed a Licence Controller Qualification (LCQ), on 7 June 2016.

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

The Liquor Licensing Inspector opposed the application on the grounds of the suitability of the applicant in relation to the applicant continuing to work as the duty manager for Pipi Point Restaurant and Bar without a current Manager's certificate.

NZ Police objected to the application on the grounds of suitability of the applicant.

4. Decision

4.1 Whilst the Committee acknowledge the objections by the Liquor Licensing Inspector and NZ Police, following the hearing the Committee anecdotally acknowledges the applicant's good reputation within the community, and is satisfied the applicant's lapses of responsibility result from a degree of naivety in relation to the importance of ensuring licensing matters are current and in accordance with legislative requirements opposed to a lack of regard for responsibility.

4.2 It is therefore the decision of this Committee is to issue a Manager's Certificate to Tracey Sandra Celia White.

DATED at LEVIN this 24th day of July 2018.



R J Brannigan
Chairperson

