

IN THE MATTER

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

A N D

IN THE MATTER

Of an application from **JANINE
MAREE SMITH** pursuant to s219
of the Act for a Manager's
Certificate.

Decision : 131/21016

BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE

Chairperson: Cr Ross Brannigan
Members: Mr Roger Perring
Mr Craig Fleury

HEARING at Levin on 23 August 2016

APPEARANCES

- (a) Ms Janine Maree Smith - Applicant
- (b) Constable Anthony Clarke, NZ Police – in opposition
- (c) Ms Lisa Roiri, Liquor Licensing Inspector – to assist

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. Introduction

- 1.1 This decision relates to an application by Janine Maree Smith for a Manager's Certificate.
- 1.2 The application was opposed by The Police by letter on 26 July 2016, on the grounds of suitability; hence the matter progressing to Public Hearing.

2. Reporting Agencies

- 2.1 The Police opposed the application on the grounds of suitability and provided the Committee with a statement that outlined Ms Smith's convictions; four drink driving offences from the time period of 2005 to 2014, one of which included refusing an Officer's request for a blood sample, and breach of home detention conditions by consuming alcohol in 2014.
- 2.2 The Police provided a copy of a reported decision from The Liquor Licensing Authority regarding an application for a Manager's Certificate in G L Osborne v Liquor Licensing Authority [Decision 2388/95].
- 2.3 The Inspector provided a report on the application that did not raise an objection to the application.

3. Considerations of Section 222 matters

The applicant's suitability to be a manager;

The basis of the objection to this application is the suitability of the applicant. Ms Smith did not disagree with the evidence provided by the Police; but stated that she has changed over the past two years. Ms Smith appeared genuine in stating her position of having changed but did not provide any details of the steps she has taken to change, or in having sought professional help.

- a. *Any convictions recorded against the applicant;*

- Four drink driving offences between 2007 to 2014, one of which included refusing an Officer's request for a blood sample;
 - Breach of home detention conditions by consuming alcohol in 2014.
- b. *Any experience, in particular recent experience, that the applicant has had in controlling any premises for which a licence was in force;*
- Ms Smith held a General Manager's Certificate which was granted on 11 August 2005 by the Palmerston North District Licensing Committee; this was not renewed, and therefore had lapsed.
 - Ms Smith was granted a Manager's Certificate on 16 September 2013 by the Horowhenua District Licensing Committee; this certificate also lapsed because it was not renewed.
 - Ms Smith was the Licensee at Manawatu Hotel for a period of one month in 2013.
 - Ms Smith admitted that when managing the Manawatu Hotel in 2013 she struggled with the responsibility of running the business.
 - Experience in the Hospitality Industry over a period of 22 years;
 - Following a period of in-activity from 2013 to 2015, re-entered the industry in 2015 working in a Waikanae Restaurant at Christmas;
 - Currently employed in a part time capacity at The Boardroom, Oxford Street, Levin, where the employment contract was signed on the 25th July 2016.
- c. *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 Smith completed a Licence Controller Qualification (LCQ), on 29 November 2006; and has completed the LCQ Bridging Test on 4 July 2016.
- d. *Any matters dealt with in any report made under Section 220;*
- As noted, the Police have objected based on the applicant's suitability.
 - During questioning of the Liquor Licensing Inspector, the Inspector confirmed her objection to the application on the grounds of suitability of the applicant.

4. Decision

- 4.1 Whilst Ms Smith appeared genuine in her response of having changed, the Committee was not satisfied that there was sufficient evidence to support this claim.
- 4.2 The Committee found the Osborne decision provided by Police presented useful guidance for a stand-down period following convictions relating to or involving abuse of alcohol.
- 4.3 As a consequence the Committee does not consider that the current two year stand-down period observed by Ms Smith is sufficient. The Committee also recommends that prior to applying for another Manager's Certificate Ms Smith seeks professional assistance for her own wellbeing, to show she has addressed the issues that have caused her problems previously to allow for a more likely successful subsequent application.
- 4.4 Accordingly the decision of this Committee is to decline Janine Maree Smith's application for a Manager's Certificate.

DATED at LEVIN this 31st day of August 2016.

R J Brannigan
Chairperson

