

Application Number:

036/CERT/068/2025

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Andrew Hird** for a Managers Certificate pursuant to section 219 of the Act.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The managers' certificate application (036/CERT/068/2025) had no public objections filed. The application did attract opposition from both the Police and the Inspector due to a drink driving conviction in February 2024 however both reporting agencies are comfortable with a two year stand down period from the offence to allow the certificate to be issued in February 2026. The applicant is not opposed to this recommendation. Therefore, the matter was considered by the Whanganui District Licensing Commissioner in accordance with sections 221, 222 and 223 of the Act.

Commissioner: Stuart Hylton

DECISION OF THE WHANGANUI DISTRICT LICENSING COMMITTEE

1. Application

Andrew Hird made the application on the prescribed form dated 19 November 2025. The applicant intends utilising the certificate at the Big Barrel Whanganui (Bottle Store Style Off-licence), where he is currently employed having previously worked at Maria Lane Bar and Eatery for several years and before that in hotels overseas.

The applicant previously held a manager's certificate 036/CERT/010/2021 which expired on 16 May 2025.

The applicant recorded a conviction on the application form noting a driving under the influence of alcohol charge in February 2024 for which he was convicted and suspended from driving for one year and fined \$600.

The application included evidence of obtaining the necessary License Controller Qualification. The applicant's employer gave evidence of the applicant's experience, skills, and suitability.

2. Decision Making

In considering this application for a manager's certificate the licensing committee had regard to the following criteria under section 222 of the Act.

- *a) the applicant's suitability to be a manager:*
- *(b) any convictions recorded against the applicant:*
- *(c) any experience, in particular recent experience, that the applicant has had in controlling any premises for which a licence was in force:*
- *(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](#):*
- *(e) any matters dealt with in any report made under [section 220](#).*

3 Reporting Agencies

The following reports were received under section 220 of the Act and taken into account during the decision.

3.1 Police – Police initially opposed the application following the driving with an excessive blood alcohol content in 2024. The Police have subsequently contacted the applicant and spoken to him further on the following matters.

"Convicted Alcohol Breath Level 2024 (Disclosed)"

- *His Breath Level was 664 Mcgs/Litre of Breath, (The legal limit is 400)*
- *His explanation to me was that he had been at a friend's house and was returning home thinking that he was not over the Limit.*

History

- *On the 23rd of October 1999 he was caught driving with an excessive blood alcohol content, (Level 225). The legal limit then was 80.*
- *Latest Offence disclosed in his application, (664 Mcgs/Litre of Breath) occurred on the 31st of January 2024. Convicted and sentenced on the 20th of February 2024.*
- *Sentence – Disqualified from driving for 1 year and 1 day, \$650 fine.*

Remorse

- I spoke to Andrew in relation to his latest offence and how important the role of a Duty Manager regarding the responsibility you have over the sale and supply of Alcohol.
- He comes across being very remorseful and regrets the decision he made to drive after he had been drinking. He added that he lost a business opportunity because of this conviction and understands the consequences if it would happen again. He assured me that it would not happen again, that it was a stupid mistake, and he would uphold the Act.

Employment

- He is currently working around 30 hours a week and believes that if he did not get his Duty Managers Certificate that he may either have his hours dramatically reduced or even lose his employment. He is currently living with his parents but intends to move out once he knows that he has stable employment.

I have spoken to Andrew Hird on two occasions and referenced case Law - **G L Osborne NZLLA 2388/95**. I have explained to him that I would be recommending the **G L Osborne** case law guidelines which would make him eligible to be issued his License on the 20th of February 2026 (2 Years).

Andrew said that sounds fair and had no objections.

My recommendation is that he be issued with his duty managers certificate with a commencement date of the 21st of February 2026.”

3.2 Licensing Inspector – Full report assessing **Andrew Hird’s** credentials against the Acts criteria. The inspector has interviewed the applicant and concludes that the applicant has the necessary experience and skills to hold a certificate. The Inspector supports the opposition to this application for the drink driving conviction, however, agrees with the Police that this managers certificate can be issued on 21 February 2026, as a two year stand down period.

4 Conclusion

Based on the evidence provided to me within the application and statutory reports I conclude that **Andrew Hird** meets the criteria to hold a Managers Certificate under the Act.

On the matter of suitability of the applicant due to the recent and historical drink driving convictions, the Committee is guided by the **G L Osborne NZLLA 2388/95** case law noted above and the reports and recommendations from the reporting agencies. Both recommend a two year stand down period from conviction.

The Committee notes that the two years stand down period within the **Osborne** decision context is the minimum stand down period. We note the applicant has two convictions that are alcohol related albeit one was back in 1999.

The Committee is concerned about the applicant’s pattern of offending surrounding alcohol however is swayed on this occasion to stay with the two reporting agencies recommendation of just a two year stand down period. The applicant should feel extremely lucky that the stand down period is not more and take this as a wake-up call to respect alcohol and not drink and drive.

The Committee notes that within the **Osborne** decision the judge reiterated that any stand down period should take effect from the date of the offence rather than the conviction date i.e. 31 January 2026 rather than 21 February 2026 in this case.

5 Decision

Accordingly, the application is **Approved** for issue for a period of one year.

Dated at Whanganui District this 16 day of February 2026.

Signed

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Stuart Hylton
Whanganui District Licensing Commissioner

