

Application Number:

036/CERT/009/2022

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **Shara-Lee Parkinson**
for a Managers Certificate pursuant to section
219 of the Act.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The managers' certificate application (036/CERT/009/2022) had no objections filed and two reports of opposition raised under section 220 of the Act. The reports of opposition contained a recommended agreed approach from all parties to address the level of opposition and concern. Therefore the matter is considered 'on the papers' by the Whanganui District Licensing Commissioner in accordance with sections 221, 222 and 223 of the Act.

Commissioner: **Stuart Hylton**

RESERVED DECISION OF THE WHANGANUI DISTRICT LICENSING COMMITTEE

1. Application

Shara-Lee Parkinson made the application on the prescribed form dated 16 February 2022. The applicant intends using the certificate at 'Junction Tavern', which holds a Tavern Style On-licence, where they have worked for over a year. The application included evidence of having obtained the necessary License Controller Qualification.

The application contained a declaration from the applicant that she had been convicted of three separate drink driving offences in September 2006, August 2013 and June 2020.

The applicant's employer gave evidence of the applicants experience, skills and suitability to hold a certificate.

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 – A report dated 19 May 2022, which raises matters of opposition in relation to the applicants drink driving convictions and suitability to hold a managers certificate. The report detailed each of the convictions including an interview Police had with the applicant and the applicant's employer.

Police noted the applicant's history, her remorse and efforts to change her life around with the assistance of her employer. Police discussed the well-known *Osborne* case law decision which gives

an indication of the stand down period the Alcohol Authority expects for various types and frequency of offending (convictions).

Based on the applicant's level of previous convictions, Police believe a stand down period of three years from the last conviction is suitable in this instant.

The Police, in conjunction with the Inspector, have taken the unprecedented approach to collaborate in terms of reporting and opinion on the appropriate stand down period based on the *Osborne* case. They have discussed the option of an agreed stand down period of three years from the last offence date with the applicant. Both Police and the Inspector recommend that all parties would be happy if the Committee considers the application 'on the papers' with a decision to grant the application from 29 February 2023, being the date the three year stand down period ends.

3.2 Licensing Inspector – Full report assessing **Shara-Lee Parkinson's** credentials against the criteria to hold a Managers Certificate under the Act. The inspector has interviewed the applicant and concludes that the applicant has good knowledge of the Act and her responsibilities.

The Inspector also shares the Police's concerns and thoughts around opposition to the application.

The report notes the agreed position of the Police, Inspector and applicant towards a stand down period.

4 Conclusion

Based on the evidence provided to me within the application and the statutory reports provided by both the Inspector and Police, I consider the application 'on the papers'.

Both the Inspector and Police have taken the unusual step to agree on the level of opposition to the application and also on an agreed outcome that involves a stand down period with the applicant. This shows a level of maturity from all parties and one that the Committee applauds

We agree with the respective agency reports that a three year stand down from the last offence date is suitable in this particularly case, in line with the principals of the *Osborne* case.

5 Decision

Accordingly the application is **adjourned** until 1 March 2023 after which the applicant can be issued a managers certificate for a period of one year, provided the Police and Inspector do not raise any suitability issues between this decision date and the stand down date.

Dated at Whanganui District this day of 31 May 2022.

Signed

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Stuart Hylton
Commissioner/Chair
Whanganui District Licensing Committee

