

Application Number: **036/CERT/025/2020**

IN THE MATTER of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER of an application by **Vanessa**
Manihera for a Managers
Certificate pursuant to section 219
of the Act.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE

The managers' certificate application (036/CERT/025/2020) had no objections filed and no matters of opposition raised under section 220 reports, 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**

RESERVED DECISION OF THE WHANGANUI DISTRICT LICENSING COMMITTEE

1. Application

Vanessa Manihera made the application on the prescribed form received on 23 June 2020. The applicant intends using the certificate at the 'Caroline's Boatshed Bar and Eatery' (Tavern Style On Licence), which the applicant has been employed within over a period of time across a number of roles. The application included evidence of obtaining the necessary License Controller Qualification and a letter from the current owner attesting to their experience and skills.

The applicant disclosed convictions of Drink Driving (15 years ago) and Burglary (25 years ago). The inspectors report is silent on the matter and the Police report offers no opposition.

Referencing the well documented 2388/95 *GL Osborne* case, the Authority usually considers anything beyond two to five years stand down as suitable for people to obtain their certificate. In that decision the Authority stated –
“*Without fettering ourselves to this or other applications, it may be helpful if*

we indicate that we commonly look for a five year period free of any serious conviction or any conviction relating to or involving the abuse of alcohol, or arising in the course of an applicant's duty of licensed premises...Less serious convictions are also weighted. By way of example is an isolated excess breath/blood alcohol conviction, or a single driving offence disclosing no pattern of offending... In these and similar cases we frequently indicate that a minimum of two years from the date of conviction may result in a favourable consideration – providing suitable reports from Police and Inspector are received.”

On this basis including lack of reporting agency opposition, the Committee is of the mind the applicant is a suitable person to hold a managers 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 – No opposition within report dated 13 July 2020.

3.2 Licensing Inspector – Full report assessing **Vanessa Manihera's** credentials against the Acts criteria. The inspector has interviewed the applicant and concludes that the application is complete and appears to meet the criteria of section 222 of the Act.

4 Conclusion

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

5 Decision

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

Dated at Whanganui District this day of 15 July 2020.

Signed



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Stuart Hylton
Whanganui District Licensing Commissioner