

APPLICATION

19/006/2019

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND
IN THE MATTER

of an application by
Porsche Thompson
for a manager's certificate
pursuant to section 219 of the Act

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The application for a manager's certificate is granted.
2. The manager's certificate may issue immediately. The manager's certificate shall continue in force until the close of the period of the day 12 months after the day it is issued.

REASONS

1. Porsche Thompson is currently working at a licenced premises and has applied for a manager's certificate. The Liquor Licensing Inspector and Police have provided reports and do not object to the application (s 220). Accordingly, this application is decided on the papers (s 202).

2. In considering an application for a manager's certificate the licensing committee must consider the following questions (s 222):

- a) Is the applicant suitable to be a manager?
- b) Have any convictions been recorded against the applicant?
- c) Does the applicant have any recent experience in controlling any premises for which a licence was in force?
- d) Has the applicant undertaken appropriate training and completed relevant qualifications under section 218?
- d) Have the Inspector and Police raised any relevant matters in their reports?

Should the manager's certificate be granted?

3. The licensing committee is satisfied that Porsche Thompson is a suitable person to hold a manager's certificate because she has appropriate training, qualifications and experience.

4. The licensing committee notes that Porsche Thompson has a conviction for excess breath alcohol on 21 October 2015. Police have confirmed that the level recorded was 447, with the legal limit at the time being 400. Porsche Thompson was suspended from driving for six months. When questioned about the incident, Porsche Thompson told the Inspector that she made a poor decision to drive when a friend was involved in an altercation and needed to leave a party. As a result of losing her licence, Porsche Thompson also lost her job in Piopio. She has no longer drinks alcohol. However, Porsche Thompson has been working at Stoked Eatery since October 2017 and has the full support of her employer who states that

she is meticulous and conscientious in her work at the restaurant.

5. Having regard to the Licensing Authority decision *Osborne* NZLLA 2388/95, the licensing committee is satisfied that the conviction can be disregarded. This is because there is no pattern of offending as there have been no further convictions. In addition, the offence occurred four years ago, which is well beyond the maximum stand down period of two years (for an isolated breath/blood alcohol conviction), given as a guideline in the *Osborne* decision. Finally, the Inspector reports that Porsche Thompson is determined to ensure that this conviction will not happen again and uses her experience to deter others.

3. Therefore, the manager's certificate is granted.

Dated this 14th day of June 2019

A handwritten signature in black ink, appearing to be 'S Grayson', written in a cursive style.

Sara Grayson
Commissioner