

IN THE MATTER

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

AND

IN THE MATTER

of an application by **Jonathan
POCHING** of the **BLANKET BAY
LODGE** pursuant to s.224 of the Act for
the renewal of a Manager's Certificate.

Chairman: Mr G B Pay
Members: Mr C Cooney
Mr J Mann

HEARING at QUEENSTOWN on 19th August 2025

APPEARANCES

Mr J Poching – Applicant
Ms R Spoons - Queenstown Lakes Licensing Inspector – to assist
Sergeant S Matheson – NZ Police – in opposition

DECISION OF THE DISTRICT LICENSING COMMITTEE

APPLICATION

- [1] An application was filed by JONATHAN POCHING on the 21st September 2023 for the renewal of a Manager's Certificate. It was considered in accordance with s.191(2) and s.227 of the Act.
- [2] Mr Poching has held a Manager's Certificate since 2010. His certificate was due for its latest renewal on 29th September 2023. He is employed as a night porter at Blanket Bay Lodge which may be described as an exclusive luxury lodge at the head of Lake Wakatipu.
- [3] Mr Poching had several convictions prior to the 2010 issue of his Manager's Certificate but the most recent of those were dated in 1999.

[4] By the time of his most recent renewal application, Mr Poching had amassed a further three convictions. We note that one of those convictions was in 2016 but the two most recent convictions were in 2023 for offending in September 2022.

THE HEARING

NZ POLICE

[5] Sergeant Matheson presented evidence of the latest offending. In essence, on 16th September 2022 Mr Poching took umbrage to the behaviour of a female associate and assaulted her by forcing her cellphone into her mouth. The victim received some minor injury to her mouth and her cellphone was damaged.

[6] My Poching was offered Police diversion for the incident but he failed to complete the agreed requirements of the diversion. As a result Mr Poching was required to answer the charges of Male Assaults Female and Wilful Damage in the Queenstown District Court on 22nd May 2023 where he pleaded guilty. A 12 month suspended sentence resulted from the assault charge and he was convicted and discharged on the wilful damage charge.

[7] Sergeant Matheson provided Mr Poching's conviction history. In addition to the convictions for Male Assaults Female and Willful Damage on 22nd May 2023, Mr Poching has the convictions: Drove Dangerously Causing Injury in August 2016, Injures with Intent to Cause GBH and Male Assaults Female in 1999, Male Assaults Female in 1995, Injures with Intent to Injure in 1989 and Burglary in 1973.

[8] The Sergeant also noted that when Mr Poching submitted his application for renewal of his certificate, he only disclosed a conviction for "assault" in 1999. Sergeant Matheson told us he believed Mr Poching had "*..shown a lack of candour..*" in the completion of his application form which further placed his suitability in question.

[9] He also told us he doesn't believe Mr Poching to be "*a high-risk person*" or Blanket Bay Lodge to be a "*high-risk premises*". He further stated that he believes Mr Poching didn't understand the diversion process when it was offered to him.

THE INSPECTOR

[10] The Inspector presented a report compiled by one of her colleagues which was not supportive of the application. She also informed us this application was referred for a public hearing in March 2025 but was deferred as Mr Poching was not available.

[11] Ms Spoons gave evidence that some effort had been made to ascertain if Mr Poching was still employed as the Night Porter/Manager of the Blanket Bay Lodge and what his duties entailed.

[12] She told us that on 13th March 2025 contact was made with the General Manager of Blanket Bay Lodge. Mr Tom Butler, who confirmed he is still employed in that role.

[13] Due to privacy issues, the Inspector was unable to directly query Mr Butler about his knowledge of My Poching's convictions. However, in a reply to a 2023 email from an Inspector, Mr Butler stated "*We are aware Mr Poching has a history many years ago with the Police, however we do believe he is of suitable character to hold a certificate now.*" The inference is that Mr Butler is unaware of the more recent convictions.

THE APPLICANT

[14] Mr Poching gave evidence. He told us his work consists of a 11pm until 7am shift and he is usually the sole employee during these times. He said he has done this job for the last 25 years. He stated that the guests usually head to bed around 9 or 10pm and those that can't sleep want to use the spa instead of drink alcohol.

[15] Mr Poching told us the Blanket Bay Lodge has mini-bars in the rooms and a refrigerator in the games room with complementary alcohol. He said the guests don't touch the "free" alcohol and it is usually thrown out when it goes past the product expiry date.

[16] With regards to the incident of September 2022 which resulted in his latest convictions, Mr Poching was blasé about his actions and offered no explanation other than the female associate had annoyed him. He claimed he had not been drinking at the time and stated he has always been a non-drinker. Mr Poching told us his main annoyance that night was the fact that he was arrested and taken to Queenstown but not offered a ride back home to Glenorchy.

[17] Mr Poching stated he had no recollection of being offered Police diversion and that was the reason he had failed to complete the agreed requirements.

[18] Mr Poching also told us he was unaware he had actually been convicted for the offences committed on 16th September 2022.

[19] He stated the reason he failed to disclose his convictions is because he "*ticked the wrong box*" on the application form. When it was put to him that he had written "*Assault 1999*" on the form, he had no answer.

[20] When asked if his employer was aware of the reason his application had been opposed, Mr Poching replied that he has never mentioned the hearing to him but he might have mentioned the convictions to him at a social event sometime "*after new year*".

[21] Mr Poching told us he believed he would lose his job if he didn't have a manager's certificate.

DECISION

[22] We remind ourselves of the criteria we must have regard to -

227Criteria for renewal

In considering an application for the renewal of a manager's certificate, the licensing authority or licensing committee concerned must have regard to the following matters:

- (a) the applicant's suitability to be a manager;*
- (b) any convictions recorded against the applicant since the certificate was issued or last renewed;*
- (c) the manner in which the manager has managed the sale and supply of alcohol pursuant to the licence with the aim of contributing to the reduction of alcohol-related harm;*
- (d) any matters dealt with in any report made under section 225.*

[23] With regard to Mr Poching's application for the renewal of his manager's certificate, we recognise that his current employment does not require him to make or supervise the sale of alcohol and that his manager's certificate is solely used so the licensee of Blanket Bay Lodge satisfies their responsibility pursuant to s.214 of the Act –

214Manager to be on duty at all times and responsible for compliance

- (1) Except as provided in section 215, a manager must be on duty at all times when alcohol is being sold or supplied to the public on any licensed premises.*
- (2) A manager on duty on any licensed premises is responsible for—*
 - (a) the compliance with and enforcement of—*
 - (i) the provisions of this Act; and*
 - (ii) the conditions of the licence in force for the premises; and*
 - (b) the conduct of the premises with the aim of contributing to the reduction of alcohol-related harm.*
- (3) At all times while a manager is on duty on any licensed premises, the full name of the manager must be prominently displayed inside the premises so as to be easily read by people using the premises; and the person named as manager at any time is to be treated for the purposes of this Act as the manager at that time.*
- (4) At all times when alcohol is being sold or supplied on licensed premises the licensee must take all reasonable steps to enable the manager to comply with this section.*

[24] Mr Poching's convictions for the September 2022 incident and his failure to properly disclose his convictions are the primary purpose for this hearing.

[25] Mr Poching's employer did not attend the hearing. It seems they were not even aware of it. This is unfortunate as we would have liked to hear from them.

[26] We are unanimous in our assessment of Mr Poching that he was being less than truthful when he claimed to not recall being offered a Police diversion or knowledge of being convicted of Male Assaults Female and Wilful Damage in 2022. We are also unanimous in our assessment of Mr Poching about his attitude regarding his actions on 16th September 2022 when he forced

a cellphone into a woman's mouth. His relating of the incident was flippant and blasé. His biggest concern was the fact the Police offered him no ride home the next day. He offered no explanation and showed no remorse for his actions. His assertion that he was sober at the time possibly makes his actions more troubling. Combined with the fact that this was his third conviction for the same offence and fifth serious assault conviction, indicates to us that Mr Poching has a propensity for violence. We are also dubious about the veracity of his assertion he has never drunk alcohol. Mr Poching had no answer when the Committee questioned him about drinking alcohol during his time working at Westy's Restaurant in Queenstown.

[27] We have no trouble coming to the conclusion that Mr Poching is not suitable to be the holder of a manager's certificate. However we do note that nearly three years have passed since the date of the last offending. It is a feature of Mr Poching's conviction list that there are long time-gaps between his offending and being three years conviction-free would qualify him to be considered for a new manager's certificate. This does not mean that one would necessarily be granted though.

[28] We have considered Mr Poching's claim that he will lose his employment if his manager's certificate is not renewed and think this is unlikely. We are concerned that his employer will be unaware of the likelihood of this outcome so pursuant to s.228(3) we deem that Mr Poching's manager's certificate will expire on 9th September 2025. This purpose of the four week lead-in is to allow Mr Poching to advise his employer and give them time to make alternative arrangements.

[29] We invite Mr Poching to make a new application for a manager's certificate in six month's time – after 19th February 2026, if he is so disposed.

[30] Accordingly, the Committee rules pursuant to s.221(1) of the Act, that the above application for a Managers Certificate renewal is declined and his certificate **MC3515 will expire on 9th September 2025.**

DATED at Queenstown this 19th day of August 2025



G B Pay
Commissioner
Queenstown Lakes District Licensing Committee

